

1. Considered 1-28 1981
2. Name of Applicant LEO SOULEK
3. Post Office Address LAKE ANDES 57356
4. Amount of Water Claimed 2.56 (.28 ADD'L.)
5. Source of Water Supply 240' WELL & 10' DEEP DUGOUT
6. Water to be used for IRR.
7. Acres to be irrigated 250 (20 ADD'L.) maximum acre feet: _____
8. Water to be diverted and used in CHARLES MIX County
about 3 miles NORTH of RAVINIA
9. PROOF OF PUBLICATION Received 2-10-81

Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____

Priority _____ Date Received 12-29-80 Application Complete yes ☐ no ☐ FEE 150.00

Remarks well in different location than orig. approved for and adding 20 acres to be irr. from dugout - tailwaters from the well - has been inspected by Mernough.

Date information and/or fee for corrected Application received _____
Period of Annual use MARCH - OCTOBER

Received yes ☐ no ☐ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes ☒ no ☐ Remarks _____

Was disapproved - Testimony from Dr. Fene: if Soulek stops irrigating well destroy his soil. The high salt content is neutralizing the Sodium.
Disapproved ☐ Returned ☐

Appl. has Special Qualifications on WI-1.

Diversion Point Well in NW⁴ NE⁴ and a dugout in NE⁴ NW⁴ 33-97-64

Lands to be irrigated NW⁴; W¹/₂ NE⁴ and NW⁴ SE⁴ 33-97-64

Remarks dugout 10 ft deep - 55' x 160'

Driller _____ Licensed yes ☐ no ☐
Depth 240 ft. Deep.

no official

41379-3 will be incorporated into this appl. upon approval

WATER QUALITY

WELL LOG

Water Right No. _____

MAP

Map No. _____ Map located in Water Right _____ Map file _____

Type of Map Aerial Prepared by Therbaugh

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on _____

(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS
F.F. & C
OF LAW,
FINAL
DECISIONS
ETC.

Date _____
Final Decision, including F.F. & C. of Law were adopted _____

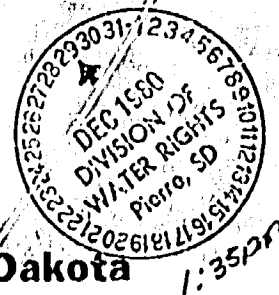
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

No. 4594-3Map No. 3812-3 Water Division No. 3 MISSOURI RIVER District

Above for Office Use

10140101



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☒ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☒ on Permit No. 1379-31. Name of Applicant Leo SoulekPhone No. Post Office Address Lake Andes

(Street, RR, or Box)

(Town)

State SD

57356

(Zip Code)

If a corporation show date and place of incorporation 2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work Soulek #14. Amount of water claimed (cubic feet per second) 2.56 (.28 cfs add'l)5. Source of water supply well and dugout6. Location of point of diversion Well - 2640 feet West and 660 feet south of NE corner of Section 33 (NW 1/4 NE 1/4) and dugout located in NW 1/4 NW 1/4, Section 33, both in T97N, R64WCounty Charles Mix7. Annual period or periods during which water is to be used March - October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For Irrigation Use, Total number of acres to be irrigated 250 (20 add'l)

List below each forty acre subdivision, or lot, or fraction thereof, and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 NW 1/4	20
NE 1/4 NW 1/4	30
SE 1/4 NW 1/4	40
SW 1/4 NW 1/4	40

Land Description	No. Acres Irr.
NW 1/4 NE 1/4	40
SW 1/4 NE 1/4	40
NW 1/4 SE 1/4	40
all in Section 33-T97N-R64W	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Lake Andes Wave

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pump and motor

* Tailwater recovery from the well

B. Works proposed to transport water to place of use.

gated pipe

C. Works proposed to apply water to beneficial use.

gravity

Estimated Total Cost \$

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Charles Mix ss.I, Leo Soulek, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Leo SoulekSubscribed and sworn to before me this 23 day of December, 1980

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4594-3

LEO SOULEK

(Applicant)

LAKE ANDES

(Post Office Address)

SOUTH DAKOTA

(State)

57356

With the following qualifications.

THE APPLICABLE PORTIONS OF PERMIT NO 1379-3 HAVE BEEN INCORPORATED INTO THIS PERMIT.

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application DECEMBER 29, 1980

Date of return to applicant for correction, amendments or changes required , 19

Date of receipt of corrected application , 19

Approved MARCH 26, 1981, Recorded in Book 22 Page 65

WATER RIGHT PERMIT NO. 1594-3

The Water Management Board hereby grants and issues this Water Right Permit No. 1594-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 28 CS FROM DECEMBER 29, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED, 19
3. The whole of said work is to be completed on or before COMPLETED, 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.56 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before THIS DATE, 19 ; said water to be used during the following described annual period: MARCH - OCTOBER

Witness my hand this 20TH day of APRIL, 1981

THE WATER MANAGEMENT BOARD

John A. [Signature]
Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, 5.5' x 160', Depth 10'
1-3 BANK SLOPE

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

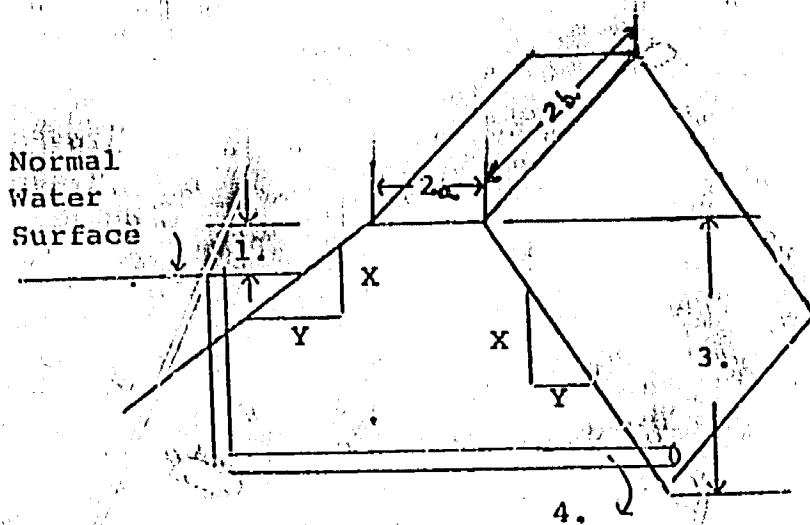
- Depth to top of water bearing material 0
- Depth to bottom of water bearing material 0
- Depth to water (ground surface to water level) 0

(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 40 rds.
- On property owned by others 160 rds.

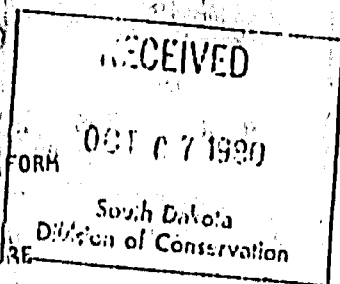
G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____, b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
- Drainage area above dam _____

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME Leo F. Soulek OWNERS ADDRESS: Lake Andes
COUNTY AND LAND LOCATED IN: Charles Mix PHONE: 384-5334
TENANT'S NAME AND ADDRESS: (If Other Than Owner) 2627-CM

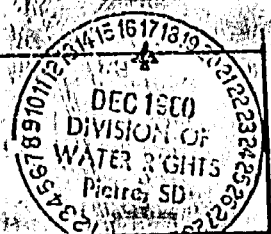
In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: dugout - corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33 - 97 - 64
2. SURFACE WATER SOURCE: runoff, water from W $\frac{1}{2}$ of NW $\frac{1}{4}$ and E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ 33, 97-64
3. LOCATION OF AREA TO BE IRRIGATED: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ & SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of 33-97-64
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.) 12/15/93 6.8
5. TYPE OF IRRIGATION: (Show approximate acres under each type of system)
GRAVITY ☒ TOW LINE ☐ CENTER PIVOT ☐ GUN ☐ OTHER (Specify) ☐
6. CROPS TO BE IRRIGATED: corn, soybeans, barley, wheat
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LAND: Sec. 35 in 1967 and Sec 33 in 1974
IN WHAT NAME: Leo Soulek

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 80-B22
9. SALINITY (EC x 10⁶): 25.76
10. SODIUM (SAR) 7.55 ADJUSTED (SAR) 18.25 12.78



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 1:30 A.M. / P.M. on Sept. 10, 1980, at the following location: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33-97-64 by Leo Soulek (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Charles Mix Conservation District, County Extension Office or Soil Conservation Service, and further, that the legal description for the location of the water and land to be irrigated is true and correct.

I stand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
11 DAY OF September, 1980.

Martha Nielsen, Reg. J. Andes
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Leo F. Soulek
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

20 acres

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

Soulek
runoff on this application is actually
tailwater runoff from the irrigation
system being used plus some from natural
precipitation.

This Document
Copied at State Expense

No. _____



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Robert J. Westlund hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Lake Andes Ukve

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Lake Andes

County of Charles Mix and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Jan 14, 1981

Jan 21, 1981

Robert J. Westlund
(Signature)

Editor
(Title)

1-22-81
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO TAKE
APPROPRIATE WATER
Pierre, South Dakota, 57501
December 30, 1980
Notice is hereby given that
Leo Soulek, whose post office
address is Lake Andes, South
Dakota, has made an application
in accordance with the
provisions of SDCL 46-1-1 thru
46-1-9, 46-1-11, 46-2-9 thru
46-2-11, 46-2-13, 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-11,
46-5-22, 46-5-41, 46-6-3,
46-6-3.1, 46-6-5, 46-6-6.1,
46-6-10, 46-6-14 and Board Rules
ARSD 52.01:01.01, 52.01:01.02, 52.01:01.03, for a permit to
appropriate for beneficial use
2.50 (28 add) cubic feet of
water per second of time from
groundwater in one well &
dugout through the Soulek well
the point(s) of diversion of which
are to be located in the well in
the NW 1/4 NE 1/4 and a dugout in
the NE 1/4 NW 1/4 of Section 33,
Twp. 97N, Range 64W. Said
water to be used for the purpose
of providing irrigation on
portions of the following
described land: NW 1/4, NW 1/4
NE 1/4 and NW 1/4 SE 1/4 Section
33, T97N, R64W, portions of this
land covered under a previous
permit. This application, No. 4594-3
will be considered by the Water
Management Board at the Knoll
Building, Meeting Room #1,
Illinois & Church Street, Pierre,
South Dakota upon the 28th day
of January, 1981 at 10 A.M. The
Board is authorized to make a
determination on this application
at the hearing. All interested
persons may appear and be
heard. Any person who may be
affected by a Board decision who
desires to present evidence or
cross-examine witnesses
according to SDCL 41-26 may
notify the Board in writing prior
to the hearing or orally at the
hearing. This hearing is an adversary
proceeding. Any person has the
right to be present or to be
represented by a lawyer. These
and other due process rights will
be forfeited if they are not
exercised at the hearing. De-
isions of the Board may be
appealed to the Courts as
provided by law.
Any handicapped person
wishing to attend this hearing
can contact the Water Rights
Division, DWRN, Joe Foss
Building, Pierre, SD, prior to the
hearing date for assistance to
assure access to the hearing.
WATER MANAGEMENT
BOARD
BETTY WESTLUND
Water Rights Specialist
J-14-21-77L

Subscribed and sworn to me this
of January 1981
My Commission Expires July 21, 1984

No. 4594-3

Publish first publication, on or before January 14, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 30, 1980

Notice is hereby given that Leo Soulek whose post office address is Lake Andes, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.56 cubic feet of water per second of time from groundwater (.28 and .1) through the Soulek #1, the point(s) of diversion of (one well & dugout) which is (are) to be located in the well in the NW 1/4 NE 1/4 and a dugout in the NE 1/4 NW 1/4

of Section 33, Twp. 97N, Range 64W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, NW 1/4 NE 1/4 and NW 1/4 SE 1/4, Section 33 - T97N - R64W, portions of this land covered under a previous permit.

This Application No. 4594-3 will be considered by the Water Management Board at the Knapp Building, Meeting Room #1, Illinois & Church Street, Pierre, South Dakota upon the 28th day of January 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DVMNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Leo Soulek
Lake Andes, SD 57356

BETTY BESTLUND
Water Rights Specialist

WNR-806A-7/7
GROUNDWATER

BEFORE THE
STATE CONSERVATION COMMISSION

IN THE MATTER OF THE APPLICA-)
TION OF LEO SOULEK FOR AN)
IRRIGATION PERMIT)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

This matter having come on for hearing before the South Dakota State Conservation Commission on the eleventh day of December, 1980, in Pierre, South Dakota; Applicant Mr. Leo Soulek appearing personally; the Division of Conservation, Irrigation Program appearing by and through Ms. Wynn Sudtelgte, Director of the Irrigation Program; and each party presenting evidence:

Therefore, the South Dakota State Conservation Commission having reviewed all evidence, hereby makes the following:

FINDINGS OF FACT

1. That Applicant Leo Soulek requested an irrigation permit to irrigate the NW 1/4 of the NW 1/4 of Section 33-T97-R64.
2. That Applicant Leo Soulek is presently irrigating this land without a water right.
3. That the majority of the soils on this land consist of Highmore-Eakin.
4. That water sample #80-822 was obtained from a diversion point located at the corner of the NW 1/4 of the NW 1/4 of Section 33-T97-R64, from a tailwater pit; these waters will be used for the irrigation. The water quality tested as follows:

Salinity	2576
Sodium	7.55
Adj. SAR	12.78
5. That Applicant Leo Soulek is presently using the above-described water to irrigate the NW 1/4 of the NW 1/4 of Section 33-T97-R64.
6. That the soils on Section 35-T97-R64 are the same or substantially similar to those on Section 33.
7. That Section 35 has been irrigated utilizing the water for which the present application was made.
8. That soils samples on Section 35 were obtained

by the Division of Conservation in 1967, 1975, and 1980.

9. That, since 1975, the soils samples taken on Section 35 indicate the following:

- A. The salts level within the soils has remained approximately the same.
- B. The sodium level within the soils has diminished.
- C. The sodium and salts are distributed throughout the soils profile.

10. That the high salts level of the water to be used for irrigation is offsetting the high sodium problem of the water, in that the high salts level is neutralizing the soil dispersion effect of the sodium, so that the physical workability of the soil remains satisfactory for crop production.

11. That the high salts level therefore limits and prevents the soils dispersion, and resulting poor crop production, that would normally be expected from the high sodium levels.

12. That the high sodium level cannot be leached out of the soils by the application of good water or rainfall.

13. That if irrigation ceased, rainfall would leach the salts out of the soils, leaving the sodium to disperse the soil, resulting in poor crop production.

14. That continued irrigation of the soils with this water would probably not harm the soils any further; there is no doubt that the soils will be harmed if irrigation is discontinued.

CONCLUSIONS OF LAW

1. That the water quality, as indicated by the water sample, exceeds the standards of A.R.S.D. 12:08:04:01.

2. That this water is presently being utilized to irrigate the NW 1/4 of the NW 1/4 of Section 33-T97-264.

3. That, if irrigation of this land with this water is ceased, the soils would be destroyed by sodium dispersion, and would be useless for crop production.

4. That continued irrigation of these soils with the above-described water will allow these soils to continue to be utilized for crop production.

5. Therefore, in order to protect the productivity of the soils on the land herein involved, irrigation should continue.

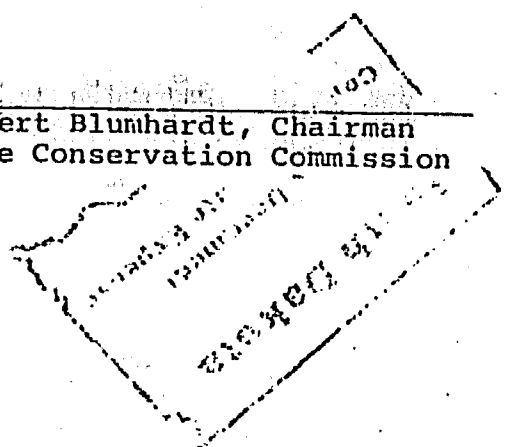
ORDER

Therefore, it is hereby ordered by the State Conservation Commission that an Irrigation Permit issue to Leo Soulek for the application of water from the tailwater pit as described above, to lands on the NW 1/4 of the NW 1/4 of Section 33-T97-R64, CCNDITIONED that the following are not exceeded, as indicated by soil monitoring data from soil sampling performed by the Division of Conservation: .

1. Salinity is less than 8,000 umhos/cm in the upper twelve inches of the soil profile at the beginning of the growing season.
2. Sodium is less than eighteen percent in the upper twelve inches of the soil profile at the beginning of the growing season.

Dated and signed this ____ day of January, 1981.

Wilbert Blumhardt, Chairman
State Conservation Commission





**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

Rec'd

2-7-80

2:00 pm

November 1, 1979

Leo Soulek
Lake Andes, SD 57356

Dear Mr. Soulek:

On July 25, 1979 in the process of making a final inspection of your Water Right Permit No. 1379-3, I found that you were irrigating 40 more acres than the permit called for. In order to comply with the South Dakota Water Laws, it will be necessary for you to submit an application for the additional acreage.

Enclosed is a completed Form 2 "Application for Permit to Appropriate Water" for the additional acreage. You should check over the form and make any corrections necessary. Then sign the form and have it notarized and returned to this office with a check for \$150.00 to cover the cost of filing fees.

Also enclosed is a map of the area which you should check over and make any necessary corrections and return it with the application.

Water Quality approval for the additional land will be required. An instruction sheet is enclosed (See No. 5).

You also indicated to me that you wanted Dale Leonard's Permit No. 1355-3 transferred to you as you have now purchased the property. Enclosed is a Form 20, Notice of Transfer of Water Permit. Please sign and notarize and return to this office with a check to cover the cost of the filing fees.

If you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

Leroy J. Mernaugh
LEROY J. MERNAUGH
Water Resources Engineer

LJM/gy

encl

Equal Opportunity Employer

May 5, 1980

Leo Soulek
Lake Andes,
South Dakota 57356

Dear Leo:

I have checked with the Conservation Commission, and you will have to submit a water sample and WI-1 form on the additional acreage under your Permit No. 1379-3.

I'd suggest you see Lyle Labarector your county agent. They should have the forms and whatever else you need.

We'll proceed with your application when we get approved soil/water compatibility.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ:kw

Drigant NW1

*Sept 4, 1980
Drigant NW1
Indicates from well in SEC office*

*Drigant is small and
is located (some off)
from the well.
Well is in a different location
than originally advertised on
Permit 1379-3 (to dr SW NE1)
located in NW1 NE1*

September 5, 1980

Leo Soulek
Lake Andes,
South Dakota 57356

Dear Mr. Soulek:

As of this date we have not received the soil/water compatibility permit approval on the 40 acres in Section 33, T97N, R64W which is not covered under Permit No. 1379-3

If you irrigate this land during the next irrigation season without the proper permit, you will be in violation of South Dakota Water Laws.

If you have any questions please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:BW:kw

cc: Wynn Sudtelgto
State Conservation Commission

December 16, 1980

Leo Soulek
Lake Andes,
South Dakota 57356

Dear Mr. Soulek:

As stated to Mr. Thompson at the State Conservation Commission meeting, enclosed is the completed Application Form for you to check over to make sure it is correct, sign, notarize and return to this office. Also complete & sign the Form 2A for the dugout.

When we receive the soil/water compatibility permit approval from the State Conservation Commission, in January we will make every effort to see that the advertisement notice is mailed, so it can be heard at the January 28th meeting.

For your information, the well has to be readvertised as a "change of diversion" due to the fact, the well is in a different location then shown on the original permit. This along with adding the additional acreage, will correct the permit so it is in compliance with the State Statutes.

Since our engineer has made the inspection on Permit No. 1379-3, upon approval of this application, the two will be incorporated and one Water License will be issued. You will be notified later regarding the fee.

We have all of the other required data. If you have any questions feel free to contact our office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures

Water Rights Division (605) 773-3552

April 21, 1981

Leo Soulek
Lake Ardes, SD 57356

Dear Mr. Soulek:

Enclosed herewith is your Water Right Permit No. 4594-3 as approved by the Water Management Board authorizing the water diversion system and the application of water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4594-3.

The Board will schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

S

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

encl

1379-3. Leo Asulek

7-25-79 Well. 243 ft deep - 1400' H₂O

Sp. Pumping 1400 gpm, Capacity 1500 gpm
Pump - Aurora Valve Co.

W-71675, Type 12 RM, 3 stage

Motor. 75 H.P., 1775 RPM

J.E. Model 5K625EXH1A

ser # D15J4304H81

Water pipe - 10" gated. Ext 7500'

More. bitumen forms.

Toolworks pump 11.5 E.P.C. 1 1/2 H.P.

Water sand. sol. pump

Storily

Chrysler Industrial, Propane

ser 15 H.P.

pump Berkeley B62RH. C1W

ser # 7683389, Imp 8x8

Permit No. 4594-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Leo Soulekof Lake Andes, South Dakota, 57356 holderof Permit No. 4594-3, bearing date of priority of 2.28 CFS From Month 21, 1967
128 CFS From December 29, 1950authorizing the diversion of 4594-3 cu. ft. per second of the waters of one Well and Dugout
for Irrigation purposes, in Charles Mix County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Motor - General Elec. 75 HP, 1775 RPM
 Pump - Aurora Vert. Line, Type 12RM, 3 stage, pumping 1400 gpm
 Tailwater pump - US Elec. 7 1/2 HP, Motor - est 500 gpm
 Pump - Western Land Roller pump.
 Standby - Chrysler Industrial, Propane Engine - est 75 HP.

B. Works used to transport water to place of use, Pump - Berkeley B6ZRH - Est. 1700 gpm

10" Gated Pipe

C. Works used to apply water to beneficial use.

Gated Pipe for Furrow & Flood Irrigation

The system is in the following condition: GoodThe point of diversion is located Well - 2640 ft W and 660 ft S of the NE Cor of Sec. 33,
and Dugout in NE 1/4 NW 1/4 Sec. 33, both in T97N R64WThe works are capable of diverting and conveying to the place of use 4.22 (1900 gpm)cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 33, T97N R64W

NW 1/4 NW 1/4 - 20 Ac. NE 1/4 NW 1/4 - 30 Ac. SW 1/4 NW 1/4 - 40 Ac.
SE 1/4 NW 1/4 - 40 Ac. NW 1/4 NE 1/4 - 40 Ac. SW 1/4 NE 1/4 - 40 Ac.
NW 1/4 SE 1/4 - 40 Ac.

comprising a total of 250 acres of land.

Well Data:

Depth - 240 ft
 Static 100 ft
 pumping 1400 gpm
 capacity 1500 gpm

$$250 \div 70 = 3.57 \text{ CFS}$$

license for 2.56 Amount Allowed
on permitDate July 25, 1978
L Roy Merranugh
 (Signature)

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7301

PIERRE, February 7, 1980

RECEIVED OF Leo Soulek, Lake Andes SD 57356

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4594-3 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer on Permit No. 1355-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	152	50

copy of this receipt for
transfer filed in Permit No. 1355-3
Bul 12/9/80

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kv

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 8587

PIERRE, December 15, 1981

RECEIVED OF Leo F. Soulek, Rt.1, Box 75, Lake Andes, SD 57356

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 4594-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 4594-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kv

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4594-3

(1) WHEREAS, On the 29th day of December A. D. 19 80
Leo Soulek

made Water Right Application No. 4594-3 for a permit to use 2.56 cubic feet per second of the waters
of groundwater (one well and dugout)

County of Charles Mix, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 26th day of March A. D. 19 81
Permit No. 4594-3, with a date of priority of 2.28 cfs from March 21, 1967 and 28 cfs from
was issued to said applicant recognized December 29, 1980
for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the day of March 19 81 and for the
application to beneficial use of said water on or before the day of March 19 81

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.56 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in Section 33, T97N R64W

<u>NW$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>20 acres</u>	<u>(BB)</u>
<u>NE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>30 acres</u>	<u>(BA)</u>
<u>SW$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>40 acres</u>	<u>(BC)</u>
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>40 acres</u>	<u>(BD)</u>
<u>NE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>40 acres</u>	<u>(AB)</u>
<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>40 acres</u>	<u>(AC)</u>
<u>NW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>40 acres</u>	<u>(DB)</u>
<u>TOTAL</u>	<u>250 acres</u>	

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Leo Soulek

of Lake Andes, South Dakota

the holder and owner to said permit No. 4594-3 a water right, dating from 2.28 cfs from March 21, 1967 & .28 cfs from December 29, 1930 to use of 2.56 cubic feet per second of the waters

of groundwater (one well and dugout)

in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at well 2640'W and 660'S of the NE Corner (AB) of Section 33, and dugout in NE1/4NW1/4 (BS) Section 33, T97N, R64W

and conducted to and upon portions of Section 33, T97N, R64W more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4594-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 18th day of May A. D.
Nineteen Hundred and Eighty Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 4594-3

Water Diversion No. 3 Missouri River Water District
10140101

CERTIFICATE OF CONSTRUCTION

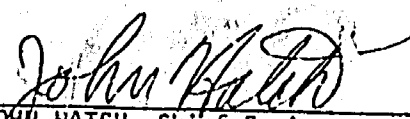
This is to Certify, That Leo Soulek

_____ the holder _____ of
Permit No. 4594-3, issued upon Application No. 4594-3, bearing date of priority of March 21, 1967 and
December 29, 1980 authorizing the diversion of 2.56 cu. ft. per second of the waters of _____
groundwater (one well & Dugout) County of Charles Mix, State of South Dakota at _____
Well - 2640' W and 660'S of the NE Corner (AB) of Section 33, and dugout in NE1/4
(BA) Section 33, T97N, R64W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.22 cu. ft. per second of water.

Date May 18, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

1252-3
1355-3
1594-3

November 21, 1986

Barbara J. Soulek
Route 1, Box 75
Lake Andes, South Dakota 57356

Dear Mrs. Soulek:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each transfer the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

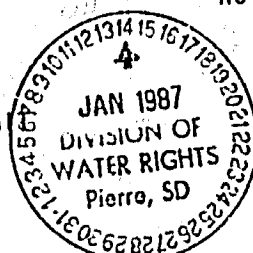
Maxine Stirling
Secretary

ms/
Enc. 3

Equal Opportunity Employer

NO. 4594-3

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

250 Acres - NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 33, T97N-R64W

formerly owned by Leo F. Soulek

has been transferred to Barbara J. Soulek, Route 1, Box 75, Lake Andes, SD 57356

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4594-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Charles Mix) ss.

I, Barbara J. Soulek being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Barbara J. Soulek
(Signed)

Subscribed and sworn to before me this 19th Day of December, 1986.

[Signature]
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410712

Pierre, January 14, 197

RECEIVED OF Barbara J. Soulek, Route 1, Box 75, Lake Andes, SD 57356

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 4594-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

JOHN HATCH

ms



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

1252-3
1355-3
4594-3

January 16, 1987

Barbara J. Soulek
Route 1, Box 75
Lake Andes, South Dakota 57356

Dear Mrs. Soulek:

Enclosed are receipt Nos. 410714, 410713 and 410712 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1252-3, 1355-3 and 4594-3

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms
Enc.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DAVE KOKESH, RENTER
RT 1
WAGNER SD 57380

NOTICE

RE: Violation of Water Permit Nos 1252-3, 4594-3 and 1991 Irrigation
Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 1252-3, 4594-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1252-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4594-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4594-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1252-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DAVE KOKESH, RENTER
RT 1
WAGNER, SD 57380

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: One Year Suspension of Water Permit No(s).
4594-3

Pursuant to the provisions of the notice dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Permit No(s). 4594-3 be SUSPENDED until December 31, 1992. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1991 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1992 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire(s) prior to the March Board meeting.



4594-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 3, 1993

Barb J Specht
Box 763
Wagner, SD 57380

Dear Ms. Specht:

Enclosed, as we discussed, are three partially completed "Notice of Transfer of Ownership" forms. These forms are for use in changing Water Right Nos. 1252-3, 1355-3 and 4594-3 to your name.

Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

Also enclosed is a blank 1992 irrigation questionnaire for Water Right No. 1252-3. This was the water right the Board suspended at their March Water Management Board Meeting. Please complete the form and return it along with the transfer forms.

As we discussed, I will speak with the Board at their May 5th meeting concerning the suspension. I will contact you following the hearing concerning the action they take.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

in the application for permit dated Dec.
14, 1964 the land description was listed
as the NW 1/4 but when the water license
was issued it was incorrectly listed as the
SE 1/4 Dec. 14-64-64. This should be
corrected as this 40 acres is owned by some-
one else.

Thank you.

Barbara J. Specht

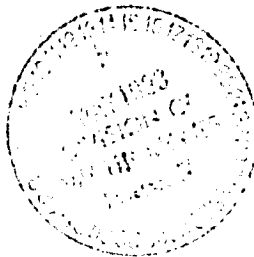
Entered in Water Right 5-13-93

4594-3

4594-3

NOTICE OF TRANSFER OF OWNERSHIP

To Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 4594-3Date: May 5, 1993I/We request that Water Right No. 4594-3formerly owned by: Barbara J Soulekbe transferred to: (name & address) Barbara J. Soulek Box 763 Wagner, S.D. 57380(Telephone No) 605-384-5957

Title to the following described land(s)/property has been transferred as described above:

NW 1/4, NE 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 33, T97N, R64W

I/We understand that the validity of Water Right No. 4594-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

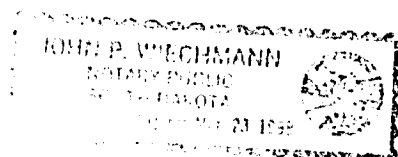
STATE OF SOUTH DAKOTA)

County of _____)

I/We Barbara J. Soulek being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Barbara J. Soulek
(Signed)

Subscribed and sworn to before me this 5 day of May, 1993.



John P. Wiechmann
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4594-3
413773

Pierre, May 13, 19 93

RECEIVED OF Mr. J. J. Wagner, 763, Wagner, SD 57330

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water Righting No. _____		2 50
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John H. [Signature]
Chief Engineer



4594-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JCE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 18, 1993

No. 1252-3

1355-3

4594-3

Barbara J. Specht
Box 763
Wagner, SD 57380

Dear Ms. Specht:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1252-3, 1355-3 and 4594-3.

Our records now show you as the owner of Water Right Nos. 1252-3, 1355-3 and 4594-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 4594-3

(1) Leo Soulek, of Lake Andes, SD 57356 was issued Water License No. 4594-3, May 18, 1982 for a water right to appropriate 2.56 cubic feet of water per second (cfs) from groundwater (one well and a dugout), Charles Mix County, South Dakota for irrigation purposes. Water Right No. 4594-3, with priority dates of March 21, 1967 and December 29, 1980 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On January 14, 1987, Water Right No. 4594-3 was transferred to Barbara J Soulek. On May 13, 1993, the water right was transferred to Barabara J Specht.

A review of the original water license found an error in the legal description of the acres irrigated. The acreage described as being in the NE 1/4 NE 1/4 Section 33, T97N, R64W should have been described as in the NW 1/4 NE 1/4 Section 33, T97N, R64W. The application and subsequent inspection of the water use system reflects the acreage to be in the NW 1/4 NE 1/4. The error on the license is a typographical error and is being corrected by reissuance of the license. The remaining portions of the original license are correct and are not altered by the reissuance.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.56 cubic feet of water per second for beneficial use. The location of the well is 2640 feet west and 660 feet south of the NE corner of Section 33 (NW 1/4 NE 1/4) and the dugout is located in the NE 1/4 NW 1/4 Section 33, T97N, R64W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T97N, R64W	Section 33	NW 1/4 NW 1/4	20 acres
		NE 1/4 NW 1/4	30 acres
		SW 1/4 NW 1/4	40 acres
		SE 1/4 NW 1/4	40 acres
		NW 1/4 NE 1/4	40 acres
		SW 1/4 NE 1/4	40 acres
		NW 1/4 SE 1/4	40 acres
		Total	250 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Barbara J Specht of PO Box 763, Wagner, SD 57380-0763 the holder and/or owner of Water Right No. 4594-3 is issued a license to appropriate water, the right to use 2.56 cubic feet of water per second from groundwater (well and dugout) with priority dates of March 21, 1967 (2.28 cfs) and December 29, 1980 (0.28 cfs) from the location specified in (2)

4594-3

REISSUED WATER LICENSE NO. 4594-3

Page 2

Barbara J Specht

of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4594-3 and subject to South Dakota State Law.

JUL 11 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

4594-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUN 17 1993

Barbara J. Specht
PO Box 763
Wagner, SD 57330-0763

Dear Ms. Specht:

Enclosed is Reissued Water License No. 4594-3. The license was reissued to correct the error in the legal description of the acres irrigated. The remaining portions of the original license were not altered by reissuance of the license.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

4594-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 24, 1997

4594-3

Barbara J Specht
PO Box 763
Wagner, SD 57380-0763

Dear Ms. Specht:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 4594-3.

You indicated during our phone conversation that the sale of the land had not been finalized yet. When the sale is completed, the new owner will need to complete the transfer form and send it back to our office with a \$2.50 filing fee. Please let them know that if they have questions concerning completion of the form or would like a copy of the water right, they can give me a call.

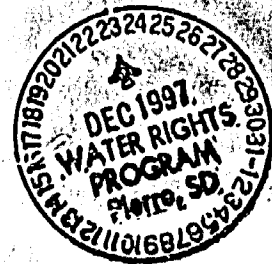
Thanks again for calling about this matter.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 4594-3

Date: 12-22-97

I/We request that Water Right No. 4594-3

formerly owned by: Barbara J Specht

be transferred to: (name & address) David L. Herrold & Diane Herrold
28647 381ave Geddes SD 57342-6703 Telephone No. 605-487-7058

Title to the following described land(s)/property has been transferred as described above:

250 acres - NW¼, W¼ NE¼, and NW¼ SE¼ Section 33, T97N, R64W

I/We understand that the validity of Water Right No. 4594-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see ncte).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Charles Mix)

I/We David L. Herrold being first duly sworn on my oath, depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

David L. Herrold
(Signed)

Subscribed and sworn to before me this 22nd day of December, 1997.

Glenda M. Hall
(Notary Public) Glenda M. Hall
Notary Public, South Dakota
My commission expires: 01-30-99

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415576

Pierre, December 29, 19 97

RECEIVED OF David and Diane Herrold, 28647 381 Ave., Geddes, SD 57342-6703
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 4594-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch



4594-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 17, 1998

No. 4594-3

David L. and Diane Herrold
38647 381 Ave.
Geddes, SD 57342-6703

Dear Mr. And Ms. Herrold:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4594-3.

Our records now show you as the owner of Water Right No. 4594-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



4594-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 14, 2004

NOTICE

TO: DAVID L & DIANE HERROLD, 28647 381ST AVE, GEDDES, SD 57342 6703

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4594-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4594-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

- 1 Suspend or cancel Permit No(s) 4594-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4594-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9166

Your item was delivered at 12:18 pm on January 16, 2004 in GEDDES, SD 57342. The item was signed for by D HERROLD.

[Shipment Details >](#)

Notification Options

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9166

DAVID L & DIANE HERROLD
28647 381ST AVE
GEDDES SD 57342 6703

Waiver of Signature ☐ YES ☐ NO

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Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2004

4594-3

David L & Diane Herrold
28647 381st Ave
Geddes SD 57342

Dear Mr. & Mrs. Herrold:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 4594-3.

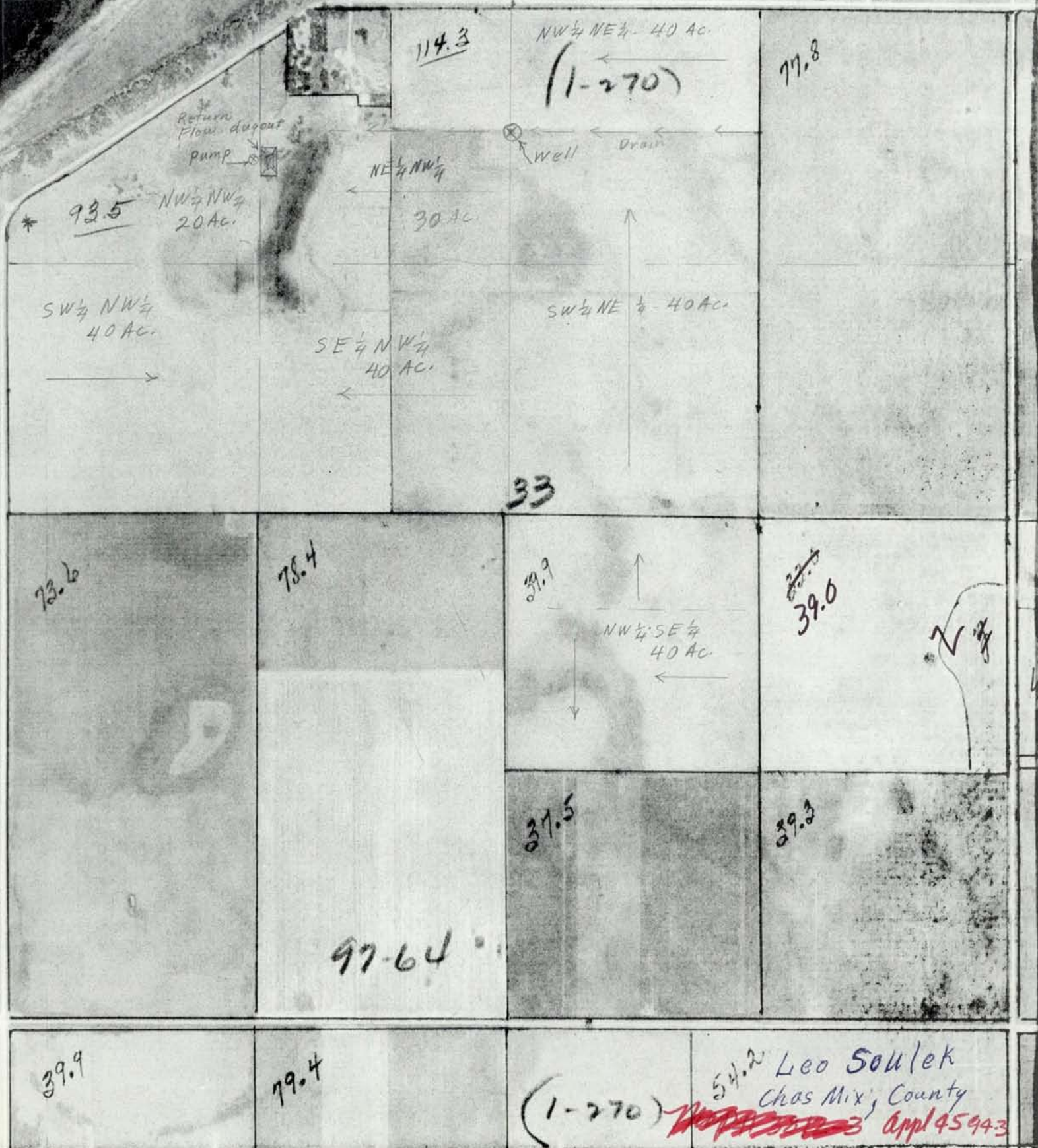
The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

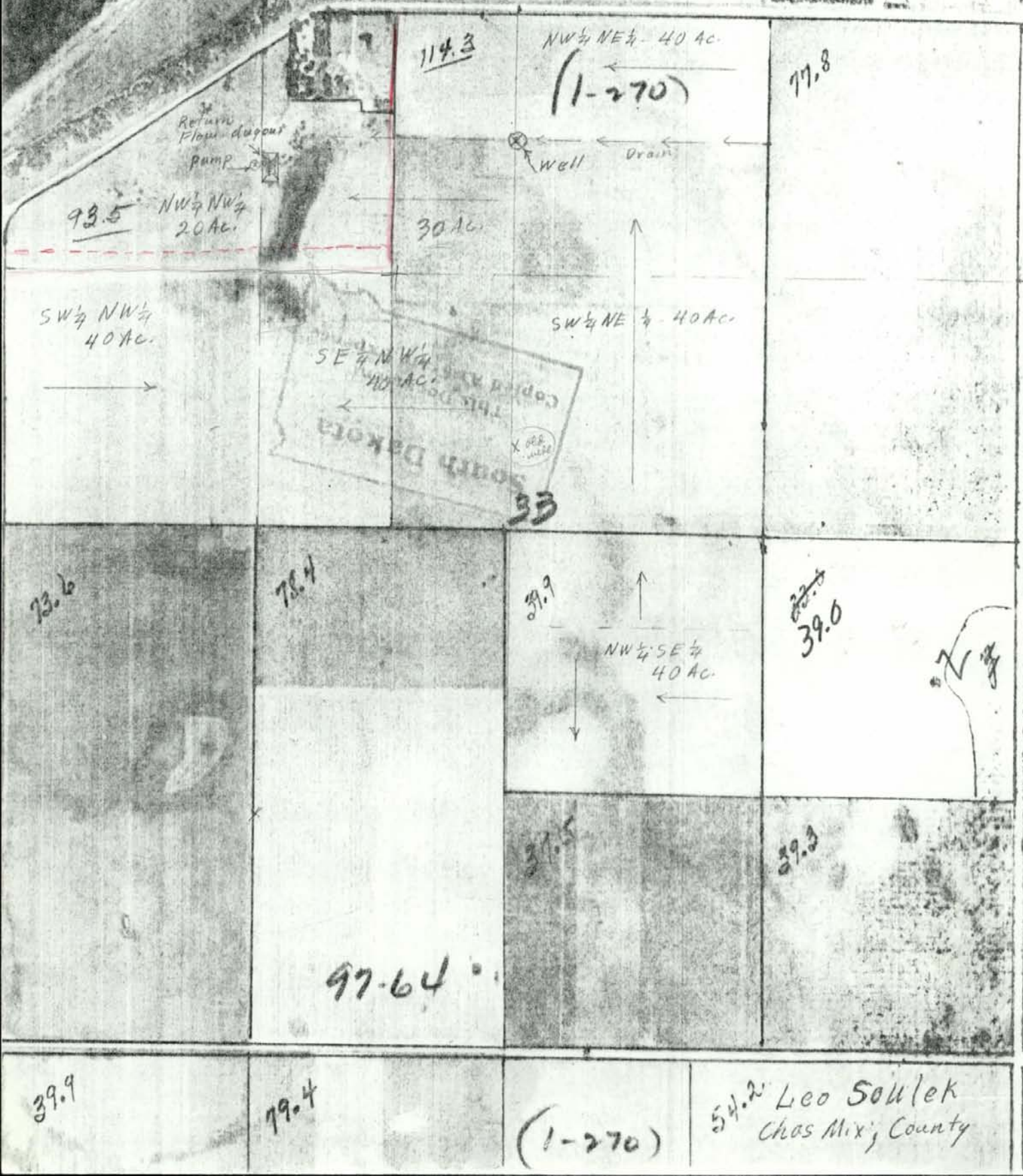
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Well = 2640' N + 660' S
of NE Cor of Sec. 33.
T 97N R 64W



Well = 2640' W & 660' S
of NE Cor at Sec. 33.
T 97N R 64W





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 3, 2005

4594-3

David L & Diane Herrold
38837 290th St
Lake Andes SD 57356-6728

Dear Mr. & Mrs. Herrold:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 28647 381st Ave, Geddes SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



4594-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: DAVID L & DIANE HERROLD, 38837 290th ST, LAKE ANDES, SD 57356

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4594-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4594-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4594-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

English

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Product & Tracking Information

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Available Actions

Return Receipt After Mailing

January 20, 2015, 9:36 am

Delivered

LAKE ANDES, SD 57356

Your item was delivered at 9:36 am on January 20, 2015 in LAKE ANDES, SD 57356.

January 17, 2015, 1:24 pm

Notice Left (No Authorized
Recipient Available)

LAKE ANDES, SD 57356

January 17, 2015, 4:06 am

Departed USPS Facility

HURON, SD 57399

January 16, 2015, 9:45 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

January 16, 2015, 6:16 pm

Departed Post Office

PIERRE, SD 57501

January 16, 2015, 11:02 am

Picked Up

PIERRE, SD 57501

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DAVID L & DIANE HERROLD
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PS Form 3800, August 2005

See Reverse for Instructions

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**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 5, 2015

NOTICE OF ENTRY OF ORDER OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: David L & Diane Herrold, 38837 290th St, Lake Andes SD 57356

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 4594-3

On March 4, 2015, the Water Management Board ordered:

Effective April 4, 2015, Water Right No. 4594-3 be suspended for the 2015 irrigation season for failure to submit the 2014 irrigation questionnaire.

If the 2014 irrigation questionnaire is received prior to April 4, 2015 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2015 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2015 unless the irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2014 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2015 in Pierre, SD. The letter should include your reasons for not completing the 2014 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

English

Customer Service

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Product & Tracking Information

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Certified Mail™

Available Actions

Text Updates

Email Updates

Return Receipt After Mailing

DATE & TIME

STATUS OF ITEM

LOCATION

March 12, 2015, 10:26 am

Delivered

LAKE ANDES, SD 57356

Your item was delivered at 10:26 am on March 12, 2015 in LAKE ANDES, SD 57356.

March 6, 2015, 1:39 pm

Notice Left (No Authorized
Recipient Available)

LAKE ANDES, SD 57356

March 6, 2015, 4:32 am

Departed USPS Facility

HURON, SD 57399

March 5, 2015, 9:30 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

March 5, 2015, 6:06 pm

Departed Post Office

PIERRE, SD 57501

March 5, 2015, 12:58 pm

Picked Up

PIERRE, SD 57501

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Sent To

Daniel & Diane Herrold
Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

7013 0600 0001 9748 3904



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 17, 2015

4594-3

David & Diane Herrold
38837 290th St
Lake Andes SD 57356

Dear Mr. & Mrs. Herrold:

On March 4th, the Water Management Board ordered Water Right No. 4594-3 be suspended if the 2014 irrigation questionnaire was not received prior to April 4, 2015. The questionnaire information for your water right was received March 17th.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2015 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program