

10140101

1. Considered 3-25 19 81
2. Name of Applicant ELVERN VARILEK
3. Post Office Address GEDDES 57342
4. Amount of Water Claimed .57 ADD'L
5. Source of Water Supply DRY DRAW (EXISTING DAM)
6. Water to be used for IRR.
7. Acres to be irrigated 200 (40 ADD'L) maximum acre feet
8. Water to be diverted and used in CHARLES MIX County
about 7 S 1/2 mile W of GEDDES
9. PROOF OF PUBLICATION Received 3-19-81

Not Received

APPLICATION

Approved

Subject to

Not Approved

Action deferred until 4 May 1981

Priority

Date

Received 2/20/81 Application Complete yes ☒ no ☐ FEE 225.00Remarks add'l diversion & 40 acres on 2090-3WATER
QUALITYDate information and/or
fee or corrected Application receivedPeriod of Annual use April thru OctoberReceived yes 3/5/81 no ☐ APPROVED/CONDITIONAL (Circle one)WI-1 Description same as application ☒ yes ☐ no ☐ Remarks

Disapproved

Returned

Diversion Point

Center of NW⁴ 7-96-66

Lands to be irrigated

NE⁴ NW⁴ 7-96-66

WELL
LOG

Remarks

Driller

Licensed yes ☐ no ☐

Depth

Water Right No. _____

MAP

Map No. 1491-3 Map located in Water Right ✓ Map file _____

Type of Map drawn Prepared by PE

+++++

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 3/25/81.

B. J. & B. W.
(Signed)

+++++

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

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

SEE 1491-3 No. 4632-3
 Map No. _____ Water Division No. 3 Missouri River District
 Above for Office Use



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

Check one of the following:

New x Vested Right _____ Future Use _____Change in Diversion _____ Additional Diversion xx } ON 2090-3Change in Acreage _____ Additional Acreage x

1. Name of Applicant Elvern Varilek Phone No. 377-2322
 Post Office Address _____ Geddes _____ State SD 57342
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Varilek Dry Draw Irrigation Project4. Amount of water claimed (cubic feet per second) .85 additional .575. Source of water supply dry draw (storage dam - existing)6. Location of point of diversion center of the NW $\frac{1}{4}$, Section 7, T96N, R66W

County Charles Mix
 7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, _____ Total number of acres to be irrigated 200

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.
W $\frac{1}{2}$, Section 7, T96N, R66W	<u>80</u>
E $\frac{1}{2}$ NE $\frac{1}{4}$	<u>80</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>40</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water CHARLES Mix Co. News, GEDDES, S.D.

12. Principal Features of the Proposed Water Supply System.

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

pumps and motors

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

mainline

C. Works proposed to apply water to beneficial use.

gated pipe

This application proposes to use the existing dam under Permit No. 1444-3 as an additional diversion point for lands covered under Permit No. 2090-3 and to add the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 7, T96N, R66W. Water will also be pumped from the river thru pumping station for Permit No. 2090-3.

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 Hughes) ss.

I, Elvern Varilek, 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 Elvern VarilekSubscribed and sworn to before me this 20th day of February, 1981

Kenneth J. [Signature]
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4638-3

ELVERN VARILEK

GEDDES

SOUTH DAKOTA (Applicant)
57342 (State)

(Post Office Address)

With the following qualifications.

THIS PERMIT AUTHORIZES IRRIGATION USE OF THE WATER STORED UNDER PERMIT NO 1444-3 ON LANDS DESCRIBED IN THIS PERMIT.

Date of first receipt of application FEBRUARY 20, 1981

Date of return to applicant for correction, amendments or changes required FEBRUARY 23, 1981

Date of receipt of corrected application MARCH 5, 1981

Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4638-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4638-3 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 FEBRUARY 20, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1984
3. The whole of said work is to be completed on or before APRIL 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 1991
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 .85 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 APRIL 7, 1991; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch
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, _____, Depth _____

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 _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

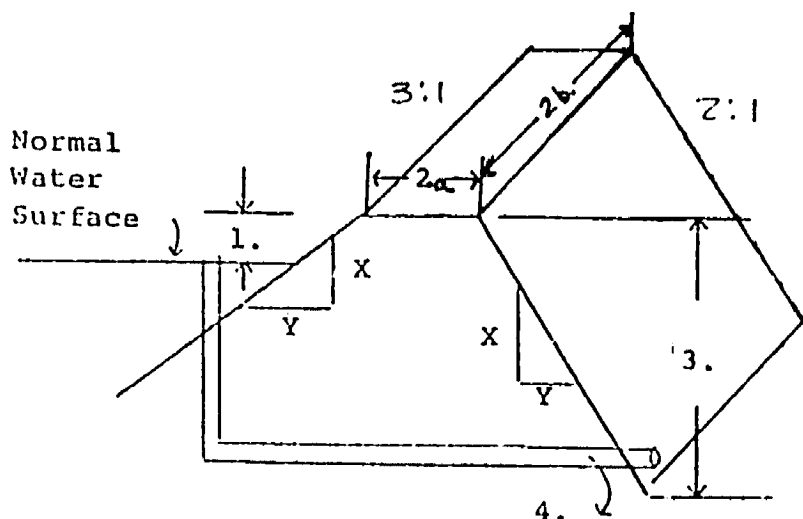
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ 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 4.0
2. Crest width 26.0 length 260
3. Height of Dam 26.2
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
X & Y slope:
Upstream 3:1
Downstream 2:1
Surface area of impoundment 8.4
Drainage area above dam APPROX 2200 ACRES

35.4 ACRE FEET OF STORAGE

No. 4638-3

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Elvern Varilek whose post office address is Geddes, 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 .85 .57 cubic feet of water per second of time from a dry draw dam through the Varilek Dry Draw Project, the point ~~(xx)~~ of diversion of which is ~~(xxx)~~ to be located in the center of the NW 1/4

of Section 7, Twp. 96N, Range 66W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 NW 1/4, Section 7, T96N, R66W. The application also proposes pumping from the

Missouri River into and out of the reservoir to irrigate lands described in Permit

No. 2090-3.

This Application No. 4638-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room Katertown, South Dakota upon the 25th day of March, 1981

at 1:00 P.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, DVNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Elvern Varilek
Geddes, SD 57342

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

CONSERVATION COMMISSION
WI#1 FORM
3/80

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

Office Use Only

OWNERS NAME: Elvern Varilik OWNERS ADDRESS: Gaddes, SD 57342

COUNTY LAND LOCATED IN: Charles Mix PHONE: 337-1322 - 2400

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: Center of NW 1/4 Sec. 7-T96-R66
2. SURFACE WATER SOURCE: Big Arroyo
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 Sec. 7-T96-R66</u>	<u>40</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: _____
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: Missouri River permit
IN WHAT NAME: Elvern Varilik

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

7. WATER SAMPLE NUMBER: _____
8. SALINITY (EC X 10³): _____
9. SODIUM (SAR): _____
10. ADJUSTED (SAR): _____

RECEIVED

FEB 20 1981

South Dakota
Division of Conservation

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 instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: NW 1/4 by _____ (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 understand 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

20 DAY OF February, 1981.

Barbara A. Vrede
(NOTARY PUBLIC) Irrigation Div.

IMPORTANT

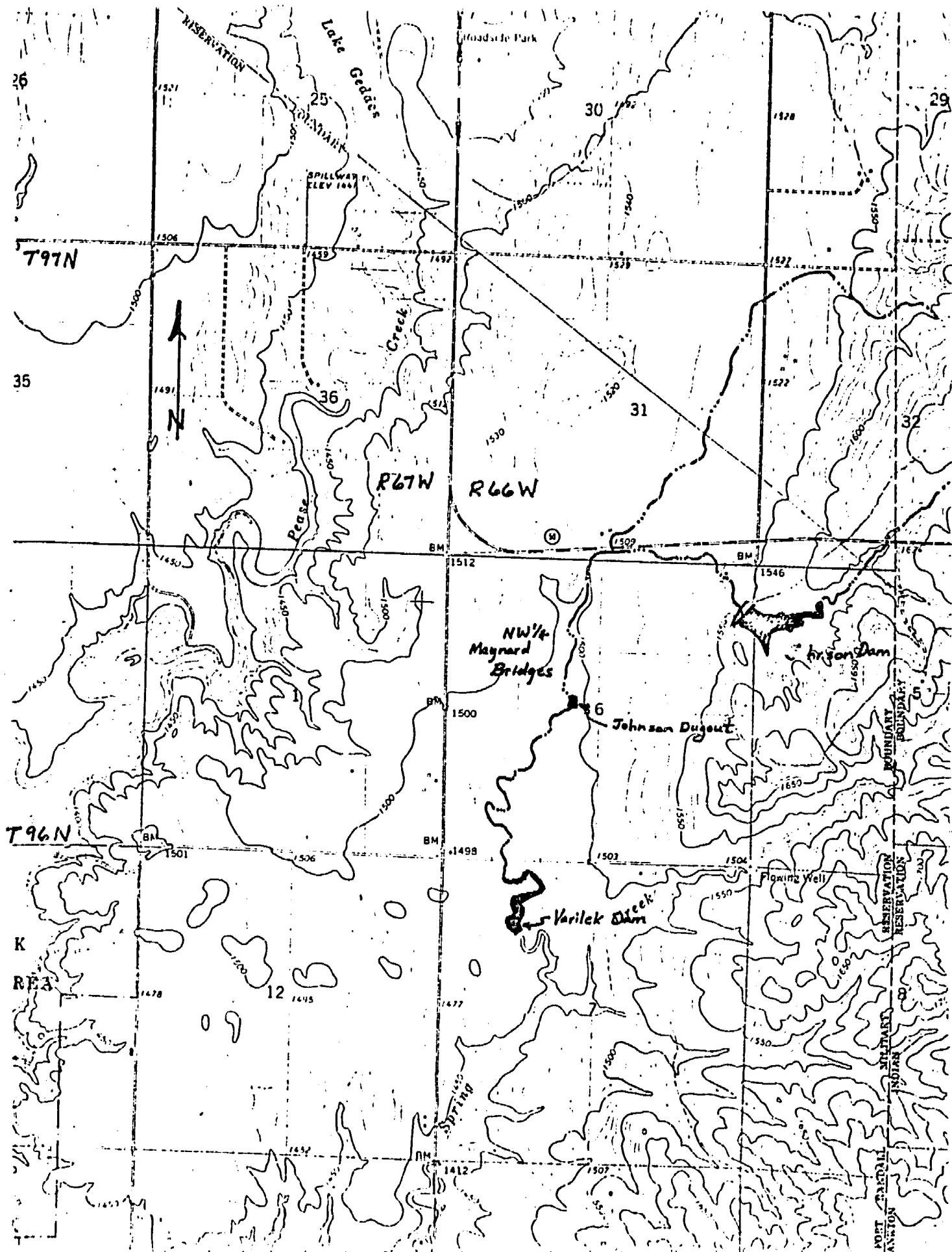
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED
DISAPPROVED
CONDITIONALLY APPROVED





James Winterton
Water Resources Engineer

John Hatch
Chief Engineer

c32504.jw.wr

No. 4638-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Harold J. Jager hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Charles Mix County News

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

March 12 - 1981

5 19 - 1981

Harold Jager
(Signature)

Owner & Publisher
(Title)

March 18, 1981
(Date Signed)



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that
Elvern Varilek whose post
office address is Geddes, 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; 46-3-1 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 .57 cubic feet of water per
second of time from a dry
draw dam through the Varilek
Dry Draw Project, the point of
diversion of which is to be
located in the center of the
NW 1/4 of Section 7, Twp. 93N,
Range 66W. Said water to be
used for the purpose of
providing irrigation on portions
of the following described
land:

NE 1/4 NW 1/4, Section 7, T96N,
R66W. The application also
proposes pumping from the
Missouri River into and out of
the reservoir to irrigate lands
described in Permit No. 2090-3.

This Application No. 4638-3
will be considered by the
Water Management Board at
the Holiday Inn, Sandy Shore
Room, Watertown, South
Dakota upon the 25th day of
March, 1981 at 1:00 P.M. The
Board is authorized to make a
determination on this applica-
tion 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



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

March 24, 1982

NOTICE

TO : Persons Interested in Deferred Applications No. 4638-3 Elvern Varilek and No. 4624-3, Wallace E. Johnson, Charles Mix County

FROM : John Hatch, Chief Engineer, Water Right Division

SUBJECT : Reconsideration of Applications No. 4638-3 & 4624-3

The Water Management Board will reconsider deferred Water Permit Applications No. 4624-3 No. 4638-3 at 3:00 p.m. April 7, 1982, at Meeting Room #1, Knelp Building at Church & Illinois, Pierre, SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-14, 46-2-9 through 46-2-11, 46-2-13; 46-5-1 through 46-5-8, 46-5-10 through 46-5-22, 46-5-25, 46-5-41, 46-6-3 through 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

These applications were previously deferred by the Board pending staff investigation. A report on the deferred applications has been prepared by the Water Rights Staff and is available upon request.

After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the Applications.

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, DWNR, Joe Foss Building, Pierre, South Dakota, prior to the hearing date for assistance to assure access to the hearing.

CS03.wr

CD2403ks.wr

Report of Investigation on Applications No.
4638-3 Elvern Varilek and 4642-3 Wallace E. Johnson

March 22, 1982

Applications No. 4638-3 (priority date February 20, 1981) and 4642-3 (priority date February 23, 1981) were deferred at the May 1, 1981 meeting of the Water Management Board for a period of one year to allow experimental pumping. The Varilek application provides for pumping from an existing dam (Water Right No. 1444-3, priority date September 18, 1967) for irrigation purposes. This dam has a storage capacity of 35.4 acre feet with a drainage area of approximately 2200 acres. The Johnson application provides for diverting water from the Missouri River and from a dugout located in a dry draw channel to an existing dam (Water Right No. 1944-3) for irrigation purposes. The purpose of the dugout is to collect irrigation return flows and underground percolation water. See map for locations.

Discussion:

Mr. Varilek has the senior priority for water to fill his dam. The runoff from snowmelt normally fills his dam, however in 1981 when there was essentially no runoff, the dam did not fill. With a 2200 acre drainage area, 0.20 inches of runoff would completely fill the dam. Without considering snowmelt, a two year frequency 24 hour rainstorm would yield 0.43 inches of runoff, a 1.25 year frequency 24 hour rainstorm would yield 0.16 inch of runoff. This year, 1982, the dam filled the first week of March from snowmelt.

Mr. Johnson plans on using the dugout located on land owned by Maynard Bridges to intercept irrigation return flows and ground water. Mr. Bridges has a problem with the drainage of the land in the NW 1/4 of Section 6. During the irrigation season, the return flows and underground percolation of water drains to Mr. Bridges field creating high water levels in the field and causing salt problems. By cutting down the channel of the draw and allowing it to drain into the dugout, Mr. Bridges believes the water table can be lowered with Mr. Johnson diverting the water.

Reuse of Irrigation Return Flow Discussion:

In regard to return flows from irrigation, if the drainage area consists of less than 160 acres, the flows can be impounded in a dugout or dam and returned through the system for reuse without applying for a storage right. This is consistent with SDCL 46-4-1 which allows the construction of storage without a permit for irrigation if the drainage is less than 160 acres.

In Mr. Johnson's case, it is necessary to obtain approval for the diversion and reuse of the return flow waters because the drainage area for the dugout is considerably more than 160 acres. SDCL 46-5-14 does allow waters to be reclaimed, subject to existing rights.

The dugout from which Mr. Johnson pumps was constructed during the Fall, 1979. The 600 gpm pump was not installed until 1980. During 1980, Mr. Johnson pumped 350 hours at 600 gpm from the dugout for a total of 38.67 acre feet. The method of operation was manual turn on with shutoff by a pressure

switch. There was no pumping from November, 1980 until May 1, 1981. After May 1, 1981 until the end of September, 1981, Mr. Johnson pumped 502 hours (average of 7.17 hours per day) or a total of 55.46 acre feet from the dugout. The method of operation part of the time was automatic turn on and off.

Conclusions and Recommendations

Both applications can be approved; however, the senior priority status of the Varilek Right No. 1444-3 must not be jeopardized. Usually the Varilek dam will be filled once each year by spring runoff. During spring runoff years, the Johnson dugout could be pumped as soon as the Varilek dam had filled. During a no spring run off year when the Varilek Dam does not fill, pumping from the dugout will have to be restricted. Any upstream runoff that will flow through the Bridges property will need to be by-passed.

How much, if any, water should be by-passed from irrigation return flows since such flows do enter the draw and dugout is the main question. The purpose of the dugout is to allow Mr. Johnson to remove return flow irrigation water from Bridges' land that interferes with Bridges' land use and can cause flooding problems on two neighbors' land. The practice also allows Johnson to conserve water and to pump any ground water that enters the dugout. There is a balance point at which even if Johnson did not pump, the Varilek Dam would not receive enough flow, if any, to be of beneficial use to Mr. Varilek. It is doubtful that a permanent flow bypass figure could be established, above which Mr. Johnson must by-pass and below which he can pump. A permanent flow bypass should not be established because (1) the nature of the drainage is that of a dry draw which flows only during periods of snowmelt, high intensity rainstorms, and possibly from irrigation return flows; (2) the Varilek Dam will be filled in most years from spring runoff; and (3) when only irrigation return flow water is available, the benefits to the Varilek Dam will be negligible, due to losses incurred in the channel.

Rather than set a flow by-pass requirement, a time requirement of no pumping by Johnson until after June 1 could be established for the infrequent no spring runoff occurrence and to require natural runoff from the drainage above Bridges property to be by-passed unless the Varilek dam has already been filled from runoff.

The staff recommends approval of applications No. 4638-3 and 4642-3 with the following qualifications:

Application No. 4638-3, Elvern Varilek, "Approval of this permit authorizes storage of 35.4 acre of feet of water annually".

Application No. 4642-3, Wallace E. Johnson, "Approval of this permit requires the bypass of flows until the dam authorized by Water Right No. 1444-3 has been filled. Pumping after June 1 each calendar year is authorized without the dam being filled provided natural runoff flows from above the Bridges property are bypassed".

South Dakota Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4638-3
Elvern Varilek
Geddes, SD 57342

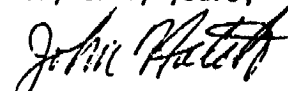
Dear Sir:

Water Permit No. 4638-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

Department of Water & Natural Resources

Joe Foss Building
528 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

4438-3

Klvern Varlick
Caddes, SD 57342

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

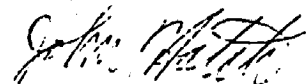
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4438-3. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure



Department of Water & Natural Resources

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

March 23, 1987

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, ~~4638-3~~, 2566-3, 2272-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, ~~4638-3~~, 2566-3, 2272-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, ~~4638-3~~, 2566-3, 2272-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, ~~4638-3~~, 2566-3, 2272-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 4, 1987

201-3	1074-3
1404-3	1415-3A
1508-3A	1787-3
2089-3	2090-3
2272-3	2566-3
<u>4638-3</u>	

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. The questionnaires were completed with the information you supplied over the phone. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 201-3, 1074-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3, and 4638-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

January 29, 1988

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3. The request for the Questionnaire was dated October 3, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3 qualification:

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

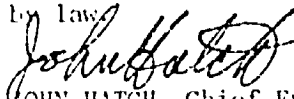
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3362

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 9, 1988

201-3	1074-3
1415-3A	1404-3
1508-3A	1787-3
2272-3	2089-3
2090-3	2566-3
4638-3	

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 201-3, 1074-3, 1415-3A, 1404-3, 1508-3A, 1787-3, 2272-3, 2089-3, 2090-3, 2566-3, 4638-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

February 9, 1990

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

RE: Violation of Water Permit No(s). (4638-3), 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A 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 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 23, 1990

201-3 1074-3
1404-3 1415-3A
1254-3 1508-3A
1787-3 2089-3
2090-3 2272-3
2566-3 (4638-3)

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for the permits listed above. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

ELVERN VARILEK
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3 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, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

3 SENDER Name and address of sender (Print name and address in full and complete items) 1. Name of sender (Print name) 2. Address of sender (Print address) 3. City and State (Print city and state) 4. Zip Code (Print zip code) 5. Country (Print country) 6. Telephone Number (Print telephone number) 7. Signature of sender (Print signature) 8. Date of delivery (Print date)		4 Addressee Name and address of addressee (Print name and address in full and complete items) 1. Name of addressee (Print name) 2. Address of addressee (Print address) 3. City and State (Print city and state) 4. Zip Code (Print zip code) 5. Country (Print country) 6. Telephone Number (Print telephone number) 7. Signature of addressee (Print signature) 8. Date of delivery (Print date)
5 Type of Service ☐ Registered ☐ Insured ☒ Certified ☐ CDD ☐ Express Mail ☐ Return Receipt for Merchandise		6 Article Number P 694 057 485
7 Date of Delivery 2-4-91		8 Addresser's Address (ONLY if requested and fee paid)

PS Form 3811, 1-1-89

4-100-100-100-100-100

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 21, 1991

Elvern Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Water Permit Nos. 201-3,
1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3, and 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

ELVERN VARILEK
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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, in 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) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 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



2600 3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 10, 1992

Elvern Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Permit Nos. 201-3, 1074-3,
1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3,
2272-3, 2566-3. and 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for the above Water Permits or Rights. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were completed in the office prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



4638-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: ELVERN VARILEK
GEDDES SD 57342FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights DivisionRE: Violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3,
1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

4638-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1993

Elvern & Margaret Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Water Permit Nos. 201-3,
1074-3, 1254-3, 1404-3, 1415-3A, 1508-3, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3, 4638-3

Dear Mr. & Mrs. Varilek:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. The questionnaires were completed for you following our telephone conversation on March 2, 1993. You may disregard the January 29, 1993, Notice of Violation of Water Permits.

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

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



February 16, 1994

ELVERN VARILEK
GEDDES SD 57342

4638-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE LOSS BUILDING

523 EAST CAPITOL

Pierre, SOUTH DAKOTA 57501-2181

NOTICE

RE: Violation of Water Permit No(s) 1415-3, 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1415-3, 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 1415-3 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) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1415-3 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 on/or before April 1, 1994, 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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the package. ~~Do not~~ in the back if space does not permit.
- Write "Return Receipt Requested" on the back of the package to show the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4638-3

ELVERN VARILEK, OP
GEDDES SD 57342

4a. Article Number

P 837 692 607

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-17-94

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-397-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



4638-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 1994

Elvern Varilek
Geddes, SD 57342

RE: 1993 Irrigation Questionnaires for Water Permit/Right Nos. 201-3, 1074-3, 1254-3, 1404-3, 1415-3, 1415-3A (Margaret's), 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. The questionnaires were completed for you following our March 4th telephone conversation. You may disregard the February 16, 1994, **Notice of Violation of Water Permits**.

The questionnaires were completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4638-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

ELVERN VARILEK
BOX 167
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 March 3, 1995, 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



4638-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1995

Elvern Varilek
Box 167
Geddes, SD 57342

RE: Water Permit/Rights Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2536-3 & 4638-3

Dear Elvern:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. The questionnaires were completed for you following our February 28th telephone conversation. You may disregard the February 7, 1995, Notice of Violation of Water Permits.

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



4638-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

NOTICE**TO:** ELVERN VARILEK, BOX 167, GEDDES, SD 57342**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Water Permit No(s). 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in 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 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 28, 1997, 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.



4638
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 10, 1997

Elvern Varilek
Box 167
Geddes, SD 57342

Dear Elvern:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 and 4638-3.

I completed questionnaires for you based on our February 7th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



4638-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: ELVERN VARILEK, BOX 167, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 28, 2000, 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.



4638-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 26, 2000

Elvern Varilek
Box 167
Geddes, SD 57342

RE: Water Right/Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3 & 4638-3

Dear Elvern:

Thank you for calling in about your 1999 irrigation questionnaires. I completed forms for you based on the message you left indicating you did not irrigate in 1999.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right/Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4638-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: MICK VARILEK, OPERATOR, 29208 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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 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) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3 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 March 8, 2002, 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.

c: Elvern Varilek, Box 27, Geddes, SD 57342

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.



4638-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

February 11, 2002

Mick Varilek
29208 374th Ave
Geddes, SD 57342

RE: Water Right or Permit Nos. 201-3, 1074-3, 1404-3, 2090-3 & 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right or Permit Nos. 201-3, 1074-3, 1404-3, 2090-3 & 4638-3.

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

If you have any questions, please contact me.

Sincerely,

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



August 5, 2005

4638-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am writing in regard to ownership of land described in the water permits and rights listed in your dad's name. In February 2005, I mailed copies of all of them to you and included transfer of ownership forms for completion. To date, we have not received the forms back from you.

In the event you need them, I am enclosing an additional set of forms for you and Mick to file ownership changes. Please review the forms, make any necessary changes and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each. The check or money order for the fees can be made payable to the Water Rights Program.

It is important that ownership records be kept current. While this is not a pressing issue, I am writing to find out if you have questions or concerns prior to filing the ownership changes.

Two of the water permits remain unlicensed. As soon as the ownership changes have been filed, we would like to work with whoever owns the land described in those permits to bring them up-to-date.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
DEC - 1 2005
WATER RIGHTS
PROGRAM

No. 4638-3

Date: Nov 1 - 05

I/We request that Water Permit No. 4638-3

formerly owned by: Elvern Varilek

be transferred to: (name & address)

Michael Varilek
39208 374th Ave
Geddes, SD 57342

Telephone No. 605-337-2261

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

200 acres - W 1/2 NW 1/4, NE 1/4 NW 1/4 and E 1/2 NE 1/4 Section 7, T96N, R66W

I/We understand that the validity of Water Permit No. 4638-3 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Michael Varilek, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date December 1, 2005

RECEIVED OF Michael Varilek, 29208 374th Ave., Geddes SD 57342

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 <u>4638-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

003027

By

David E. Ebel

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2006

Michael Varilek
29208 374th Ave
Geddes SD 57342

RE: Water Right Nos. 201-3, 1404-3 & 1444-3 and Water Permit Nos. 2090-3 & 4638-3

Dear Mr. Varilek:

I am writing in regard to the ownership changes for water permits and/or rights once held by Elvern Varilek. The ownership changes you filed for Water Right Nos. 201-3, 1404-3 & 1444-3 and Water Permit Nos. 2090-3 & 4638-3 have been completed and are now listed in your name.

The ownership change for Water Right No. 1074-3 has not been completed yet due to the separate ownership. I am still waiting on the signed transfer form from Tom Varilek for the remainder of No. 1074-3. Also, the remaining water rights listed in Elvern's name will be transferred to Tom once he sends in the "change of ownership" forms.

Enclosed are your Receipt Nos. 002026, 002027, 002028, 002029 and 002030 in the amounts of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

2090-3
4638-3

Permit never licensed. Permit holder did not follow up as requested.

Permit Nos. 2090-3 & 4638-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Elvern Varilek of Geddes, SD 57342 holder of Permit Nos. 2090-3 & 4638-3, and Water License Nos. 201-3 & 1444-3 bearing the priorities of May 15, 1974; February 20, 1981; May 28, 1956; September 18, 1967 (respectively) authorizing diversions of 2.28; 0.85; 6.85; (respectively) cu. ft. per second and the storage of 35.4 acre-feet (dry draw dam) from the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Pumps: (At the river)

- 1) Make Berkeley
- 2) Model 6NPB
- 3) Size 15 1/4"
- 4) Capacity 1800 GPM

- 1) Make Cornell
- 2) Model 4HH-F18
- 3) Size 15 1/4"
- 4) Capacity 1000 GPM

(At the dam)

- 1) Make PTO drive
- 2) Model N/A
- 3) Pressure 50 PSI
- 4) Capacity 600 GPM

Motors: (At the river)

- 1) Make Century
- 2) Spec No. 53136
- 3) Horsepower rating 100 hp

- 1) Make Lister Petter Diesel
- 2) Model No. 329-10221
- 3) Horsepower rating 100 hp

- 1) Make farm tractor
- 2) Model (variable)
- 3) Horsepower (variable)

B. Works used to transport water to place of use:

BOOSTER PUMP: (At Section 7 center pivot)

Pump:

- 1) Make Berkeley
- 2) Model B32PL
- 3) Serial No. 7961815
- 4) Capacity 450 GPM

Motor:

- 1) Make Century
- 2) Frame No. 256TCZ
- 3) Horsepower rating 25 hp

DISTRIBUTION LINES:

- | | | |
|--------------------|--------------------------|----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>3000</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>5640</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>08</u> inches | 3) Length <u>5600</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>08</u> inches | 3) Length <u>2600</u> feet |

- 1) Type ALU 2) Size 06 inches 3) Length 1200 feet

C. Works used to apply water to beneficial use:

SYSTEM TYPES:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 350 GPM

Big Gun:

- 1) Make Water Winch
- 2) Nozzle size 1 1/2 inches
- 3) Capacity 500 GPM
- 4) Hose size 4 inches
- 5) Hose length 660 feet

Gravity:

- 1) Length 1200 feet pipe
- 2) Diameter 6 inches
- 3) Spacing of gates 30 inches

The system is in the following condition Excellent. The point of diversion is located #1 (Missouri River): 925 feet N and 1700 feet W from the E quarter corner of Section 11 T96N-R67W (SW¹/₄ NE¹/₄); #2 (Dam): 1320 feet E and 1400 feet N from the W quarter corner of Section 7 T96N-R66W (NE¹/₄ NW¹/₄). The works are capable of diverting and conveying to the place of use *7.55* cu. ft. of water per second and storing 35.4 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T96N-R67W

SECTION 12

<u>NW¹/₄ NW¹/₄</u>	<u>34 acres</u>
<u>NE¹/₄ NW¹/₄</u>	<u>34 acres</u>
<u>SW¹/₄ NW¹/₄</u>	<u>34 acres</u>
<u>SE¹/₄ NW¹/₄</u>	<u>34 acres</u>
<u>NW¹/₄ NE¹/₄</u>	<u>34 acres</u>
<u>NE¹/₄ NE¹/₄</u>	<u>34 acres</u>
<u>SW¹/₄ NE¹/₄</u>	<u>34 acres</u>
<u>SE¹/₄ NE¹/₄</u>	<u>34 acres</u>
<u>NW¹/₄ SE¹/₄</u>	<u>40 acres</u>
<u>NE¹/₄ SE¹/₄</u>	<u>40 acres</u>
<u>SW¹/₄ SE¹/₄</u>	<u>35 acres</u>
<u>SE¹/₄ SE¹/₄</u>	<u>8 acres</u>
<u>NW¹/₄ NW¹/₄</u>	<u>19 acres</u>
<u>NE¹/₄ NW¹/₄</u>	<u>21 acres</u>
<u>SW¹/₄ NW¹/₄</u>	<u>38 acres</u>
<u>NW¹/₄ NE¹/₄</u>	<u>14 acres</u>
<u>NE¹/₄ NE¹/₄</u>	<u>24 acres</u>
<u>SW¹/₄ NE¹/₄</u>	<u>25 acres</u>
<u>SE¹/₄ NE¹/₄</u>	<u>38 acres</u>
<u>NW¹/₄ SW¹/₄</u>	<u>16 acres</u>
<u>NE¹/₄ SW¹/₄</u>	<u>34 acres</u>
<u>SW¹/₄ SW¹/₄</u>	<u>18 acres</u>
<u>SE¹/₄ SW¹/₄</u>	<u>25 acres</u>
<u>NW¹/₄ SE¹/₄</u>	<u>25 acres</u>
<u>SW¹/₄ SE¹/₄</u>	<u>5 acres</u>

T96N-R66W

SECTION 7

comprising a total of 697 acres of land and the license should be issued for *7.55* cfs and 35.4 acre-feet of storage.

****NOTE:** 7.55 CFS is the maximum that Varilek's pumps can pump. 6.22 CFS is diverted from the Missouri River using 2 pumps and 1.33 CFS is diverted from the dry draw dam for a combined total of 7.55 CFS. The dry draw dam can be filled from pumping water from the Missouri River. This dam may also be used to irrigate any of the acreage in Section 7 T96N-R66W (excluding the center pivot). Water Permit No. 2090-3 and Water License Nos. 201-3 & 1444-3 will be incorporated into this Water Permit No. 4638-3 when licensed.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: June 28, 1993

Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NOS. 2090-3 & 4638-3

DATE: June 28, 1993

Other permit(s) associated with the project: 201-3 & 1444-3

DIVERSION POINT LEGAL LOCATIONS: #1 (Missouri River): 925 feet N and 1700 feet W from the E quarter corner of Section 11 T96N-R67W (SW $\frac{1}{4}$ NE $\frac{1}{4}$); #2 (Dam): 1320 feet E and 1400 feet N from the W quarter corner of Section 7 T96N-R66W (NE $\frac{1}{4}$ NW $\frac{1}{4}$).

Pumps: (At the river)

- 1) Make Berkeley
- 2) Model 6NPB
- 3) Size 15 1/4"
- 4) Capacity 1800 GPM

- 1) Make Cornell
- 2) Model 4HH-F18
- 3) Size 15 1/4
- 4) Capacity 1000 GPM

(At the dam)

- 1) Make PTO drive
- 2) Model N/A
- 3) Pressure 50 PSI
- 4) Capacity 600 GPM

Motors: (At the river)

- 1) Make Century
- 2) Spec No. 53136
- 3) Horsepower rating 100 hp

- 1) Make Lister Petter Diesel
- 2) Model No. 329-10221
- 3) Horsepower rating 100 hp

- 1) Make farm tractor
- 2) Model (variable)
- 3) Horsepower (variable)

BOOSTER PUMP: (At Section 7 center pivot)

Pump:

- 1) Make Berkeley
- 2) Model B32PL
- 3) Serial No. 7961815
- 4) Capacity 450 GPM

Motor:

- 1) Make Century
- 2) Frame No. 256TCZ
- 3) Horsepower rating 25 hp

DISTRIBUTION LINES:

- | | | |
|--------------------|--------------------------|----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>3000</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>5640</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>08</u> inches | 3) Length <u>5600</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>08</u> inches | 3) Length <u>2600</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>06</u> inches | 3) Length <u>1200</u> feet |

SYSTEM TYPES:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 350 GPM

Big Gun:

- 1) Make Water Winch
- 2) Nozzle size 1 1/2 inches
- 3) Capacity 500 GPM
- 4) Hose size 4 inches
- 5) Hose length 660 feet

Gravity:

- 1) Length 1200 feet pipe
- 2) Diameter 6 inches
- 3) Spacing of gates 30 inches

DAM INFORMATION:

- 1) Height to crest 26 ft
- 2) Height to primary spillway 22 ft
- 3) Height to secondary spillway 24 ft
- 4) Crest width 13 ft
- 5) Crest length 260 ft
- 6) Spillway length 300 ft
- 7) Spillway width 75 ft
- 8) Approx. storage 35 ac-ft
- 9) Approx. storage to crest 40 ac-ft
- 10) Date constructed: 1970
- 11) Outlet tubes:
 - a) diameter 36 inches
 - b) type culvert
 - c) valved N
 - d) type drop inlet
- 12) Category of Dam III
- 13) Inspection Sheet Completed Y
- 14) Name of Contractor
VanderPol Construction

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 1994

Elvern Varilek
Geddes, SD 57342

Dear Elvern:

Enclosed is a partially completed application form with an instruction sheet for you to complete for the irrigated acreage located in Section 7 T96N-R66W.

This application proposes to add 116 acres, add 0.76 CFS withdrawl from the dam in Section 7, and correct the location of 46 acres, all to Water Permit No. 4638-3. The correction acreage is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (14 acres) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ (25 acres) and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (7 acres). The 116 additional acres are in the S 1/2 of Section 7 and are to be added as new acreage to the permit. Note that the total withdrawl rate from the dry draw dam is now 1.33 CFS (600 GPM).

Please fill out Nos. 4 & 9 on the application and have it signed before a Notary Public. According to South Dakota Statutes, a filing fee is required for each application (see #6 on instruction sheet). Please submit the forms, signed map, and a filing fee of \$225.00 to:

Department of Environment and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

If you have any questions pertaining to the Water Permit Application, please feel free to contact me at 773-3352 or contact me via letter using the above address.

Sincerely,

Barry A. McLaury
Water Rights Division
(605) 773-3352

enclosures

FORM 2: Application for Irrigation in South Dakota
(type or print)

Mail to: Water Rights Division Joe Foss Building 523 E Capitol Pierre SD 57501-3181 605 773-3352	No. _____ Hydrologic Unit _____ Basin _____ Newspaper _____ (office use only)
---	--

Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4638-3
 (check one) (Use prelates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____
Correct the location of 46 acres and add 116 acres.

1. Name of Applicant Elvern Varilek Phone 331-2406
 (check one) ☐ Owner ☐ Tenant/lessee
 Mailing Address Geddes State SD 57342
 (Street, RR, or Box) 0.76 Add'l from Dam (City) _____ (Zip Code) _____
2. Amount of water claimed 0.76 *CFS or NO Add'l from River ***AF Total Acreage 116 Add'l
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout if applicable) 46 correction
3. Source of water supply Missouri River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) #1: SW1/4 NE1/4 Section 11
T96N-R67W (Missouri River); #2: NE1/4 NW1/4 Section 7 T96N-R66W (Dam).
 County Charles Mix
5. County or counties where water will be used Charles Mix
6. Annual period during which water is to be used _____
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 NE1/4 Section 7 T96N-R66W	14	SW1/4 SW1/4 Section 7 T96N-R66W	18
SW1/4 NE1/4	25	SE1/4 SW1/4	25
NW1/4 SW1/4	16	NW1/4 SE1/4	25
NE1/4 SW1/4	34	SW1/4 SE1/4	5

8. Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: ☒ Gun: ☒ Other (Specify): _____
9. Crops to be irrigated: _____
10. Give a description of the project. (Attach sheet if more space is needed)

This application proposes to correct the location of 46 acres in the NW1/4 NE1/4 (14 acres) and SW1/4 NE1/4 (25 acres) and NW1/4 SW1/4 (7 acres from the center pivot) all in section 7 T96N-R66W. The remaining 116 acres are in the S1/2 of section 7 T96N-R66W and are to be added as new acreage. The acreage may be irrigated directly from the Missouri River or via the dry draw dam. Maximum diversion from the dam is 600 GPM (1.33 CFS).

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of _____)

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19 _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1994

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

On June 28, 1993, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 2090-3 and 4638-3 by Barry McLaury, with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit Nos. 2090-3 and 4638-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

On June 28, 1993 and November 29, 1994, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 2090-3 and 4638-3 by Barry McLaury, with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit Nos. 2090-3 and 4638-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 31, 1999

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

This letter is a reminder that we have not received the *Application for Permit to Appropriate Water Within the State of South Dakota*. In June, 1993, Barry McLaury, with this office investigated Water Permit Nos. 2090-3 and 4638-3. The inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which reflects your water use. Several letters have been sent regarding this application.

Enclosed is another partially completed application and map. The application proposes to add 116 acres, add 0.76 cfs withdrawal from the dam in Section 7 and correct the location of 46 acres, all to Water Permit No. 4638-3. The correction acreage is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (14 acres) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ (25 acres) and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (7 acres) all in Sec 7-T96N-R66W. The 116 additional acres are in the S $\frac{1}{2}$ Section 7-T96N-R66W and are to be added as new acreage to the permit. Note that the total withdrawal rate from the dry draw dam is now 1.33 cfs (600 gpm).

Please review the application, make any necessary corrections and have it signed and notarized. The application filing fee is \$225. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing (total \$275).

Mr. Varilek, please take the time to complete and return the application. Obtaining a water permit that accurately reflects the your water use benefits you by protecting your right to use water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

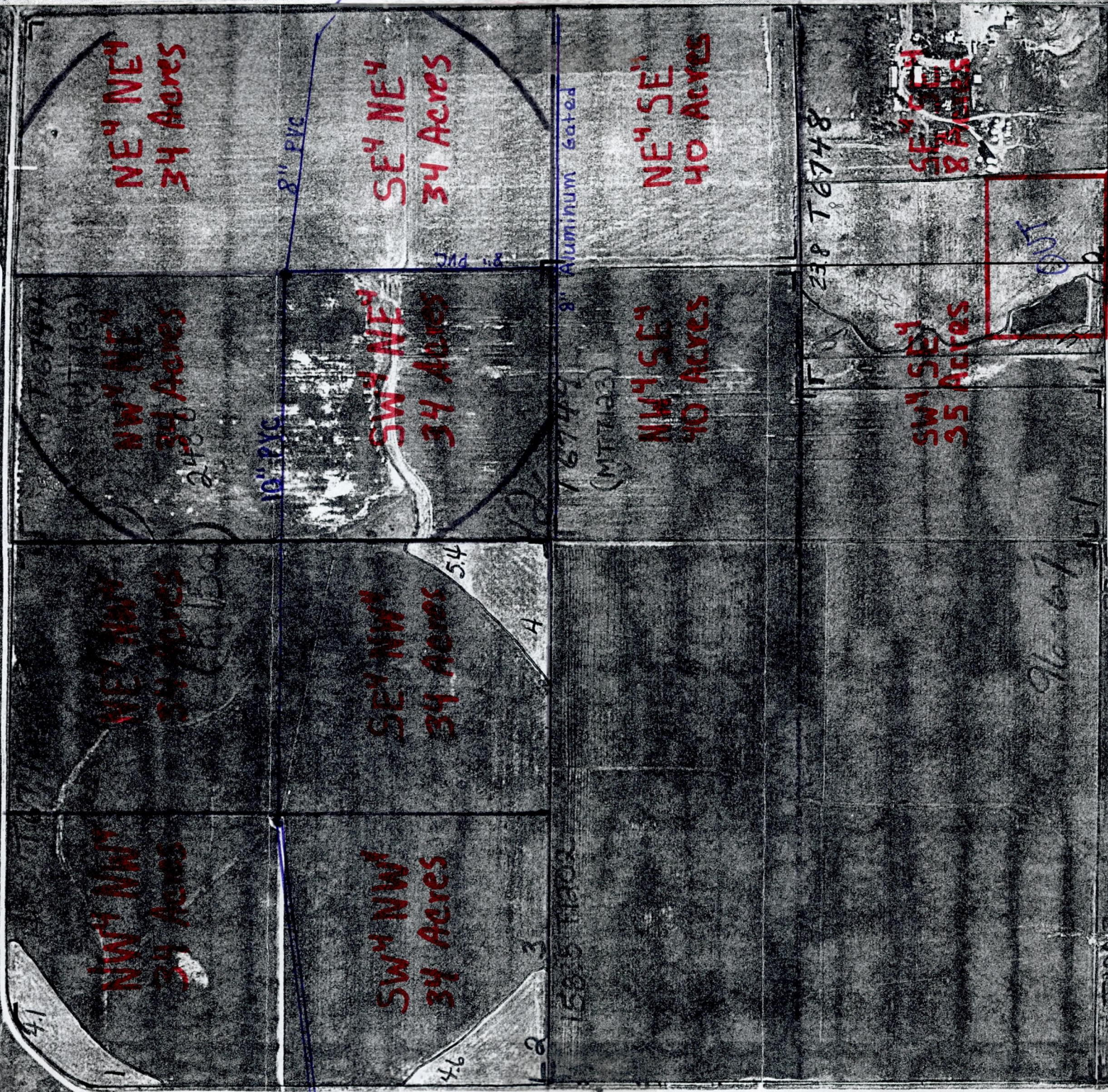
enclosure

NOT TO SCALE



SUC 11-T96N-R67W

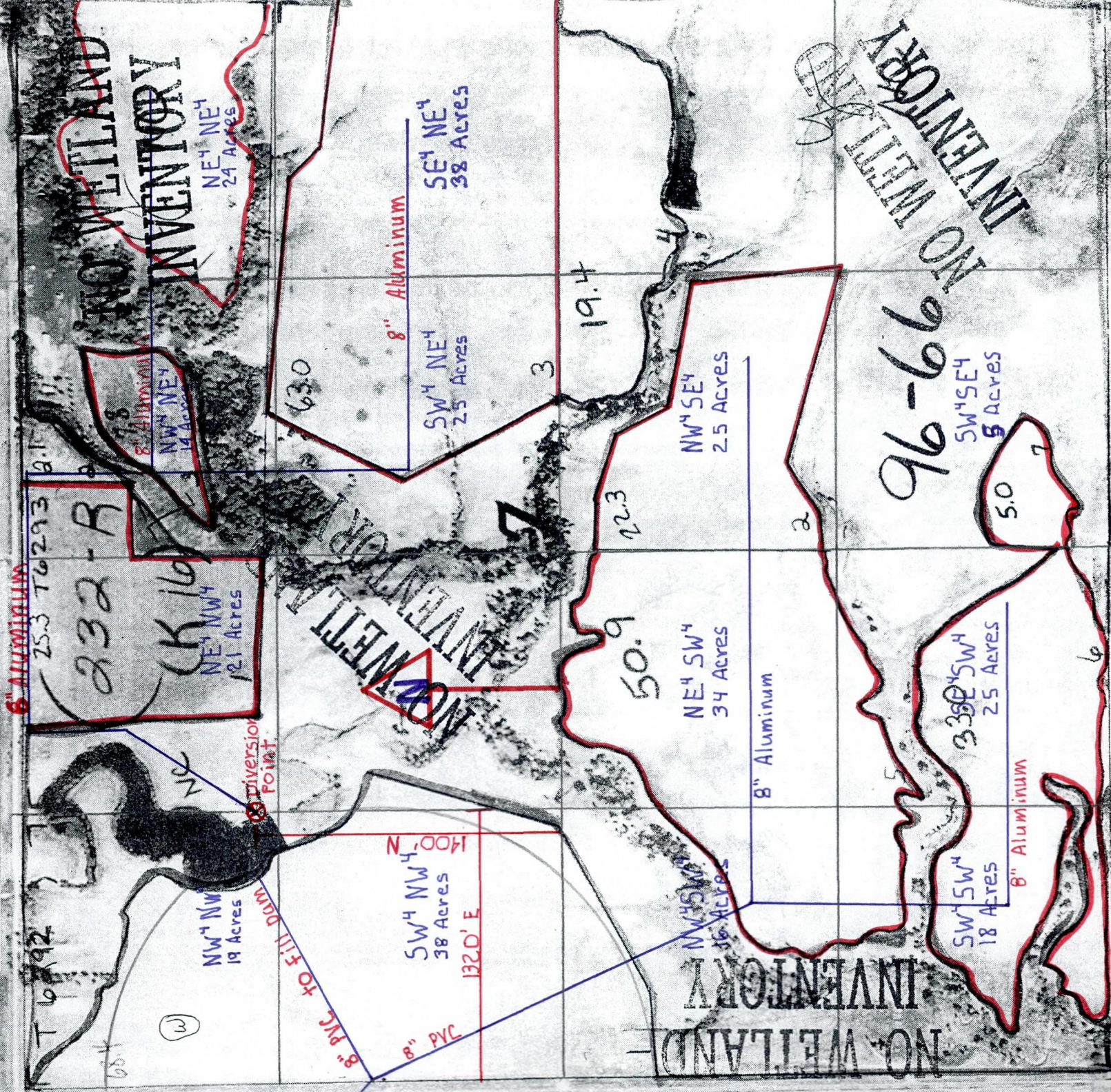
Sec 12-T96N-R67W



Barry McLaury Baruffi, M.S. Law
Natural Resources Analyst
Division of Water Rights
Date January 19, 1994

OFFICIAL WETLAND
DETERMINATION FOR
HIGHLIGHTED TRACTS ONLY

(W) Wetland
(FW) Ditched or tiled prior to 12-23-85 but still wetland
(PC) Converted Wetland prior to 12-23-85
(CW) Converted Wetland after 12-23-85
() Ditched prior to 12-23-85
() Tiled prior to 12-23-85
() Wetland in a channel



Sec 7-T96N-R67W

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 2090-3 & 4638-3

I have this day, 28 October 2015, made a thorough examination of the water use system constructed by Michael Varilek, 29208 374th Ave., Geddes, SD 57342 of Permit Nos. 2090-3 & 4638-3, bearing the priorities of 15 May 1974 & 20 February 1981 respectively, authorizing the diversion of 2.28 & 0.85 cu. ft. per second respectively, of the waters of the Missouri River for irrigation purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Michael (Mick) Varilek**
Owner

A. Works used to divert the water:

Pump₁(river):

- 1) Make Cornell
- 2) Model 5HH-125-4, 15351 15.44
- 3) Size 10-inch inlet, 6-inch outlet
- 4) Capacity 1400 GPM

Motor:

- 1) Make Baldmor Electric
- 2) Horsepower rating 125 hp

Pump₂ (dam): (Lat./Lon: 43.15112/-98.70158)

- 1) Make Cornell
- 2) Model RB-F16
- 3) Serial No. 99730 13.5
- 4) Size 8-inch inlet, 6-inch outlet
- 5) Capacity 800 GPM

Motor:

- 3) Make Jon Deere Diesel
- 4) Model No. T06068T715075
- 5) Horsepower rating 125 hp

B. Works used to transport water to place of use:

- 1) Type PVC
- 2) Size 12 inches
- 3) Length 1725 feet

Comments: **From pump site to N-S road at Sec.11-12, T96N-R67W section line**

- 1) Type Cement 2) Size 12 inches 3) Length 1375 feet

Comments: From N-S road at Sec.11-12, T96N-R67W section line to center of Sec. 12, T T96N-R67W

- 1) Type PVC 2) Size 10 inches 3) Length 1300 feet

Comments: From center of Sec. 12, T96N-R67W to Center Pivot₁ and Center Pivot₂

- 1) Type PIP 2) Size 8 inches 3) Length 1870 feet

Comments: From Center Pivot₂ to dam and furthest east furrow irrigated field

- 1) Type PIP 2) Size 8 inches 3) Length 1500 feet

Comments: From Center Pivot₃ to furrow irrigated field in N ½ Sec. 12, T96N-R67W

- 1) Type Aluminum 2) Size 10 inches 3) Length 1500 feet

Comments: From center of the N ½ Sec. 12, T96N-R67W around SW quarter of Center Pivot₂ to furrow irrigated field in SE¼ Sec. 12, T96N-R67W

C. Works used to apply water to beneficial use:

Center pivot₁:

- 1) Make Valley
- 2) Overall length 1235 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 700 GPM
Booster pump @ pivot

Center pivot₂:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 700 GPM
Booster on end gun

Center pivot₃:

- 1) Make Valley
- 2) Overall length 1285 feet
- 3) Number of towers 10

- 4) End gun Y
- 5) Capacity 700 GPM

Gated pipe:

- 1) Type Aluminum
- 2) Diameter 10 inches
- 3) Spacing of gates 30 inches
To furrow irrigate south field

Gated pipe:

- 1) Type Aluminum
- 2) Diameter 6 & 8 inches
- 3) Spacing of gates 30 inches
To furrow irrigate south field

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
If no, describe: na
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: 1982-1983, 1988-1994, 1996-1998, 2000, 2002
- 3) Exceptions to compliance are: PIK program

E. Condition and Location:

1. The system is in good condition with the points of diversion located as follows: Missouri River – 1,615 feet south and 1,635 feet west of the NE Corner Sec. 11-T96N-R67W (Lat./Lon.: 43.15001/-98.73283); storage dam – 1,180 feet south and 1,420 feet west of the NW corner of Sec. 7-T96N-R66W (N 1/2 NW 1/4).
2. The works are capable of diverting and conveying to the place of use 3.13 cu. ft. per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>NW¼NE¼ Sec. 7, T96N-R66W: 1.5 acres</u> <u>NE¼ NW¼ Sec. 7, T96N-R66W: 17 acres</u> <u>NW¼ NW¼ Sec. 7, T96N-R66W: 1.5 acres</u> <u>SW¼ NW¼ Sec. 7, T96N-R66W: 33 acres</u> <u>NE¼ SW¼ Sec. 7, T96N-R66W: 8 acres</u> <u>NE¼ NE¼ Sec. 12, T96N-R67W: 33 acres</u>	<u>NE¼ NW¼ Sec. 12, T96N-R67W: 40 acres</u> <u>NW¼ NW¼ Sec. 12, T96N-R67W: 34 acres</u> <u>SW¼ NW¼ Sec. 12, T96N-R67W: 33 acres</u> <u>SE¼ NW¼ Sec. 12, T96N-R67W: 31 acres</u> <u>SW¼ NE¼ Sec. 12, T96N-R67W: 40 acres</u> <u>SE¼ NE¼ Sec. 12, T96N-R67W: 33 acres</u>
---	--

Report of Examination of Works

Permit No. 2090-3 & 4638-3

NW¼ NE¼ Sec. 12, T96N-R67W: 40 acres

NW¼ SE¼ Sec. 12, T96N-R67W: 36 acres

SW¼ SE¼ Sec. 12, T96N-R67W: 22 acres

NE¼ SE¼ Sec. 12, T96N-R67W: 5.5 acres

comprising a total of 408.5 acres of land and the license should be issued for 3.13 cfs.

3. All structures, wells and lands on map Yes

If no, describe: na

F. Comments or other permit(s) associated with the project:

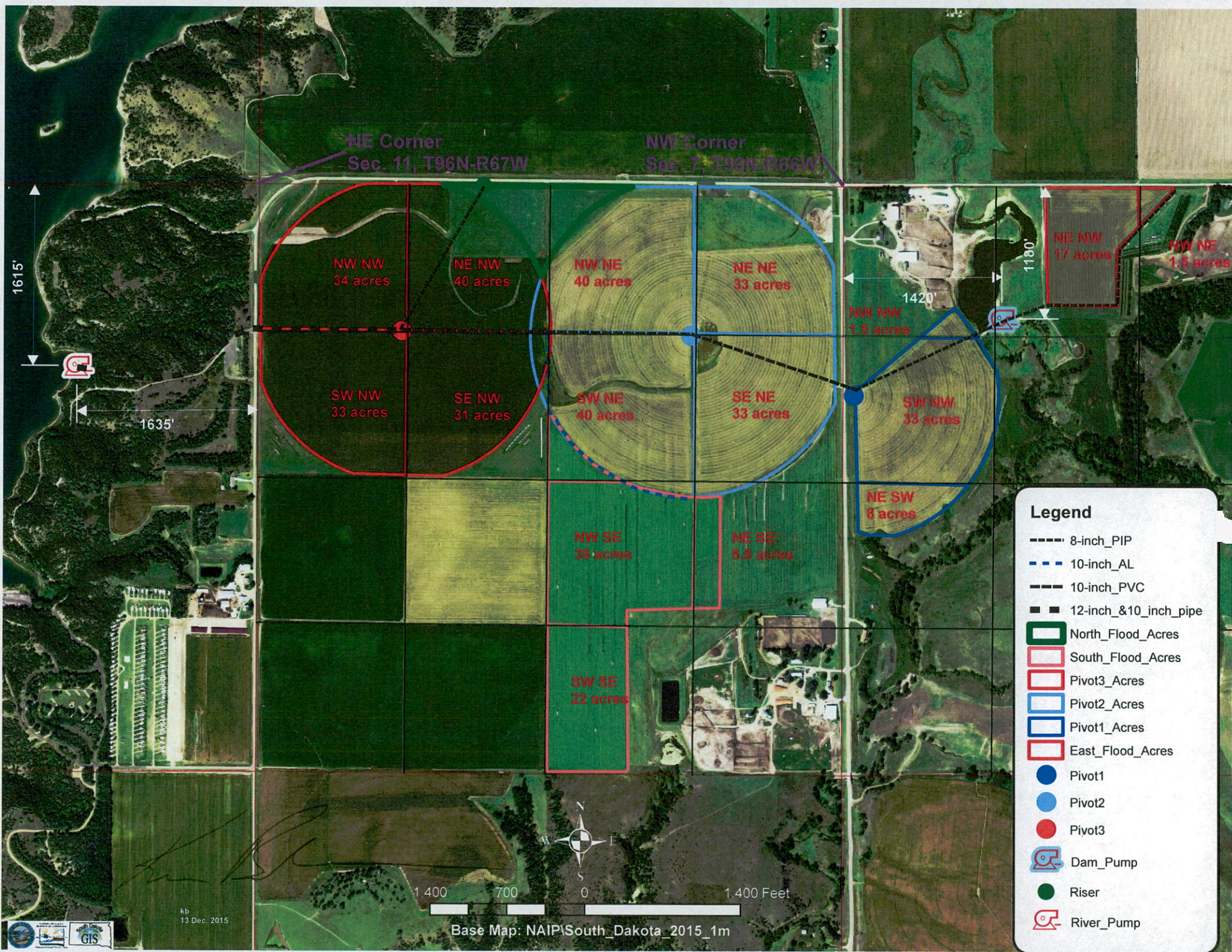
The dam that has been incorporated into this irrigation system was authorized under Water Right No. 1444-3 with a priority date of September 8, 1967.

Water Right No. 201-3 with a priority date of May 28, 1956 authorizes 6.85 cfs from the Missouri River. The license was issued in 1962. Since that time the project has been reconfigured and acres added. This report reflects the entire project as it exists today.



Ken Buhler
DENR, Water Rights Program

Date report completed: 6 March 2016





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 20, 2016

4638-3

Michael Varilek
29208 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

On October 28, 2015, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4638-3, was completed by Ken Buhler, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/25, 20 16

RECEIVED OF Michael Varilek 29208 374th Ave Geddes SD 57342

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	50	00
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. <u>4638-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07834**

By *J. Anne Healy*
Chief Engineer



4638-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUN 15 2016

201-3
2090-3
4638-3

Michael Varilek
29208 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

Enclosed is Water License No. 4638-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right No. 201-3 and Water Permit No. 2090-3 were incorporated into No. 4638-3. 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4638-3

(1) Elvern Varilek, Geddes SD made Application No. 4638-3, February 20, 1981 for a water permit to divert 0.85 cubic feet of water per second (cfs) from an existing dry draw storage dam, Charles Mix County, South Dakota for irrigation purposes. Permit No. 4638-3, with a priority date of February 20, 1981 was approved April 7, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 1987 and for the application to beneficial use of water on or before April 7, 1991.

Permits associated with this water use system:

- Water Right No. 201-3 – with a priority date of May 28, 1956, authorizes 6.85 cfs from the Missouri River to irrigate 480 acres in portions of Section 12, T96N, R67W.
- Water Permit No. 2090-3 – with a priority date of May 15, 1974, authorizes 2.28 cfs from the Missouri River to irrigate 160 acres in portions of Section 7, T96N, R66W.
- Water Permit No. 4638-3 was obtained to add acreage and authorization to pump from an existing dry draw storage dam to irrigate land described under Water Permit No. 2090-3 in Section 7, T96N, R66W. The permit also authorized diversion from the Missouri River into and out of the storage dam for irrigation of the land in Section 7. ***Impoundment of water in the dry draw storage dam is authorized under Water Right No. 1444-3 for recreation and fish and wildlife propagation purposes.***

On December 1, 2005, Nos. 201-3, 2090-3 and 4638-3 were transferred to Michael Varilek, Geddes SD 57342. The applicable portions of Nos. 201-3 and 2090-3 have been incorporated into this Water License No. 4638-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Michael Varilek, 29208 374th Ave, Geddes SD 57342 the holder and/or owner of Incorporated Water Right No. 4638-3 is issued a license, bearing priority dates of May 28, 1956, May 15, 1974 and February 20, 1981 to appropriate 3.13 cubic feet of water per second from the Missouri River and a dry draw storage dam to irrigate 408.5 acres.

The diversion points are located: Missouri River - 1,615 feet south and 1,635 feet west of the NE corner of Section 11-T96N-R67W (SW ¼ NE ¼); storage dam – 1,180 feet south and 1,420 feet west of the NW corner of Section 7-T96N-R66W (N ½ NW ¼). The acres authorized for irrigation are as follows:

<u>Section 7-T96N-R66W</u>		<u>Section 12-T96N-R67W</u>			
NW 1/4 NE 1/4	1.5 acres	NE 1/4 NW 1/4	40 acres	NW 1/4 SE 1/4	36 acres
		NW 1/4 NW 1/4	34 acres	NE 1/4 SE 1/4	5.5 acres
NE 1/4 NW 1/4	17 acres	SW 1/4 NW 1/4	33 acres	SW 1/4 SE 1/4	22 acres
NW 1/4 NW 1/4	1.5 acres	SE 1/4 NW 1/4	31 acres		
SW 1/4 NW 1/4	33 acres				
		NE 1/4 NE 1/4	33 acres		
NE 1/4 SW 1/4	8 acres	NW 1/4 NE 1/4	40 acres		
		SW 1/4 NE 1/4	40 acres		
		SE 1/4 NE 1/4	33 acres		
				Total 408.5 acres	

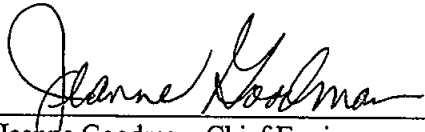
* Priority date of May 28, 1956 for pumping from Missouri River on Section 12

* Priority date of May 15, 1974 for pumping from Missouri River on Section 7.

* Priority date of February 20, 1981 when pumping from river into storage dam and diverting from the storage dam for irrigation of land in Section 7.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 4638-3 including the following qualification:

- This permit authorizes irrigation use of water stored under Right No. 1444-3 on lands described in this permit *(in Section 7 only)*.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year. *(Nos. 201-3, 2090-3 and 4638-3 were amended in June, 1985 to include this qualification.)*



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 15 2016

date

