

Considered: _____

WATER PERMIT NO. 5227-3

HAP No. same 964-5531

Name of Applicant Bandy Warne

Post Office Address RR 2, Box 735 Onida, SD 57564

Amount of Water Claimed no add'l Total Acres 128.5 - 4 add'l acres

Source of Water Supply groundwater - 4 wells

Water to be used for irrigation County Sully

About 9 miles SW of Onida

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/8/88 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 8/5/88 Fee 50⁰⁰ Remarks This permit
8/15/88 adds 4 acres to the acreage in Permit No. 1871-3

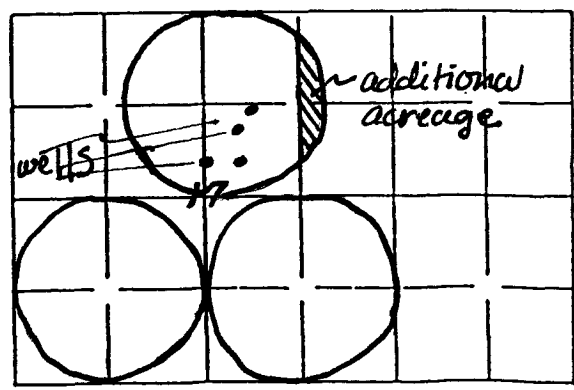
Corrected Application Received 9/15/88 Period of Annual Use Apr 1 - Oct 1

WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point SW¹/₄ NE¹/₄, Sect. 17, T113N, R78W

Land to be Irrigated NE¹/₄, NW¹/₄, Section 17, T113N,
R78W

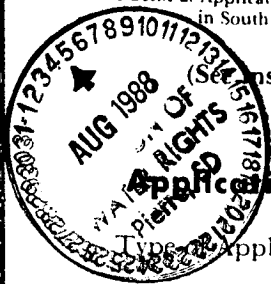


Well Log: Driller Dakota Boring Licensed YES X NO _____

Depth of Well see logs ~60' REMARKS no new wells

Type of Map aerial photo PREPARED BY Ron Duvall Reviewed and the Number
assigned on September 22, 1988 By Susan A. Bourne

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352



No. 5227-3 Hydrologic Unit 10/30/05
Basin Missouri River
Newspaper Onida Watchman, Box 9, 57564 (Wed)

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

- Type of application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☒ Other See Permit No. 1871-3
1. Name of Applicant Randy Warne Phone No. 264-5531
Post Office Address RR 2, Box 735, Onida SD 57564
(Street, RR or Box) (City) State Zip Code
2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 128.5 (4 add'l acres)
3. Source of Water supply Groundwater
4. Location of point of diversion 4 wells: 1) 330 ft N and 400 ft E; 2) 330 ft N
3) 940 ft N and 590 ft E; 4) 1290 ft N and 850 ft E; all from center of
Section 17, T113N, R78W (all in SW $\frac{1}{4}$ NE $\frac{1}{4}$) County Sully
5. Counties where water will be used Sully
6. Annual period during which water is to be used April 1 - October 1
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

New acres	
Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T113N-R78W	2.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-T113N-R78W	2.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T113N-R78W	2.0

Acres authorized by Permit No. 1871-3	
Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-113N-78W	27.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-113N-78W	28.3
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-113N-78W	33.8
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-113N-78W	35.4

Attach sheet if more space is needed

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

This application is to add 4 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the acreage specified on Water Permit No. 1871-3 in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 17-T113N-R78W.

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

STATE OF SOUTH DAKOTA)
County of _____)^{ss}

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 truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Randy Warne
Subscribed and sworn to before me this 8 day of July 1988
Martin A. Bertsonson
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application August 5, 1988

Date Soil/Water Compatibility Permit received September 15, 1988

Date of return to applicant for correction, amendments or changes required August 11, 1988

Date of receipt of corrected application September 2, 1988

The Water Management Board approved Water Permit Application No. 5227-3

on December 8, 1988 for Randy Warne

(Applicant)

RR2 Box 735 Onida SD 57564
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5227-3 specifies the correct locations of four (4) existing wells authorized by Water Permit No. 1871-3 and the correct location of 4 irrigated acres. The 4 irrigated acres are located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ and the 4 wells are located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 17, T113N-R78W. This permit does not authorize any increase in diversion rate from the 4 existing wells.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 1
3. The date from which applicant may claim the right is August 15, 1988
4. One-fifth of the construction is ~~to be completed on or before~~
5. All construction is ~~to be completed on or before~~
6. Water is ~~to be put to beneficial use on or before~~
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

Chief Engineer

MAR 10 1989

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction 4 wells
- a) Drill Hole Diameter _____ Depth 58 ft., 49 ft., 51 ft., 51 ft.
- b) Casing Type (3) steel, (1) plastic Diameter all 16 in. Thickness _____
- c) Screen Type Johnson Irrigator Diameter all 16 in. Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 16-17 feet
- g) Distance to nearest existing domestic well: approximately 5/8 of a mile On property owned by others yes
- * On applicants property _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

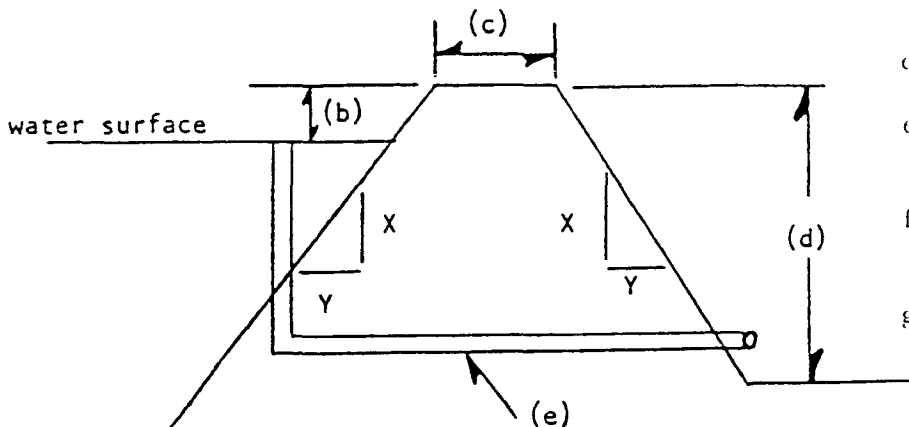
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



* Rae Wayne
Signature of Applicant

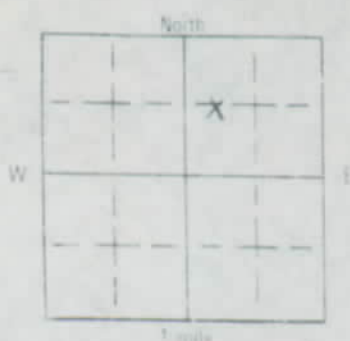
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE NE 4 Sec 17 Twp 113 Rg 78

County Sully

Please mark well location with an 'X'



Well Completion Date June 19/87

PROPOSED USE

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Bored

casing DATA

- ☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPE WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
18 FT	IN	FT	FT	IN
18 FT	IN	FT	FT	IN
18 FT	IN	FT	FT	IN
18 FT	IN	FT	FT	IN

GROUT

Was the well grouted? ☒ YES ☐ NO

To what depth? 17 FEET

What is grouting material? Concrete 4000 psi

If cement number of sacks? 34 - 3 bags 50 lb

Describe grouting procedure Pump

What was grout weight? 6 Tons (LB GAL)

SCREEN ☐ Perforated pipe ☒ Manufactured

Diameter 1 1/2 IN Length 10 FEET

Material SS

Slot Size 100 Set From 39 Feet To 49 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

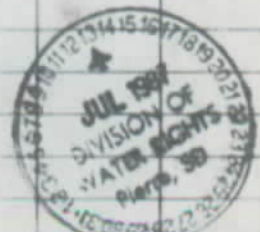
Well Owner

Name Randy Warne

Address RR1 Box 735 Onida S.D.

Well Log _____ Depth _____

Formation	From	To
top soil	0	1
Clay mixed with sand	1	22
Water sand with streaks of clay	22	49
Blue clay	49	



STATIC WATER LEVEL 23 Feet

If flowing closed or pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducer ☐ Other

If other specify _____

Can well be completely shut in? _____

WELL TEST DATA

☒ Pumped

☐ Bailed Describe _____

☐ Other _____

Pumping level Below Land Surface

45 ft After 4 Hrs pumped 375 GPM

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

REMARKS

We stop the Pora Rocket about 20 But by the time we got to 17 ft it had started to 17 ft. Then is a replacement well that was drilled in 76

REPRODUCTIONS, REDUCTION 25-1 ROLL NO. 11-2

DATE MICROFILMED 12-21-97

Roller Press CRMA SYSTEM

N.E. Well

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 NE Section 17 Township 113 Range 78
Well owner Lee Warne (Name) Onida (Address)
Date well drilling completed June 21-26 Purpose of well _____
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-2	top soil	Depth to static water level <u>16</u> ft.
2-4	Clay + sand	Name of producing aquifer (if known) _____
4-15	dry sand	Total depth of drill hole <u>51</u> ft.
15-22	Gravel + sand	Depth to bottom of casing <u>51</u> ft.
22-30	Blue sand - tight	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
30-45	Gravel & water	<u>16"</u> Steel Casing
45-51	B. Clay	Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		<u>Johnson Taper</u> <u>16"</u> <u>100 slot</u>
		If flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump _____
Type of pump _____ Capacity of installed pump _____ HP _____
Depth of pump placement _____ ft. Date of pump installation _____ G.P.M.

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.
Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____

Name of Pump Installation Contractor

SW. well

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1 1/4 NE Section 17 Township 113 Range 78
 Well owner Lee Wayne (Name) Canada (Address)
 Date well drilling completed June 26 Purpose of well _____
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
<u>0-2</u>	<u>Top Soil</u>	Depth to static water level <u>18</u> ft.
<u>2-8</u>	<u>Clay</u>	Name of producing aquifer (if known) _____
<u>8-15</u>	<u>Very Sand</u>	Total depth of drill hole <u>51</u> ft.
<u>15-20</u>	<u>Gravel & Sand</u>	Depth to bottom of casing <u>51</u> ft.
<u>20-28</u>	<u>Blue & Gray silt</u>	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
<u>28-49</u>	<u>Gravel with B Clay</u>	
	<u>mixed</u>	
<u>49-51</u>	<u>Rock</u>	
<u>49-51</u>	<u>B. Clay</u>	Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

16" Steel Casing

16" Johnson Tigrator
100 Slot Screen

Dakota Boring Co.
Name of Drilling Contractor

Daniel Lake

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required! See Section 46.408 of Chapter 464, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

Name of Pump Installation Contractor

S.E. well

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 NE Section 17 Township 113 Range 78

Well owner: Joe Warner (Name) O. Miller (Address)

Date well drilling completed: June 76 Purpose of well: (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-2	Top Soil	Depth to static water level	17
2-6	Clay	Name of producing aquifer (if known)	
6-15	Dry Sand	Total depth of drill hole	49
15-20	Gravel & Clay	Depth to bottom of casing	49
20-30	Blue Silt	Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
30-47	Blue + Sand		
47-49	B. Clay	#1" Steel Casing	
		Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		16" Johnson Irrigator	
		100 Slot	
		If a flowing well, flow of completed well	
		G.P.M.	

Attach sheet if more space is needed

Dakota Boring Co. (Name of Drilling Contractor)
D. Miller (Signature)

(2) PUMP INSTALLATION

Company name and size of pump: HP
Type of pump: Capacity of installed pump: G.P.M.
Depth of pump placement: ft. Date of pump installation:

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: ft., tube diameter: tube material:

Name of Pump Installation Contractor

Date 12/1/77 CH 11060

[illegible]

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4403

WR#

OWNERS NAME: Randy Warne OWNERS ADDRESS: RR 2, Box 735

Onida, SD 57564

COUNTY LAND LOCATED IN: Sully PHONE: _____

LEGAL DESCRIPTION: ☒ Well ☐ Surface
1. LOCATION 4 wells: 1) 330 ft. N and 400 ft E; 2) 2330 ft N; 3) 940 ft N and 490 ft E;
Depth 4) 1290 ft N and 850 ft E; all from center Sec. 17-113-78

Legal Description	Acres	Legal Description	Acres
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ 17-113-78</u>	<u>2.0</u>	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ 17-113-78</u>	<u>33.8</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ 17-113-78</u>	<u>2.3</u>	<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ 17-113-78</u>	<u>35.4</u>
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$ 17-113-78</u>	<u>27.0</u>		
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$ 17-113-78</u>	<u>28.3</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0234 7. ADJUSTED (SAR): 2.11
5. SALINITY (EC X 10⁶): 1400 8. PERCENT SODIUM: 11.84
6. SODIUM (SAR): 0.77

Requirements:



Director, Division of Conservation

Date 9/11/89

APPROVED

DISAPPROVED
☒ WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4282

WR#

OWNERS NAME: Randy Warne

OWNERS ADDRESS: RR 2, Box 735
Onida, SD 57564

COUNTY LAND LOCATED IN: Sully

PHONE: _____

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: 4 wells: 1) 330 ft N and 400 ft E; 2) 2330 ft N

Depth: 3) 940 ft N and 590 ft E; 4) 1290 ft N and 850 ft E; all from center Sec 17-113-78

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-113-78	2.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-113-78	33.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-113-78	2.3	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-113-78	35.4
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-113-78	27.0		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17-113-78	28.3		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0234

7. ADJUSTED (SAR): 2.11

5. SALINITY (EC X 10⁶): 1400

8. PERCENT SODIUM: 11.84

6. SODIUM (SAR): 0.77

Requirements:



Keith L. Harner
Director, Division of Conservation

9/12/1988
Date

____ APPROVED
____ DISAPPROVED
☒ WAIVER

____ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411393

Pierre, September 2, 1988

RECEIVED OF Warne Ranches, RR 2 Box 735, Onida, SD 57564

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

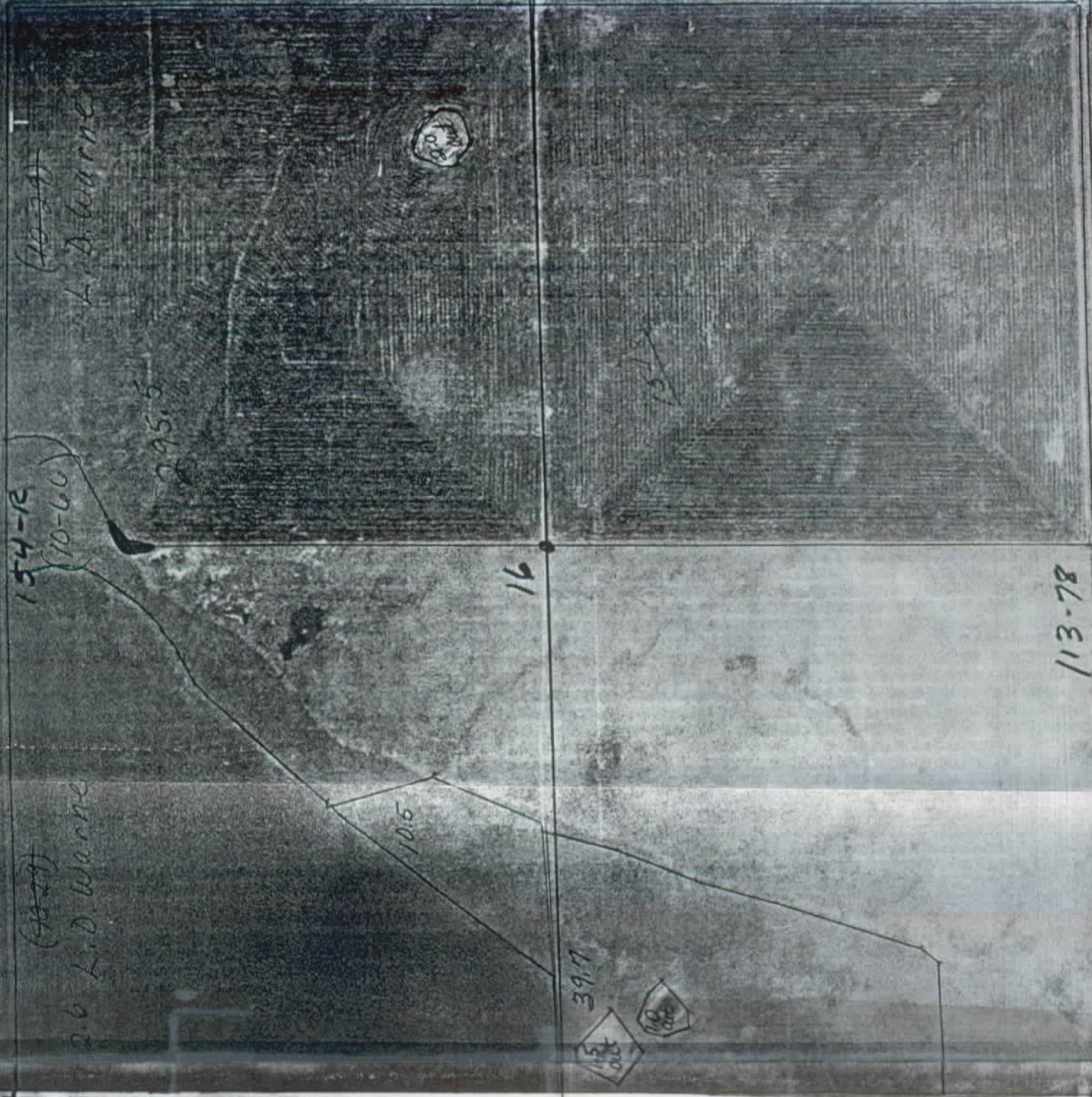
Fee for Application for Permit No. <u>5227-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

JOHN HATCH

MS

NOT TO SCALE



154- ~~(10-29)~~ 153.7	License No.	1871-3
L. D. Warner	Map No.	1326-3

Appl. No. 5227-3

10/9/85



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 4, 1986

Randy Warne
RR, Box 735
Onida SD 57564

Dear Mr. Warne:

On October 8, 1985, I visited your farm for the final inspection of water permit No. 1871-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After any necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with you that the wells are not located in the area specified by water permit No. 1871-3. The enclosed application lists the correct location of the irrigation wells. I have also included a small amount of acreage (4.3 acres) which was not covered on the original application. The time for developing or amending permit No. 1871-3 ended on May 19, 1976; therefore, a new permit is required to cover the change in location of the wells.

Soil and water compatibility approval is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water compatibility approval. Contact the Division of Conservation if you have questions about the WI-1 form (773-3259).

Please answer any questions which have not been completed and correct any errors. The forms must then be notarized and returned with the fee of \$50.00. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer

RD:ks

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

August 11, 1988

Mr. Randy Warne
RR 1, Box 735
Onida, South Dakota 57564

Dear Mr. Warne:

This is in response to the water permit application received from you on August 5, 1988.

The permit application is not complete for the following reasons:

- (1) The required \$50.00 processing fee was not included (see enclosed instruction sheet).
- (2) Form 2A must be included with the application for diversions from wells. I am enclosing a partially completed Form 2A that was filled out during an inspection done of your system in 1985. Please make any necessary corrections, fill in the blanks marked with a red *, and sign at the bottom of the page.

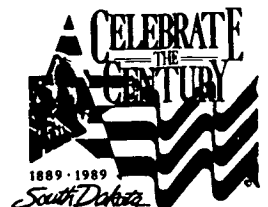
In addition, the amount of water claimed and the total acres irrigated were omitted on the application received on August 5. I will add the total acreage of 128.5 acres and the amount of water claimed as 0.05 cfs for irrigation of the 4 additional acres unless I hear differently from you. I will also correct an error on the legal description of the 2.0 acre parcel of land that is included on the application.

The Water Management Board cannot consider a water permit application until it is complete. Please return the fee and Form 2A to complete your permit application. Processing of the permit application will begin upon receipt of an approved soil/water compatibility permit from the Department of Agriculture.

Should you have any questions, feel free to call me.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
(605) 773-3352
enclosures



REPORT ON PERMIT APPLICATION No.5227-3
RANDY WARNE
OCTOBER 21, 1988

Permit application No. 5227-3 proposes to specify the correct location of 4 existing irrigation wells and to add 4 irrigated acres. Water Permit No. 1871-3 authorizes irrigation of 1360 acres from 5 wells. The correct location of the 4 wells that were developed is the SW 1/4 NE 1/4 and the additional 4 acres are in the E 1/2, T113N-R78W, in Sully county. This application does not authorize any increase in diversion rate from the 4 existing wells.

Aquifer: Cow Creek Aquifer (COW)

Geology and Aquifer Characteristics:

The Cow Creek aquifer is glacially derived under water table conditions. The aquifer consists mainly of fine to medium sand. The main portion of the aquifer is overlain by approximately 10 feet of glacial till and from ten to twenty feet of dry sands overlying the saturated sands. The portion of the aquifer with 20 or more feet of saturated thickness is approximately one mile wide and twelve miles long. The aquifer underlies approximately 3600 acres of Sully County and contains an estimated 8100 acre-feet of recoverable water in storage (Hedges, 1982). Test hole information, cross-sections and observation well information, suggest Hedges' estimates may be fairly conservative. Based on more complete data, the aquifer appears to underlie approximately 7680 acres of Sully County, (Selken, 1980), and assuming a storage coefficient of 0.10, the Cow Creek Aquifer contains approximately 15360 acre-feet of the recoverable water in storage (Selken, 1980). The Division of Water Rights monitors 3 observation wells completed in the Cow Creek Aquifer, and those hydrographs are included with this report. The hydrographs indicate the aquifer fluctuates as much as 8 feet in response to pumpage and recharge events. The hydrographs suggest that recharge is sufficient to sustain the water levels of the Cow Creek Aquifer at the present rate of pumpage from the aquifer, and there has been no overall decline of the water level of the aquifer.

Review of Existing Water Rights:

There are seven existing Water Rights obtaining water from the Cow Creek Aquifer. They include:

Permit No.	Owner	Diversion Rate	Acreage
1285-3	Guy Goddard	1.90 cfs	136 acres
1492-3	Guy Goddard	1.78 cfs	136 acres
1785-3	Guy Goddard	1.94 cfs	136 acres

*1871-3	L.D. Warne	19.40 cfs	1360 acres (128.8 developed)
3349-3	Robert E. Duncan	1.78 cfs	136 acres
4481-3	R&R Farms LTD.	7.00 cfs	528 acres
*4775-3	Guy Goddard	no add'l	780 acres

* Permit No. 1871-3 and 4775-3 have not been licensed, the other five permits have been licensed. Permit No. 1871-3 has been inspected for licensing. The inspection of No. 1871-3 found that 128.8 acres have been developed with a diversion rate of 1.90 cfs.

The Water Management Board denied Application No. 4476-3 on November 20, 1980, because, based on the best available information at the time, there was not a reasonable probability unappropriated water was available from the aquifer. There have been no new permits approved from the Cow Creek Aquifer since Application No. 4476-3 was denied.

Annual appropriation and pumpage from the aquifer from 1980 through 1987 is as follows:

Year	Appropriation (ac-ft)	Pumpage (ac-ft)
1980	9888	672
1981	11168	445
1982	10236	640
1983	10236	1233
1984	8316	1454
1985	8316	1819
1986	8316	1120
1987	8316	1052

Pumpage of 1052 acre-feet represents 6.8% of the best estimate of the recoverable water in storage. The actual pumpage will remain in the ranges shown above for 1983 through 1987.

Conclusions:

1. Application No. 5227-3 is a "clean-up" permit to correct Permit No. 1871-3 following a Water Rights' staff licensing inspection. This application does not increase the diversion rate authorized by Permit No. 1871-3. This permit proposes to authorize irrigation of four additional acres that were not authorized by Permit No. 1871-3.
2. Average annual recharge has not been quantified for the Cow Creek Aquifer, however, pumping records would indicate at least 1340 acre-feet per year has recharged the aquifer during the last five years.

3. The Water Management Board denied the last application to come before the board from this aquifer because there was not a reasonable probability, based on the best information available at the time, that unappropriated water was available. The application was denied based on the total appropriation from the aquifer and the anticipated water use based upon the total appropriation.
4. Recharge appears to have sustained water levels of the aquifer at the current level of development for the last 8 years.
5. Hydrographs indicate the volume of water in storage in the Cow Creek Aquifer fluctuates as much as 10%-12% annually at the present level of development.
6. The last 5 years of records indicate at least 2.0 in./yr. of recharge have occurred to the Cow Creek Aquifer. Although this can vary in relation to precipitation availability, this figure is reasonable for this type of aquifer.
7. Authorizing irrigation of the 4 additional acres will not have an adverse affect on the water level of the Cow Creek Aquifer, the water has already been used for this purpose and is reflected in the pumpage figures discussed in this report.

Kent Buhler/KS

KENT BUHLER
Natural Resources Engineer

References:

- Hedges, L.S., S. Burch, D. Iles, R. Barari, R. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, US Army corps of Engineers Contract DACW 45-80-C-0185, SD DWNDR-Division of Geological Survey, Vermillion, SD 57069
- Selken, G.N., 1980, "Report on Permit Application No. 4476-3", DWNDR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Division of Water Rights, 1988, "1987 Irrigation Report", DWNDR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Division of Water Rights, 1988, "Water Permit Files and Observation Well Files", DWNDR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING

12:38 FRIDAY, OCTOBER 28, 1988 1

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OBSERVATION WELL WATER LEVELS

12:38 FRIDAY, OCTOBER 28, 1988 2

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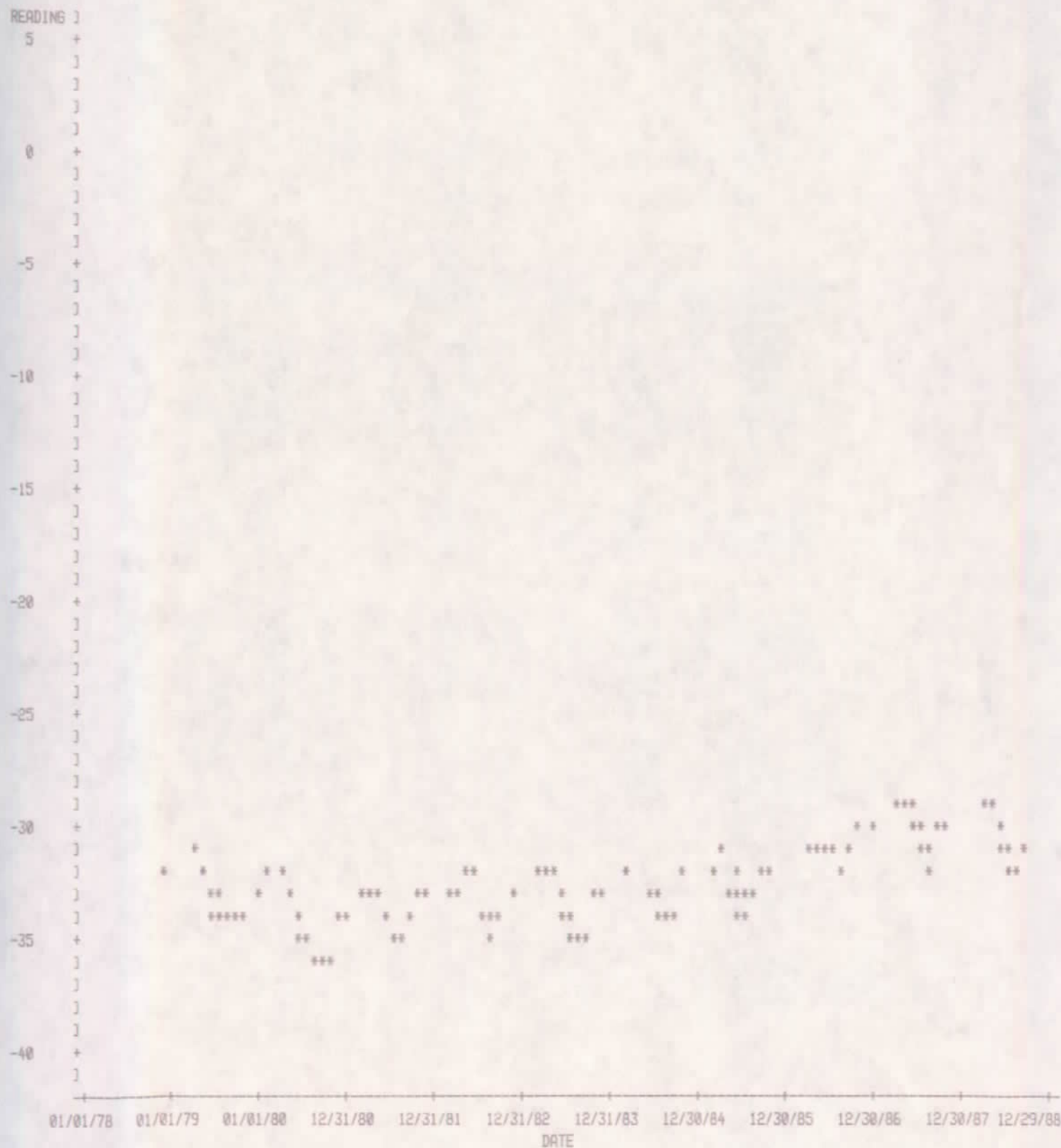
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12:38 FRIDAY, OCTOBER 28, 1988 4

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NOTE: 1 OBS HAD MISSING VALUES OR WERE OUT OF RANGE 21 OBS HIDDEN

OBSERVATION WELL WATER LEVELS

12:39 FRIDAY, OCTOBER 28, 1988

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OBSERVATION WELL WATER LEVELS

12:29 FRIDAY, OCTOBER 28, 1988

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OBSERVATION WELL WATER LEVELS

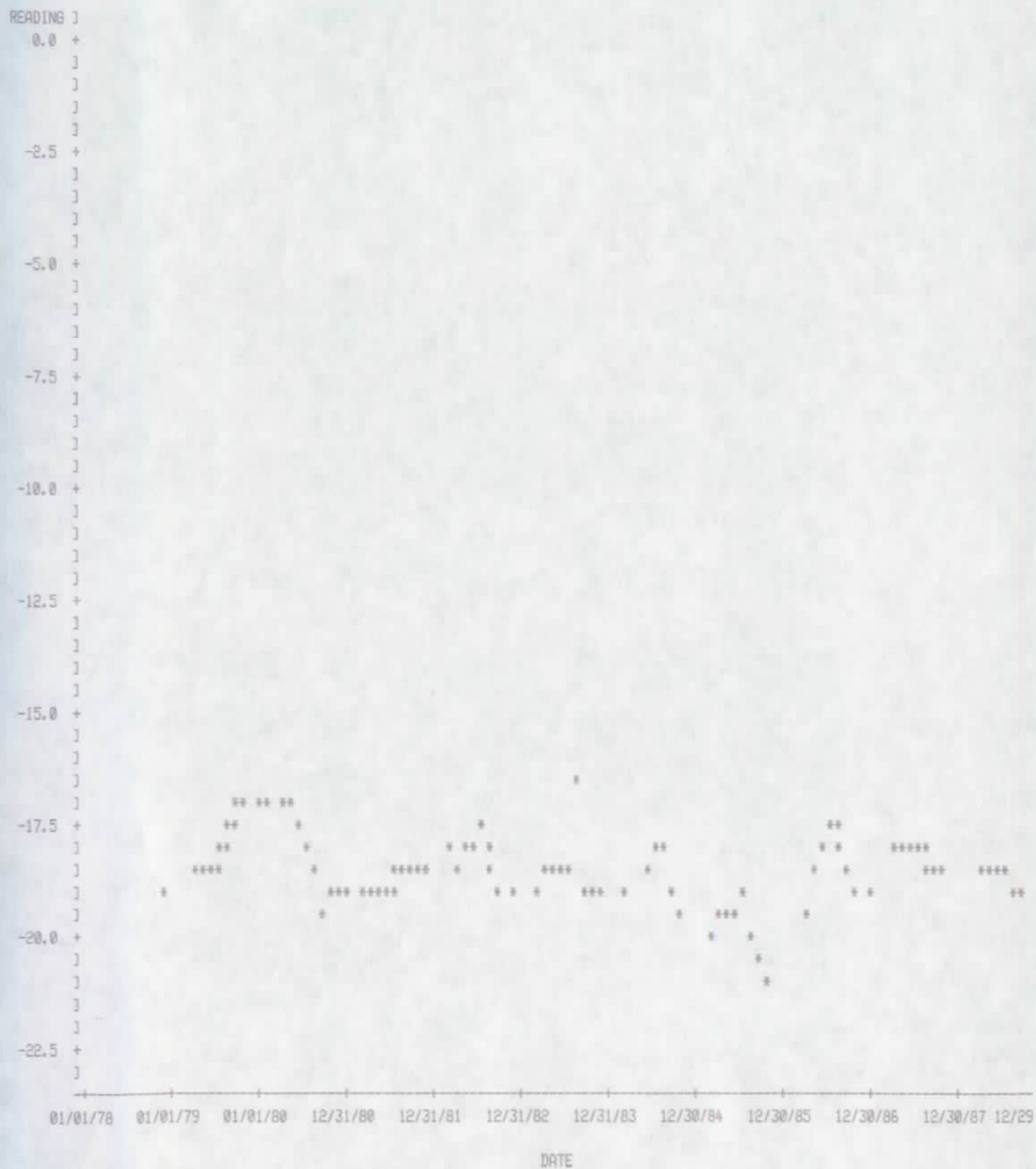
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SU-78C	113N-78W-098888	07/26/88	-18.7
SU-78C	113N-78W-098888	08/03/88	-18.8
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N= 118

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NOTE: 2 OBS HAD MISSING VALUES OR WERE OUT OF RANGE 29 OBS HIDDEN

OBSERVATION WELL WATER LEVELS

12:51 FRIDAY, OCTOBER 28, 1988

1

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SU-80A	113N-78W-18DDDD	10/14/80	-34.5
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SU-80A	113N-78W-18DDDD	07/27/81	-33.4
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SU-80A	113N-78W-18DDDD	12/10/82	-34.8
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SU-80A	113N-78W-18DDDD	05/16/83	-32.9
SU-80A	113N-78W-18DDDD	05/31/83	-33.5
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SU-80A	113N-78W-18DDDD	07/26/83	-36.9
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SU-80A	113N-78W-18DDDD	04/09/85	-33.3

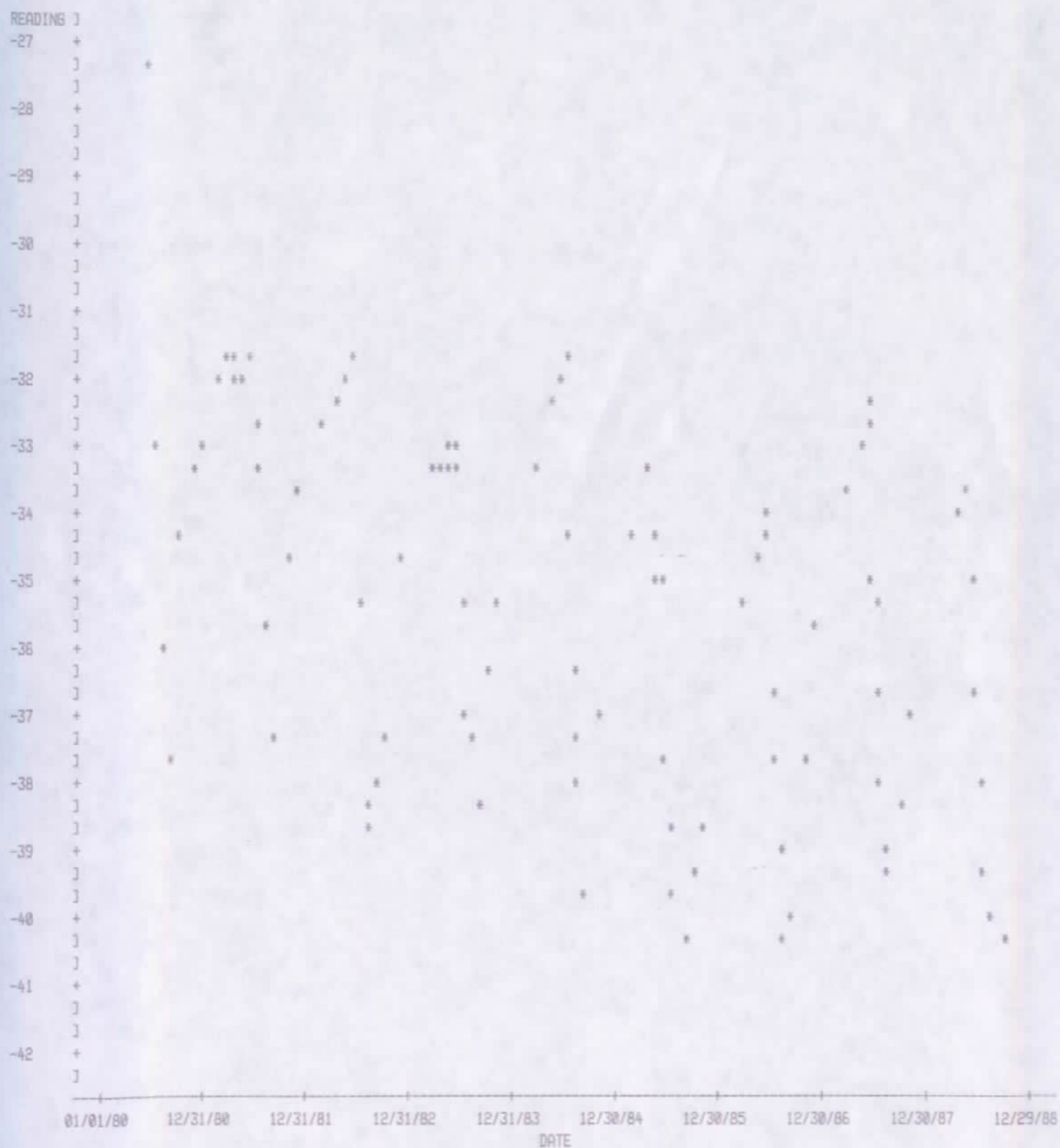
OBSERVATION WELL WATER LEVELS

12:51 FRIDAY, OCTOBER 28, 1988 2

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SU-80A	113N-78W-180000	06/10/85	-35.0
SU-80A	113N-78W-180000	06/27/85	-37.7
SU-80A	113N-78W-180000	07/08/85	-38.7
SU-80A	113N-78W-180000	07/25/85	-39.7
SU-80A	113N-78W-180000	08/28/85	-40.5
SU-80A	113N-78W-180000	10/07/85	-39.2
SU-80A	113N-78W-180000	11/04/85	-38.8
SU-80A	113N-78W-180000	03/31/86	-35.5
SU-80A	113N-78W-180000	05/12/86	-34.7
SU-80A	113N-78W-180000	05/26/86	-34.6
SU-80A	113N-78W-180000	06/09/86	-34.2
SU-80A	113N-78W-180000	06/23/86	-33.9
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SU-80A	113N-78W-180000	07/21/86	-37.7
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SU-80A	113N-78W-180000	08/18/86	-40.3
SU-80A	113N-78W-180000	09/15/86	-40.1
SU-80A	113N-78W-180000	11/03/86	-37.6
SU-80A	113N-78W-180000	12/15/86	-35.8
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SU-80A	113N-78W-180000	06/16/87	-32.5
SU-80A	113N-78W-180000	06/30/87	-35.1
SU-80A	113N-78W-180000	07/02/87	-35.3
SU-80A	113N-78W-180000	07/14/87	-36.8
SU-80A	113N-78W-180000	07/28/87	-38.0
SU-80A	113N-78W-180000	08/11/87	-38.9
SU-80A	113N-78W-180000	08/25/87	-39.4
SU-80A	113N-78W-180000	09/29/87	-38.4
SU-80A	113N-78W-180000	11/03/87	-36.9
SU-80A	113N-78W-180000	04/22/88	-33.9
SU-80A	113N-78W-180000	05/17/88	-33.6
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SU-80A	113N-78W-180000	06/13/88	-34.9
SU-80A	113N-78W-180000	06/28/88	-36.8
SU-80A	113N-78W-180000	07/12/88	-37.9
SU-80A	113N-78W-180000	07/26/88	-39.3
SU-80A	113N-78W-180000	08/09/88	-40.1
SU-80A	113N-78W-180000	08/23/88	-40.1
SU-80A	113N-78W-180000	09/27/88	-40.2

OBS_WELL=SU-80A

PLOT OF READING+DATE SYMBOL USED IS *



NOTE: 5 OBS HIDDEN

UQS0009 - END OF DATA SET

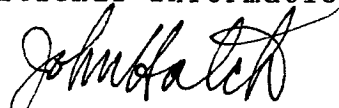
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5227-3, Randy Warne

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5227-3, Randy Warne, RR 2, Box 735, Onida SD.

The Chief Engineer is recommending APPROVAL of Application No. 5227-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
November 3, 1988



Department of Water & Natural Resources

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

November 3, 1988

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

Randy Warne
RR 2, Box 735
Onida SD 57564

Dear Mr. Warne:

Your Application No. 5227-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Onida Watchman printed at Onida SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

November 3, 1988

Onida Watchman
Box 9
Onida SD 57564

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5227-3 to be published twice. Please publish the first notice on or before November 9, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Randy Warne, RR 2, Box 735, Onida SD 57564.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before November 9, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5227-3 to Change the Diversion Point Locations
And Add Acreage

Notice is given that Randy Warne, RR 2, Box 735, Onida SD 57564 has filed an application for a water permit to specify the correct location of 4 existing irrigation wells and to add 4 irrigated acres. Water Permit No. 1871-3 was to appropriate 19.40 cubic feet of water per second (cfs) from 5 wells approximately 50 feet deep to irrigate 1360 acres. An inspection of Permit No. 1871-3 found 4 wells constructed and supplying 1.89 cfs to irrigate 128.8 acres. The 4 wells and 4 of the 128.8 acres are not located within the area described on Permit No. 1871-3. The correct location of the 4 wells is in the SW 1/4 NE 1/4 and the location of the 4 additional acres is in the E 1/2 NE 1/4; all in Section 17-T113N-R78W. This application does not authorize any increase in diversion rate from the 4 existing wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5227-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls SD on December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 5227-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Parker Knox hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Onida Watchman

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 Onida of _____

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

Thursday, Nov. 10, 1988

Thursday, Nov. 17, 1988

Parker Knox
(Signature)

owner
(Title)

Nov. 18, 1988
(Date Signed)



Cost of Printing: \$38.88

PROOF OF HEARING
in Application No. 5227-3
to Change the Diversion Point
Locations and Add Acreage

Notice is given that Randy Warne, RR 2, Box 735, Onida, SD 57554 has filed an application for a water permit to specify the correct location of 4 existing irrigation wells and to add 4 irrigated acres. Water Permit No. 1871-3 was to appropriate 19.40 cubic feet of water per second (cfs) from 5 wells approximately 50 feet deep to irrigate 1360 acres. An inspection of Permit No. 1871-3 found 4 wells constructed and supplying 1.89 cfs to irrigate 128.8 acres. The 4 wells and 4 of the 128.8 acres are not located within the area described on Permit No. 1871-3. The correct location of the 4 wells is in the SW 1/4 NE 1/4 and the location of the 4 additional acres is in the E 1/4 NE 1/4; all in Section 17-T112N-R78W. This application does not authorize any increase in diversion rate from the 4 existing wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5227-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3800 West Russell, Sioux Falls, SD on December 7, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the

signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01;01 thru 74:02:01:15.

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 605 773-3352

MAR 10 1989

Randy Warne
RR 2, Box 735
Onida SD 57564

Dear Sir:

Enclosed herewith is your Water Permit No. 5227-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 5227-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

Water District

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

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

I have this day made a thorough examination of the water use system constructed by Randy Warne
RR2, Box 735 of Onida SD 57564 holder of
 Permit No. 1871-3 * April 13 1971
5227-3, bearing the priority of August 5 1988 authorizing
 the diversion of 19.40 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Sully County.

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

A. Works used to divert the water:

4 wells $\approx$ 50' deep
 Each capacity between 200 & 300 gpm

Submersibles
 Franklin motors
 10 hp

Berkeley or
 Surumi pumps

motor: Lincoln (Electric) pump: Berkeley
 60 hp, 1775 rpm S.N. 7167267
 S.N. 1603506 B.N. 3970
 13 1/2 imp.

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

pipeline: size: 4 in 6 in 8 in
 length: 1260 ft. 340 ft 660 ft

C. Works used to apply water to beneficial use: center pivot: make - Lockwood

of towers - 9
 pressure - low, 20 psi
 sprinklers - Rainbird
 capacity - 850 gpm

The system is in the following condition good

The point of diversion is located Well No. 1: 330 ft N and 400 ft E; Well No. 2: 330 ft N; Well No. 3: 960 ft N and 600 ft E; Well No. 4: 1290 ft N and 850 ft E; all from center of 17-113N-78W.

The works are capable of diverting and conveying to the place of use 1.89cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

	Acres		Acres
<u>NE 1/4 NW 1/4 sec 17-T113N-R78W</u>	<u>27</u>	<u>NE 1/4 NE 1/4 sec 17-T113N-R78W</u>	<u>2</u>
<u>SE 1/4 NW 1/4 "</u>	<u>28.4</u>	<u>SE 1/4 NE 1/4 "</u>	<u>2</u>
<u>NW 1/4 NE 1/4 "</u>	<u>34</u>		
<u>SW 1/4 NE 1/4 "</u>	<u>35.4</u>		

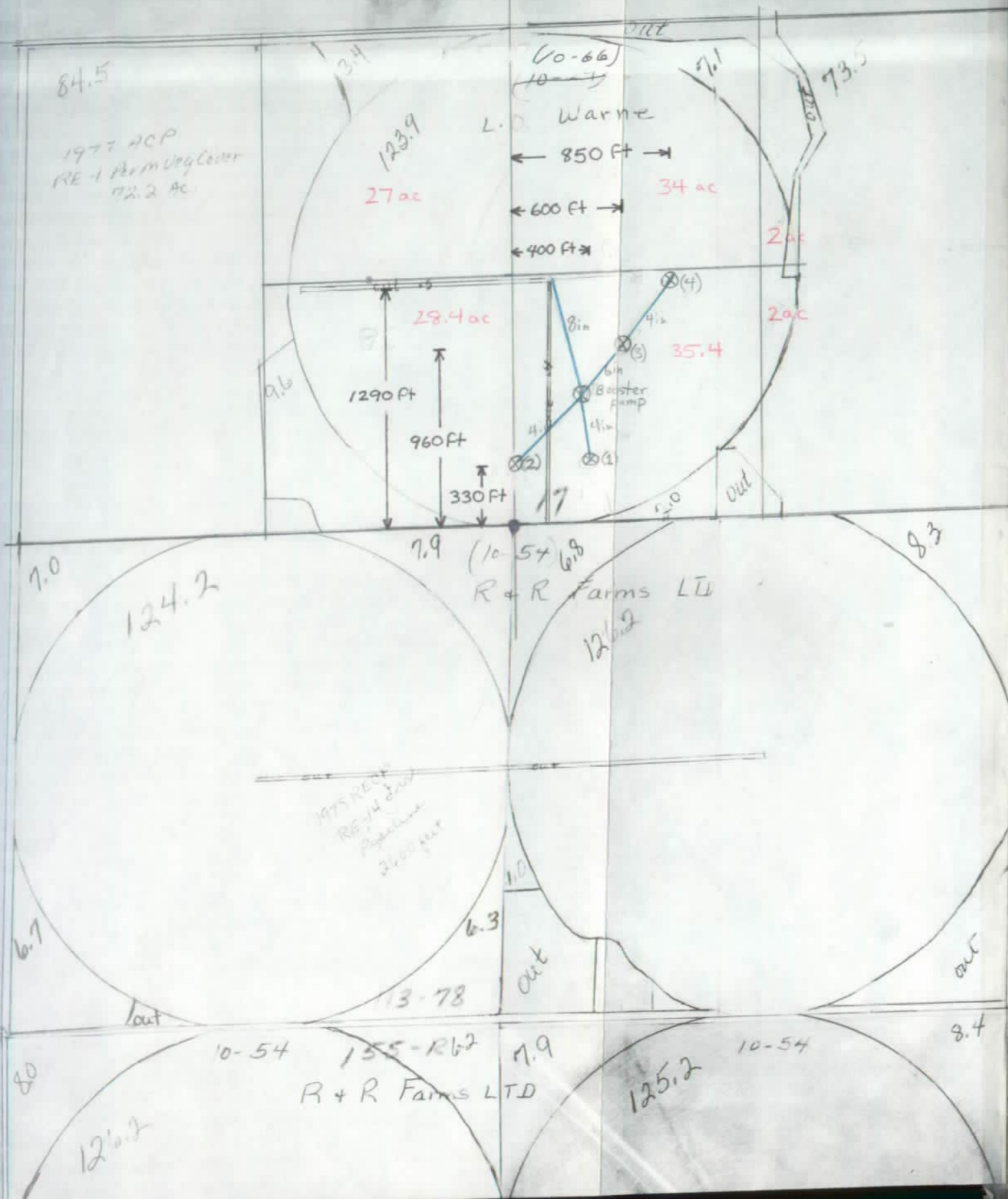
comprising a total of 128.8 acres of land and the license should be issued for 1.84 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

* Exceptions to compliance are: _____
 Permit No. 1871-3 is to be incorporated into No. 5227-3
 A priority date of 8/5/88 is assigned to the 4 acres
 in the E 1/2 NE 1/4 sec 17.

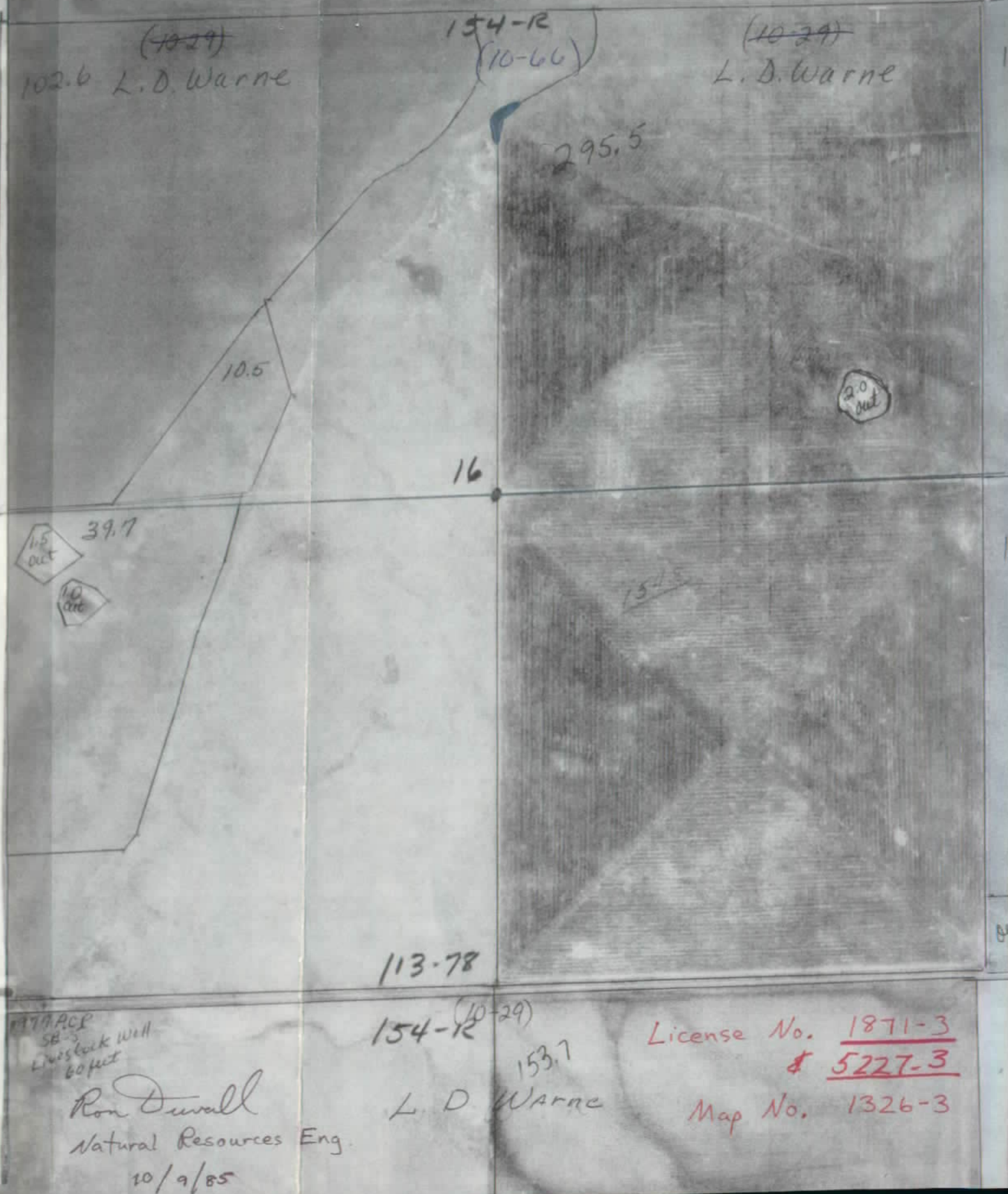
Date 10/9/85

Ron Duvall
 (signature)

1871



1971



SOUTH DAKOTA
REISSUED WATER PERMIT No. 5227-3 FOR IRRIGATION

Date of first receipt of application August 5, 1988.
Date Soil/Water Compatibility Permit received September 12, 1989 (corrected).
Date of return to applicant for corrections, amendments or changes August 11, 1988.
Date of receipt of corrected application September 2, 1988.

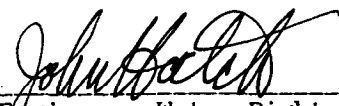
The Water Management Board approved Water Permit Application No. 5227-3 on December 8, 1988 for Randy Warne, RR 2, Box 735, Onida SD 57564 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5227-3 specifies the correct locations of 4 existing wells authorized by Water Permit No. 1871-3 and the correct location of 4 irrigated acres. The 4 irrigated acres are located in the E1/2 NE1/4 and the 4 wells are located in the SW1/4 NE1/4; all in section 17-T113N-R78W. This permit does not authorize any increase in diversion rate from the 4 existing wells.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 1.
3. The date from which applicant may claim right is August 5, 1988.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 29 1989
(date)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5227-3

(1) Randy Warne of RR 2, Box 735, Onida SD 57564 made Application No. 5227-3, August 5, 1988 for a water permit to appropriate no additional cubic feet of water per second from groundwater (4 existing wells), Sully County, South Dakota for irrigation purposes. Permit No. 5227-3 with a priority date of August 5, 1988 was approved December 8, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5227-3 specifies the correct location of four existing wells authorized by Water Permit No. 1871-3 and the correct location of four irrigated acres. Permit No. 1871-3 does not authorize an increase in the diversion rate from the four wells.

The applicable portions of Water Permit No. 1871-3 have been incorporated into this Water License No. 5227-3. Priority dates as they pertain to the land irrigated is specified in (3) of this License.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.84 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 330'N and 400'E; Well #2 - 330'N; Well #3 - 960'N and 600'E; Well #4 - 1290'N and 850'E; all from the center of Section 17, T113N, R78W.

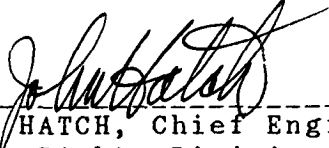
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T113N, R78W Section 17

NE 1/4 NW 1/4	27.0 acres	April 13, 1971 priority date (1871-3)
SE 1/4 NW 1/4	28.4 "	April 13, 1971 priority date (1871-3)
NW 1/4 NE 1/4	34.0 "	April 13, 1971 priority date (1871-3)
SW 1/4 NE 1/4	35.4 "	April 13, 1971 priority date (1871-3)
NE 1/4 NE 1/4	2.0 "	Aug 5, 1988 priority date (5227-3)
SE 1/4 NE 1/4	2.0 "	Aug 5, 1988 priority date (5227-3)

TOTAL 128.8 acres

(4) Pursuant to Section 46-5-30.1 Randy Warne of RR 2, Box 735, Onida SD 57564 the holder(s) and/or owner(s) of Incorporated No. 5227-3 is issued a license to appropriate water, the right to use 1.84 cubic feet of water per second from groundwater (four wells) with priority dates of April 13, 1971 and August 5, 1988 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 5227-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

DEC 29 1989

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 21, 1989

411698

RECEIVED OF Warne Ranches, RR #2, Box 735, Onida, SD 57564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Permit No. 5227-3</u>	56000	
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

John Hatch/mra



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

DEC 29 1989

5227-3

Randy Warne
RR 2, Box 735
Onida SD 57564

Dear Mr. Warne:

Enclosed is Reissued Water Permit No. 5227-3 and Water License No. 5227-3. The water permit was reissued to correct the priority date specified in the original permit issued March 10, 1989. The water license is the final right document completing your process of obtaining a Water Right. Enclosed is the Receipt which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5227-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

NOTE: The applicable portions of Water Permit No. 1871-3 have been incorporated into this Water License No. 5227-3.



Department of Water & Natural Resources

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

October 18, 1990

RANDY WARNE
RR #1
ONIDA SD 57564

Dear MR. WARNE:

A well drillers report filed with this office by HURON DRILLING INC indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water permit application.

Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by 11/19/90.

The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Regan Fanning, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: RANDY WARNE, RR 2 BOX 735, ONIDA, SD 57564

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 5227-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5227-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 5227-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 5227-3 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 1, 1996, 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.

ted on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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 mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below 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:

RANDY WARNE
RR 2 BOX 735
ONIDA SD 57564

4a. Article Number

~~3~~ Z 161 984 104

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

RANDY WARNE

6. Signature (Addressee or Agent)

Randy Warne

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

Is your RETURN/

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1996

5227-3

Randy Warne
RR 2 Box 735
Onida, SD 57564

Dear Mr. Warne:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No. 5227-3.**

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,

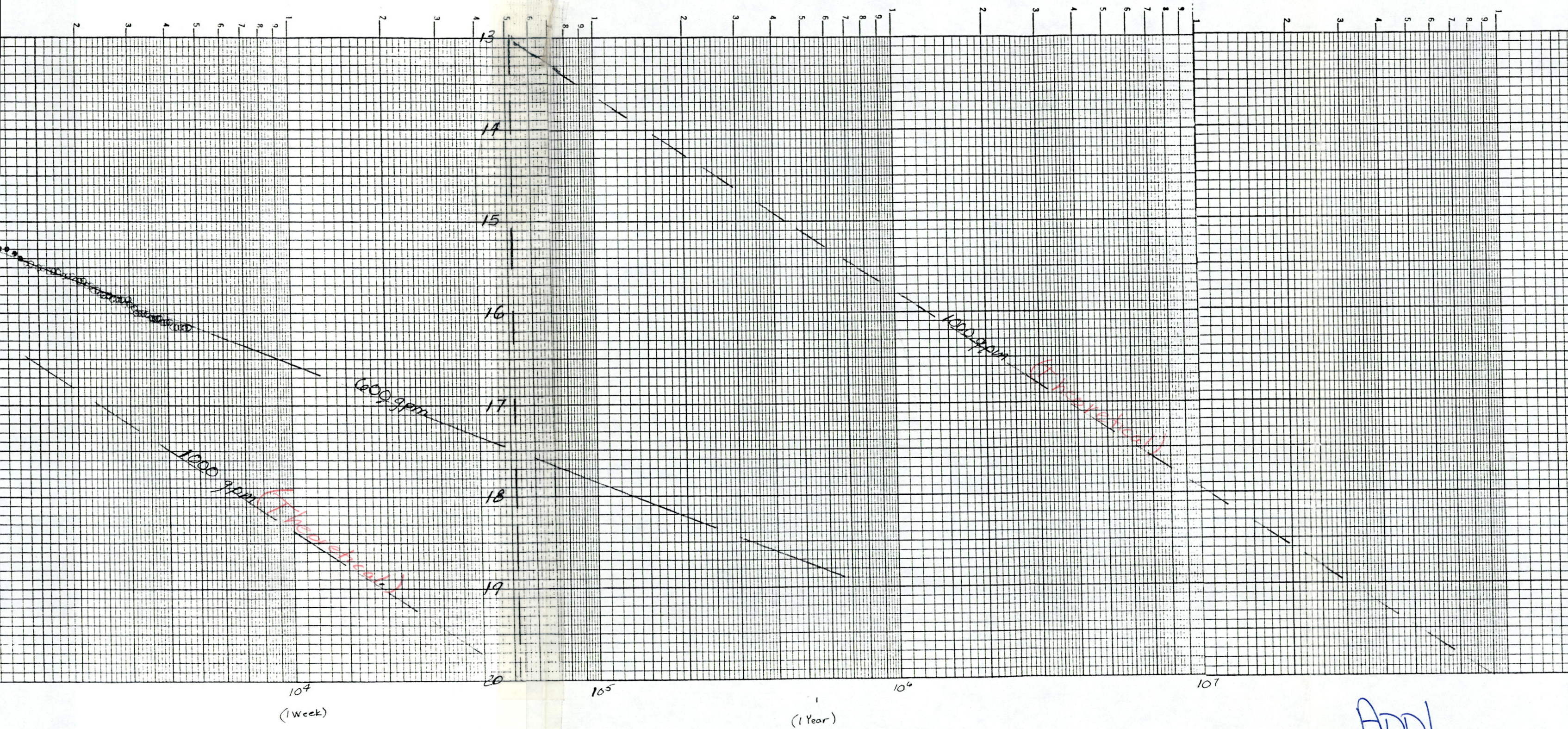
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

of Aberdeen)
00 gpm

K&E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.

LOGARITHMIC 46 5493
100 X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.

K&E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.



App.
5476-3

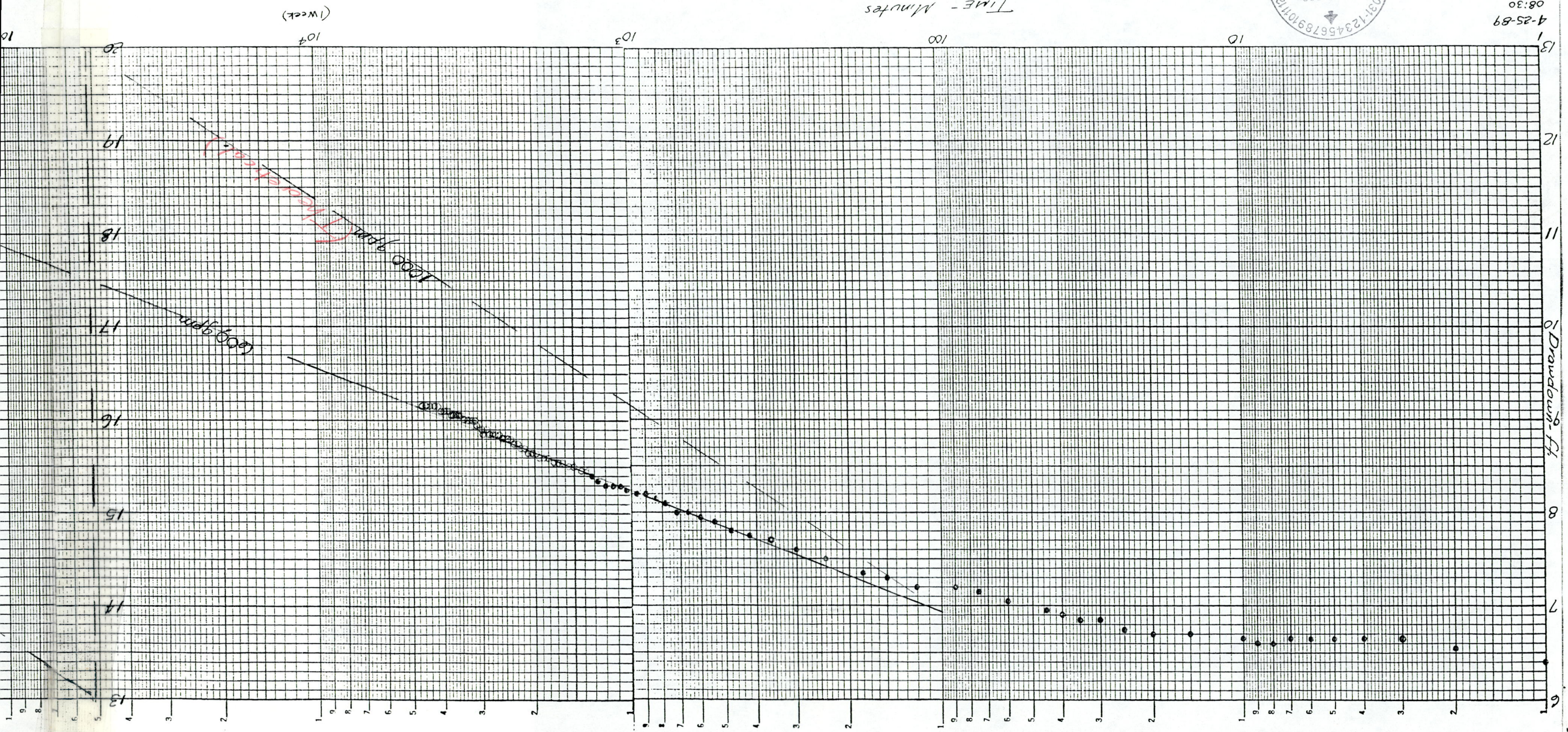


4-25-89
08:30

Ground 0
Static 19.15'
Top of Screen 41'
Bottom of Well 61'

Ramping Well (#1) (City of Aberdeen)
600 gpm
E 1/2 NE 1/4 Sec 6-124-63
Brown County

K&E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS
MADE IN U.S.A.
K&E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS
MADE IN U.S.A.
K&E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS
MADE IN U.S.A.

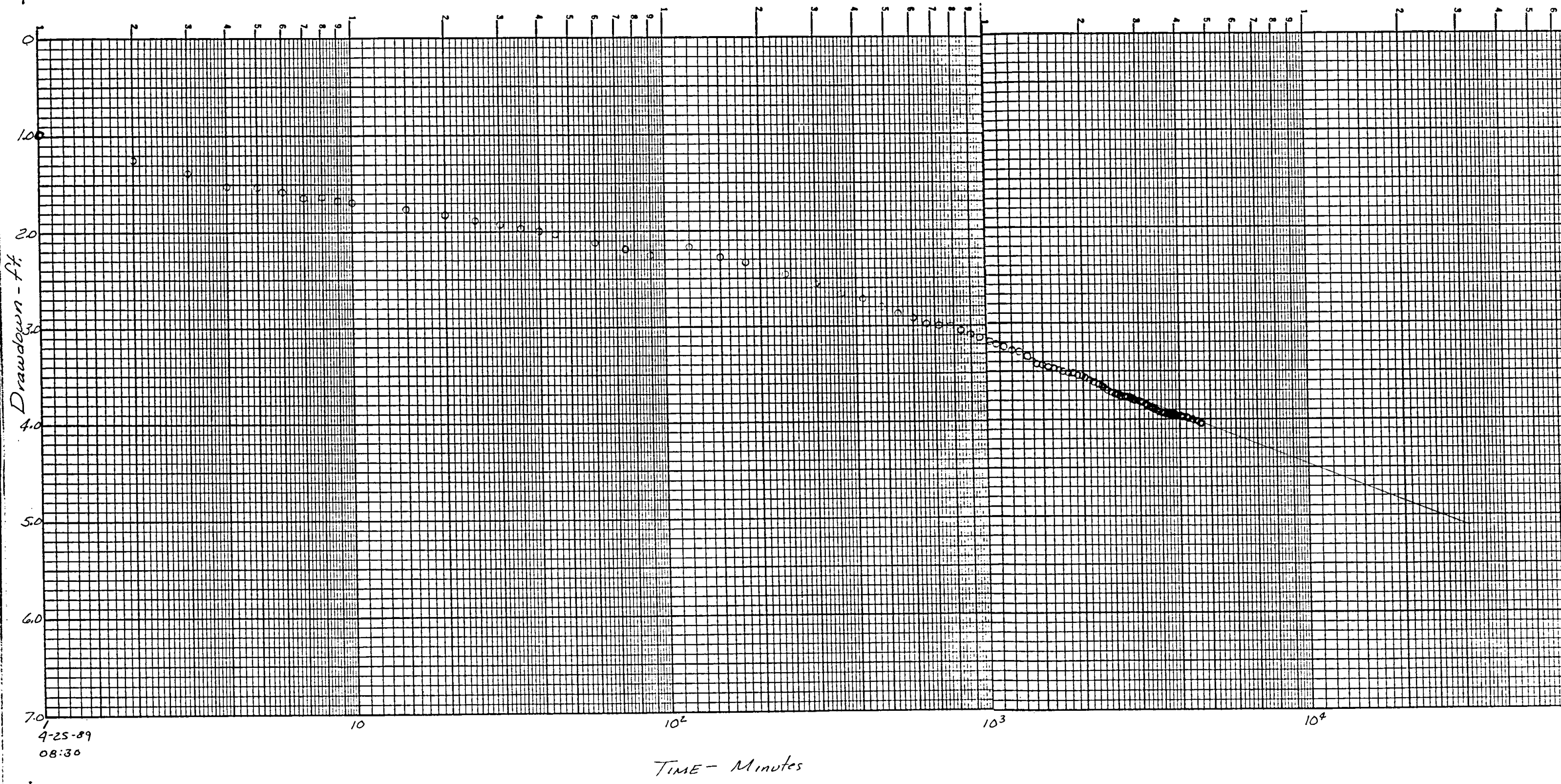


Ground 0
Static 19.15'
Top of Screen 41'
Bottom of Well 59'

Observation Well - 100' (#2) (City of Aberdeen)
E 1/2 NE 1/4 Sec 6-124-63 600 gpm
Brown County

K-E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.

K-E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.



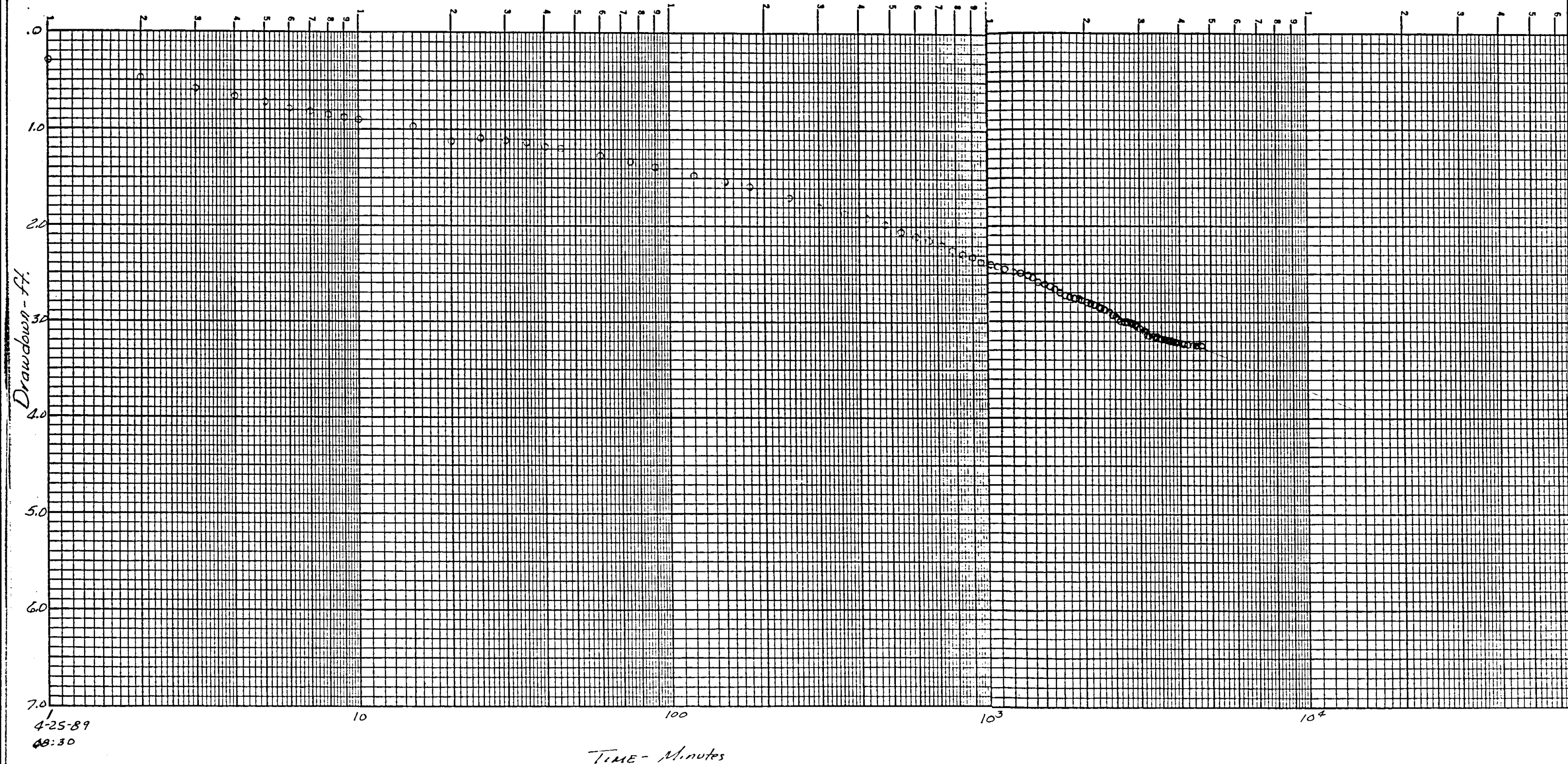
4-25-89
08:30

Ground 0
Static 19.25
Top of Screen 41.0
Bottom of Well 61.0

Observation Well - 290' (#3) (City of Aberdeen)
E 1/2 NE 1/4 Sec 6-124 43
Brown County
600 gpm

K-E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.

K-E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.

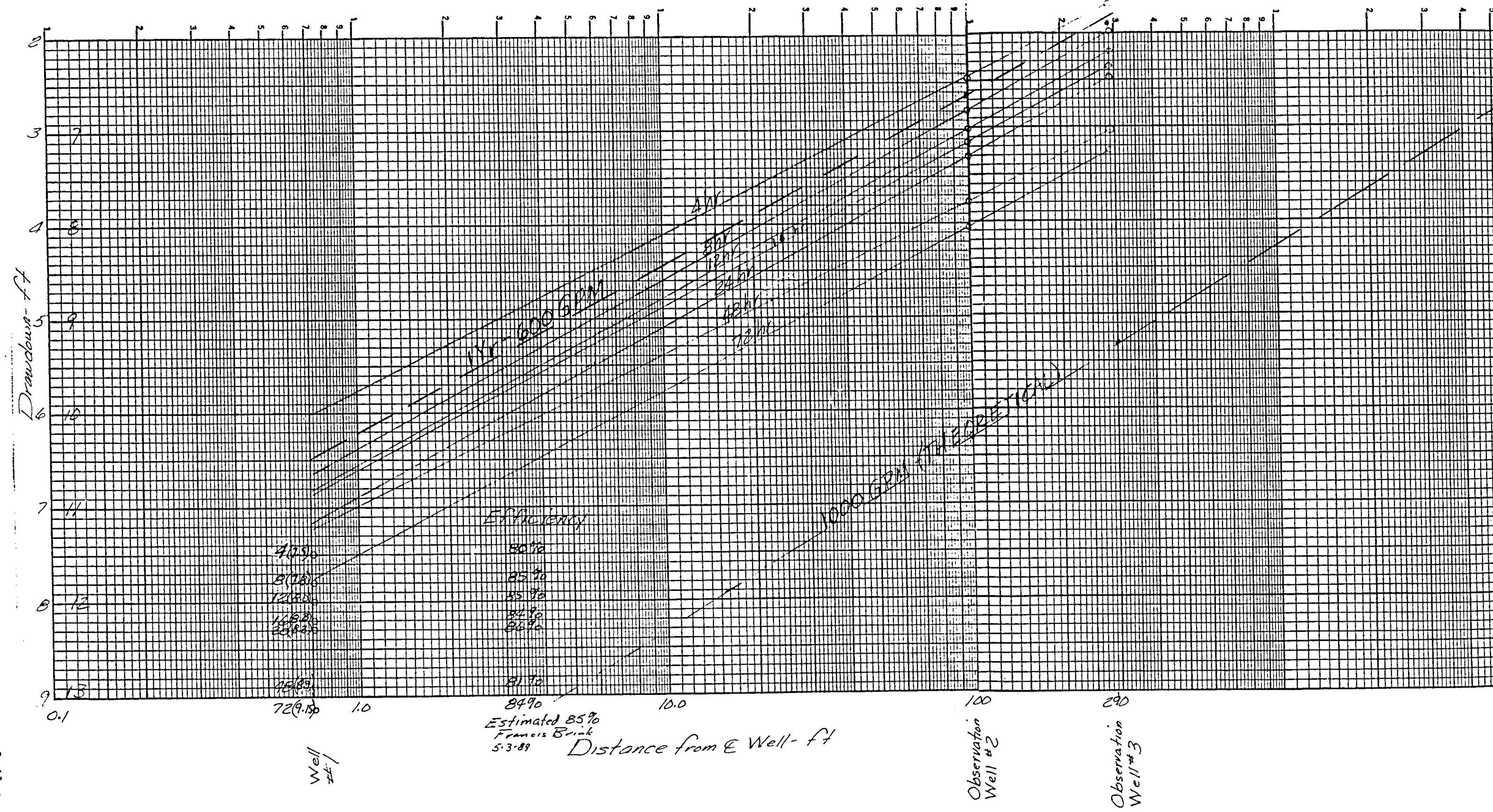


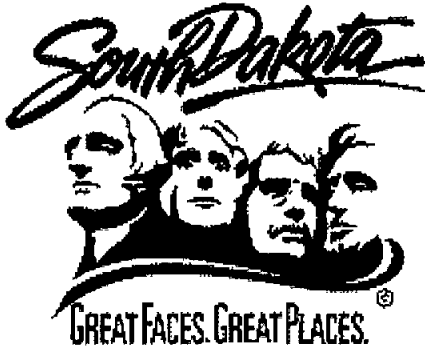
K-E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.

MEASUREMENT OF
WELL EFFICIENCY
E 1/2 NE 1/4 Sec. 6-124-63
Brown County

City of Aberdeen
600 gpm

K-E SEMI-LOGARITHMIC 46 5493
3 CYCLES X 70 DIVISIONS MADE IN U.S.A.
KEUFFEL & ESSER CO.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 2015

5227-3

Randy Warne
29774 192nd St
Onida SD 57564

Dear Mr. Warne:

I am writing in follow-up to your phone conversation with Ron Duvall in our program concerning an ownership change for Water Right No. 5227-3. I have included a copy of the water right in the event you need one.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner will need to complete and sign the form. Upon completion, return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

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

RECEIVED

MAY 06 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5227-3

Date: May 4-15

I/We request that Water Right No. 5227-3

formerly owned by: Randy Warne

be transferred to: (name & address) Cody Warne
3520 Lambeth Pl.
Pierre SD 57501

Telephone No. 605-222-7407

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

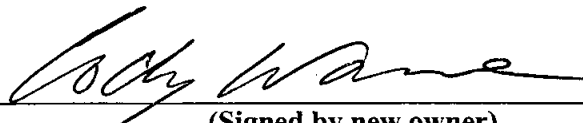
128.8 acres - E ½ NW ¼ and NE ¼ Section 17, T113N, R78W

I/We understand that the validity of Water Right No. 5227-3 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 Fifty Dollars (\$50.00) 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 Cody Warne, 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 5/6, 20 15

RECEIVED OF Cody E Warne 3520 Lambeth Place Pierre SD 57501

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. _____		
Fee for Filing Transfer Form 5227-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 07389

By Jeanne Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 6, 2015

5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5227-3.

The ownership change has been completed. Water Right No. 5227-3 formerly held by Randy Warne is now listed in your name.

Enclosed for your records is Receipt No. 07389 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



5227-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5227-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 30, 2017

5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 5227-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5227-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5227-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 12, 2018

5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 5227-3. The information was received in our office prior to the Water Management Board meeting and your name was removed from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



5227-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5227-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 27, 2019

5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5227-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5227-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5227-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: ZPONPM**

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.

5227-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 6, 2020

5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 5227-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5227-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 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 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/ig> using this password: LFFNFP**

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.

5227-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 3, 2021

1285-3
5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of the 2020 irrigation questionnaires for Water Right Nos. 1285-3 and 5227-3.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Also received was the transfer form and filing fee for changing ownership on Water Right No. 1285-3. The ownership change has been completed. Water Right No. 1285-3 formerly held by Randy Warne is now listed in your name. A receipt for the filing fee is enclosed.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

5227-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1285-3 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1285-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NBRYOA**

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.

5227-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 1, 2022

1285-3
5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 1285-3 and 5227-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1285-3 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1285-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QSKNGN**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 7, 2023

1285-3
5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 1285-3 and 5227-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1285-3 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) 5227-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1285-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WJANWP**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1285-3 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) 5227-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1285-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: IHOTLW**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 3, 2025

1285-3
5227-3

Cody Warne
3520 Lambeth Pl
Pierre SD 57501

Dear Mr. Warne:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1285-3 & 5227-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: CODY WARNE, 3520 LAMBETH PL, PIERRE, SD 57501

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1285-3 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) 5227-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5227-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1285-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OXQDRQ**

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.