

Considered: _____

WATER PERMIT NO. 5290-3

HAP No. same 238-5876

Name of Applicant David Kast

Post Office Address RR2, Box 33, Hurley SD 57036

Amount of Water Claimed 0.68 cfs Total Acres 40 add'l

Source of Water Supply 1 well

Water to be used for irrigation County Turner

About 2 miles W of Davis

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Feb 21, 1989 Fee 150⁰⁰ Remarks this appl is to

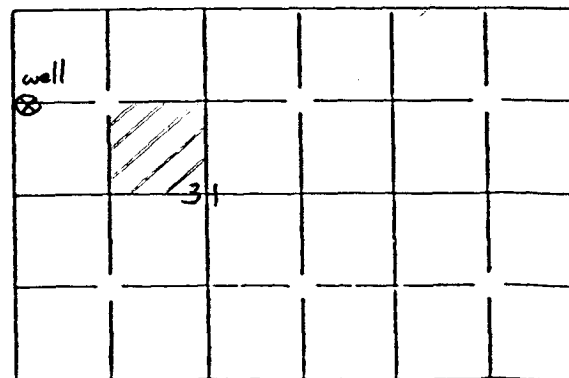
increase diversion rate from existing well to irrigate 40 ac. formerly
irrigated under W.R. No. 2051-3 and to supply proposed pivot system
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: W $\frac{1}{2}$ NW $\frac{1}{4}$ section 31-T98N-
R52W

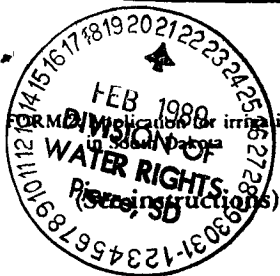
Land to be Irrigated NW $\frac{1}{4}$ section 31 (with 40
add'l acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$); all in section 31-
T98N-R52W



Well Log: Driller Empire? Licensed YES ☒ NO _____

Depth of Well 40 feet REMARKS Empire is no longer in business

Type of Map aerial photo PREPARED BY C.L. Dist. SCS Conservationist Reviewed and the Number
assigned on March 10, 1989 By Ron Samwell



No. 5290-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper The New Era, Box 577, Parker 57053 (Murs)

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352
see R.1e 2/1/89

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 _____

1. Name of Applicant DAVID KOST Phone No. 238-5876
Post Office Address RR2 Box 33 Hurley, SD State 57036
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 0.68 Total acres irrigated add'l 40 acres
3. Source of Water supply ground water - 1 well
4. Location of point of diversion W 1/2 NW 1/4 Section 31, T98N-R52W
County TURNER
5. Counties where water will be used TURNER
6. Annual period during which water is to be used May 1 - Sep 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>SE 1/4 - NE 1/4 - 31 - 98N - 52W</u>	<u>40</u>
<u>NW 1/4</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

This application is to add 40 acres formerly irrigated under Water Permit No. 2051-3. The 1.2 cfs diversion rate authorized by Water Right No. 2200-3, David Kost, needs to be increased by 0.63 cfs to supply a proposed pivot system for the NW 1/4 Section 31 - T98N-R52W.

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 TURNER)^{ss}

I, DAVID KOST, 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

David Kost

Subscribed and sworn to before me this 17 day of February 1989

John C. Overley
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5290-3 FOR IRRIGATION**

Date of first receipt of application February 21, 1989.

Date Soil/Water Compatibility Permit received March 13, 1989.

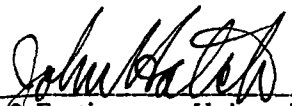
The Water Management Board approved Water Permit Application No. 5290-3 on May 10, 1989 for David Kost, RR #2, Box 33, Hurley, SD 57036 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5290-3 appropriates an additional 0.68 cubic feet of water per second (cfs) from one existing irrigation well (Parker-Centerville Aquifer) 40 feet deep. Water Right No. 2200-3 appropriates 1.2 cfs from the existing irrigation well to irrigate 132 acres. Water diverted from the existing well is to be used to irrigate 40 acres formerly irrigated under Water Right No. 2051-3 and portions of the NW1/4 Section 31-T98N-R52W irrigated under Water Right No. 2200-3. The 40 acres is located in the SE1/4 NW1/4 and the existing well is located in the W1/2 NW1/4; both in Section 31-T98N-R52W.
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: . May 1 - September 30
3. The date from which applicant may claim right is February 21, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
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.
- 3) The combined diversion rate authorized by Permit No. 5290-3 and Water Right No. 2200-3 may not exceed 1.0 cfs per 70 acres of irrigation.

WATER MANAGEMENT BOARD

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

SEP 12 1989

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411643

Pierre, February 23, 19 89

RECEIVED OF David Kost, RR 2, Box 33, Hurley, SD 57036

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

Fee for Application for Permit No. <u>5290-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By John Hatch / mra
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
DIVISION OF CONSERVATION
WATER RIGHTS
Pierre, SD



Office Use Only

4343

WR#

OWNERS NAME: David Kost

OWNERS ADDRESS: RR 2, Box 33

Hurley, SD 57036

COUNTY LAND LOCATED IN: Turner

PHONE: 238-5876

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 31-T98N-R52W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$ Sec. 31-T98N-R52W</u>	<u>40</u>		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 74-921

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 657

8. PERCENT SODIUM: 3.99

6. SODIUM (SAR): 0.18

Requirements:

Director, Division of Conservation

Date

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

REQUIREMENTS

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

CONSERVATION COMMISSION MEETING

DATE: March 7, 1989

Page 1 - APPROVED

NAME: David Kost

WATER QUALITY: 74-921

ADDRESS: RR 2, Box 33

SALINITY: 657

ADDRESS: Hurley, SD 57036

SAR: 0.18

SODIUM: 3.99

COUNTY: Turner

ADJ SAR:

LEGAL DESCRIPTION: SE1/4 NW1/4 Sec. 31-T98N-R52W = 40 acres

APPLICATION #: 4343

TYPE OF IRRIGATION: Center pivot

WATER SOURCE: Ground

REQUIREMENTS:

MANAGEMENT RECOMMENDATIONS:

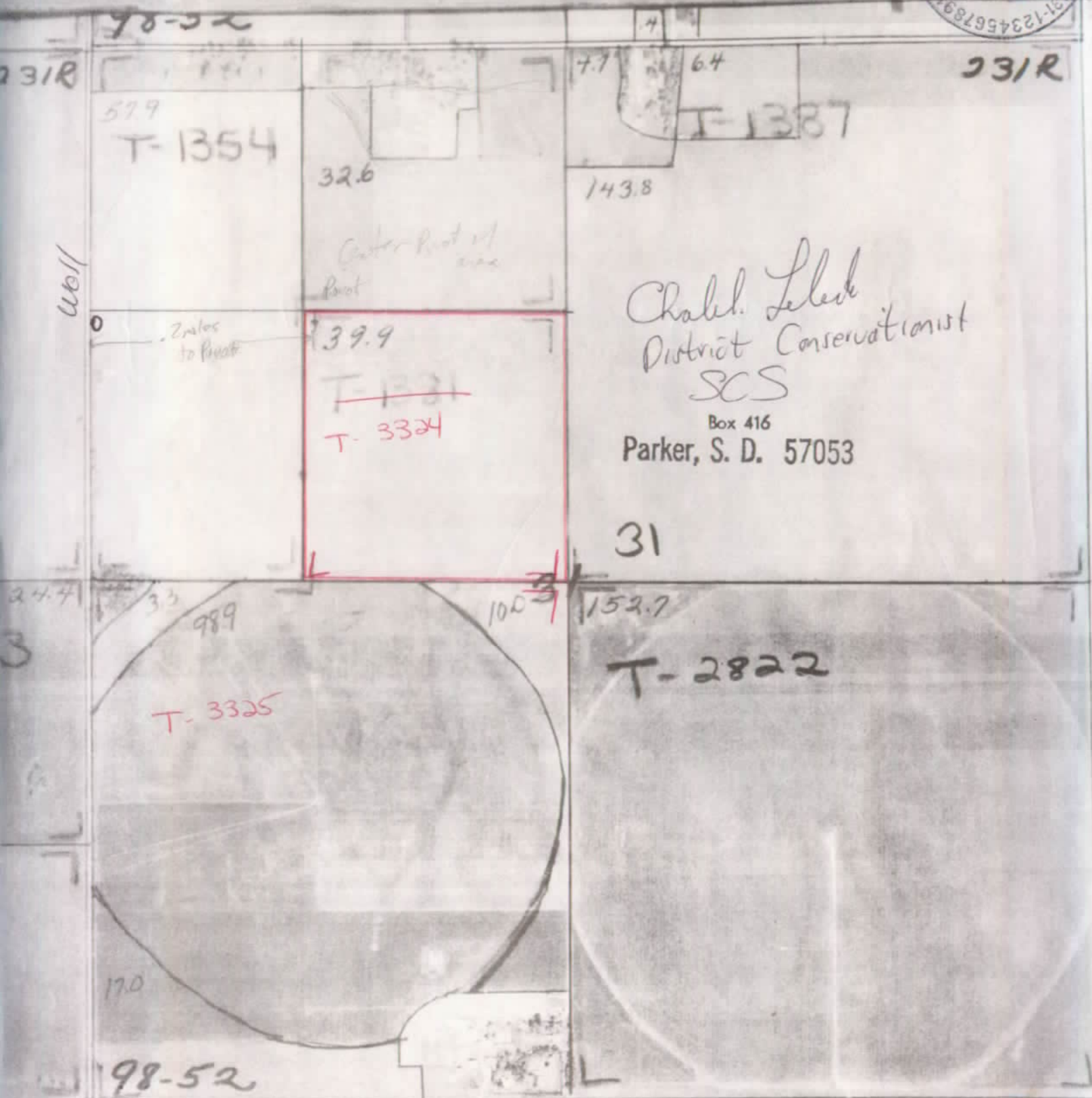
We recommend the use of conservation tillage to conserve soil moisture and control erosion.

We also recommend caution when using chemicals or fertilizers, due to the fact that the area is underlain with gravel.

TYPE OF PERMIT GRANTED AND REASON:

The approved recommendation is based on the water quality and soils of the area. The staff has determined that, with good management, no long term hazard should develop.

NOT TO SCALE



Chabel. Lelek
District Conservationist
SCS
Box 416
Parker, S. D. 57053

Appl. No. 5290-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 NW Section 31 Township 97 Range 52
 Well owner: David Kost (Name) Dairy, SD. 57621 (Address)
 Date well drilling completed: 6/16/75 Purpose of well: Irrigation
(Domestic, off farm, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
0-2	top soil	26	"
2-40	sand & gravel	6' 6"	ft.
40-	clay	40	"
		40	ft.
		Casing information: in the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.	
		0-20' 22" O.D. Concrete	
		Screen information: in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		20-40' 22" O.D. Concrete	
		If a flowing well, flow of completed well _____ G.P.M.	
		Empire Irrigation Drilling Name of Drilling Contractor Co. Inc.	

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump: Not done by Empire 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



REDUCTION 25.1
 ROLL NO 32
 THE NATIONAL BUREAU OF STANDARDS FOR WEIGHT AND MEASURE
 DATE RECEIVED
 4-14-82
 100-1-1-82

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SEC.	TWP.	R&E.	ACRES
E2NE4	36	98-N	53-W	44
W2NW4	31	98-N	52-W	57
NE4NW4	31	98-N	52-W	35
TOTAL				136


CONSERVATION PLAN MAP
 Conservation District _____
 Turner Co.
 Owner David Kott Operator _____
 County Turner State S. D. Photo No. _____
 Date prepared 1/75 Scale: 1/2" = 1 mile. Acreage = 280
 Approximate
 PREPARED BY U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE
SPRINKLER IRRIGATION SYSTEM Scale 1" = 440 ft.



Conversation or File Documentation

NAME OF PERSON OR FILE: David Kost
ADDRESS: RR 2, Box 33, Hurley SD 57036 COUNTY Turner
DATE: February 1, 1989 TELEPHONE 238-5876
RE: Purchase of 40 ac in SE 1/4 NW 1/4 sec 31-T98N-RS2W
COMMENTS:

Contacted David Kost to determine if he intended to irrigate the above described 40 acres purchased from Gilbert Hagenbuch. Mr. Kost stated he did intend to irrigate the 40 acres and switch to a pivot system. I informed Mr. Kost he would need to submit an application to cover the 40 acres from the well Mr. Kost is currently using to irrigate lands specified on Right No. 2200-3.

Water Right No. 2200-3 appropriates 1.2 cfs to irrigate 132 acres. IF Mr. Kost intends to irrigate the NW 1/4 section 31-T98N-RS2W with a pivot at the rate of 1 cfs/70 ac, then the diversion rate should be increased by 0.68 to irrigate 132 acres.

The priority date specified on Water Right No. 2051-3, Gilbert Hagenbuch, should be retained for irrigation of the above described 40 acres. The wells authorized by No. 2200-3 and 2051-3, G. Hagenbuch, are 1980 feet apart according to locations described on the water rights

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duvall

Water Rights Division - DWNR
Conversation or File Documentation

File No. 2051-3

NAME OF PERSON OR FILE: Gilbert Hagenbuch

ADDRESS: Davis COUNTY

DATE: February 1, 1989 TELEPHONE

RE: sold part of land under Water Right No. 2051-3

COMMENTS:

Mr. Hagenbuch called to let us know he hold 40 acres of land under Water Right No. 2051-3 to someone. The water right has 176 acres listed which could be irrigated.

The following land was sold to David Kost, RR #2 Box 33, Hurley, SD 57036
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T98N, R52W (39 acres described in W.Right)

Mr. Hagenbuch still owns the remaining land listed under the Water Right.

He stated Mr. Kost will have to supply his own water, they will not be using the same diversion point.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Department of Water & Natural Resources

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

February 2, 1989

David Kost
RR 2, Box 33
Hurley SD 57036

Dear Mr. Kost:

This letter is in response to our phone conversation on February 1, 1989 in regard to your purchase of 40 acres in the SE1/4 NW1/4 section 31-T98N-R52W.

You indicated that you did intend to irrigate the 40 additional acres from your existing irrigation well and possibly install a pivot system to irrigate the NW1/4 section 31-T98N-R52W. Water Right No. 2200-3 currently authorizes a diversion rate of 1.2 cubic feet of water per second (cfs) from your existing well. This diversion rate probably needs to be increased to operate a pivot system. Therefore, the enclosed application is to add 40 acres and to allow an increase in the diversion rate from your existing irrigation well from 1.2 cfs to 1.88 cfs.

Complete the application and then sign the application in the presence of a notary public. The map and \$150.00 application fee need to be returned with the application.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Conversation or File Documentation

NAME OF PERSON OR FILE: David KostADDRESS: RR 2, Box 33, Hurley SD 57036 COUNTY TurnerDATE: March 8, 1989 TELEPHONE 238-5876RE: Application to increase diversion rate

COMMENTS:

Contacted David Kost to determine the following:1) Can the proposed pivot for the NW $\frac{1}{4}$ sec 31-T98N-R52W make a full circle?Mr. Kost stated that approximately 40 feet would need to be removed from the pivot end to miss the buildings and because the NW $\frac{1}{4}$ is not a full-size quarter2) Can the existing well supply a center pivot?Mr. Kost believed the existing well could supply a pivot because other, similar, nearby wells are used to operate pivots3) Status of acreage in sec 36-98N-53W?Mr. Kost stated that the acreage in section 36 has never been irrigated. The acreage needs to be deleted from Water Right. 16. 2200-34) Is the proposed pivot to be the only irrigation system?Mr. Kost stated the pivot is the only system to be used.(continued)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: _____

Conversation or File Documentation

NAME OF PERSON OR FILE: David KostADDRESS: RR 2, Box 33, Hurley SD 57036 COUNTY TurnerDATE: March 8, 1989 TELEPHONE _____

RE: _____

COMMENTS: continued from Page 1

Water Right No. 2200-3 authorizes a diversion rate of 1.2 cfs to irrigate 132 acres. The acreage located in sec 36 (44 acres) has not been developed according to Mr. Kost. This application is to increase the diversion rate from 1.2 cfs to 1.88 cfs (132 acres) to accomodate a proposed pivot system and to irrigate 40 acres formerly included on Water Right No. 2051-3.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

Report on Application 5290-3

David Kost

March 29, 1989

Water Permit Application No. 5290-3 was submitted for David Kost of Hurley, South Dakota to appropriate 0.68 cubic feet of water per second (cfs) from one existing irrigation well, 40 feet deep, to irrigate 40 additional acres. The 40 acres are located in the SE1/4 NW1/4 and the existing well in the W1/2 NW1/4; all in Section 31, T98N, R52W in Turner County.

Background

Water Right No. 2200-3 was licensed to appropriate 1.2 cfs from this existing well to irrigate 132 acres in the E1/2 NE1/4 of Section 36, T98N, R53W and the W1/2 NW1/4 & NE1/4 NW1/4 of Section 31, T98N, R52W. The above 40 acres requested by the applicant were formerly irrigated under Water Right No. 2051-3. This quarter-quarter section has been transferred to Mr. Kost and will be included in a center pivot system operated on the entire NW1/4 of Section 31, T98N, R52W. The water for the additional 40 acres will be taken from the existing well used to irrigate the lands under Water Right No. 2200-3, and not from the original well under Water Right No. 2051-3.

The combined diversion rate authorized by this application and Water Right No. 2200-3 is not to exceed the rate of 1 cfs per each 70 acres irrigated. The requested application diversion rate increase of 0.68 cfs is the increase required to accommodate the 132 acres under the center pivot. The 1.2 cfs diversion rate from the well under No. 2200-3 will be raised to a total diversion rate of 1.88 cfs for Permit No's 2200-3 and 5290-3.

The lands in Section 36, T98N, R53W under Water Right No. 2200-3 were never developed and should be deleted from No. 2200-3. The priority date specified on Water Right No. 2051-3, Gilbert Hagenbuch, should be retained for irrigation of the above described 40 acres.

Aquifer

The existing well for Application No. 5290-3 has been drilled into the Parker-Centerville Aquifer. It is a surficial aquifer found predominately under water table conditions. In Turner County the aquifer underlies 38,300 acres and has an estimated 114,900 acre-feet of recoverable water (Hedges, 1982). Observation well analysis indicates that average recharge to the aquifer is approximately 4.9 inches per year and average annual use is 2.18 inches per year (Hedges, 1983). A well log for the existing irrigation well revealed approximately 30-35 feet of saturated sands and gravels.

Water Rights Division observation wells, TU-77J, TU-77E and TU-80G, are less than 2 miles from the applicant's well. Water depths ranged from 2 to 13 feet below the surface. The wells show seasonal fluctuations related to yearly variations in precipitation. No long term trends in water levels were evident (WRD Observation Well Logs, 1989).

Existing Water Rights

The applicant's well has been in existence for a number of years with no apparent problems (WRD Complaint Files, 1989). The region is heavily irrigated and a number of other permits are located in the area. The closest permitted well is between 1500-2000 feet from the applicant's well (WRD Permit Files, 1989) and is operated under Water Right No. 2051-3, Gilbert Hagenbuch. The 40 acres requested by this application were transferred from Mr. Hagenbuch's permit. Other domestic wells may also be located in the aquifer. Because of the large aquifer capacity, water table conditions and adequate well spacing, no interference is expected with any permitted wells or adequately constructed domestic wells.

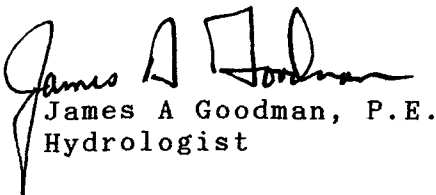
Conclusions

1. The well for Application No. 5290-3 is already in existence and used to irrigate Water Right No. 2200-3. If this application is approved, the two permits should be incorporated.
2. The requested 40 acres were transferred from Water Right No. 2051-3 and are to be used in a center pivot system.
3. The 40 acres will retain the priority date of Water Right No. 2051-3.
4. Lands in the E1/2 of Section 36, T98N, R53W should be deleted from Water Right No. 2200-3 because of non-development.
5. Water is available from the Parker-Centerville Aquifer for this application.
6. No interference is expected with any permitted wells or adequately constructed domestic wells.



Thomas M. Brandner
Natural Resources Engineer

Approved by:



James A Goodman, P.E.
Hydrologist

References

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Water Rights Division, 1989, "Complaint Files, Observation Well Logs, and Permit Files", DWNR, Joe Foss Bldg., Pierre, SD.

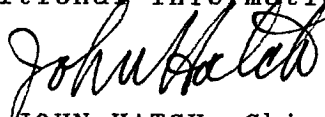
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5290-3, David Kost

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. 5290-3, David Kost, RR 2, Box 33, Hurley SD.

The Chief Engineer is recommending APPROVAL of Application No. 5290-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well 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.
3. The combined diversion rate authorized by Permit No. 5290-3 and Water Right No. 2200-3 may not exceed 1.0 cfs per 70 acres of irrigation.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 30, 1989

**South Dakota Department of
Water & Natural Resources**

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

April 3, 1989

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

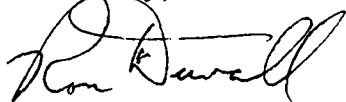
David Kost
RR 2, Box 33
Hurley SD 57036

Dear Mr. Kost:

Your Application No. 5290-3 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 New Era printed at Parker SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. 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

April 3, 1989

The New Era
Box 577
Parker SD 57053

Dear Sir:

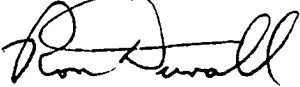
Enclosed is a Notice of Hearing on Application No. 5290-3 to be published twice. Please publish the first notice on or before April 13, 1989 with the second publication 7 days later.

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 David Kost, RR 2, Box 33, Hurley SD 57036.

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

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

No. _____

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 April 13, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5290-3 to Appropriate Water

Notice is given that David Kost, RR 2, Box 33, Hurley SD 57036 has filed an application for a water permit to appropriate an additional 0.68 cubic feet of water per second (cfs) from one existing irrigation well (Parker-Centerville Aquifer) 40 feet deep. Water Right No. 2200-3 appropriates 1.2 cfs from the existing irrigation well to irrigate 132 acres. Water diverted from the existing well is to be used to irrigate 40 acres formerly irrigated under Water Right No. 2051-3 and portions of the NW 1/4 Section-31-T98N-R52W irrigated under Water Right No. 2200-3. The 40 acres is located in the SE 1/4 NW 1/4 and the existing well is located in the W 1/2 NW 1/4; both in Section 31-T98N-R52W. The combined diversion rate authorized by this application, if approved, and Water Right No. 2200-3 is not to exceed the rate of 1 cfs per 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5290-3 with qualifications and that the 44 acres in the E 1/2 NE 1/4 Section 36-T98N-R53W as specified on Water Right No. 2200-3 be deleted from No. 2200-3 because the acreage has not been developed for irrigation because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 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 April 28, 1989. 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 April 28, 1989.

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; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

Judith E. Friese of the City of Parker,
County of Turner, State of South Dakota, being first duly sworn on oath,
deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed
and published in the City of Parker, in said County of Turner, by The New Era,
Bruce J. Bormann or Brenda L. Bormann, publishers, and has been such legal
newspaper during the times hereinafter mentioned; that the said newspaper
has been in existence as such legal newspaper for more than one year prior to
the publication of the notice hereunto attached, and has during all of said
time had, and now has, more than 200 bona fide subscribers; that the under-

signed, the affiant, is the Secretary of the said newspaper, in
charge of the advertising department thereof and has personal knowledge of

all the facts stated in this affidavit and the advertisement headed _____

Notice of Hearing - # 5290-3
printed copy of which hereunto attached, was printed and published in the

said newspaper for two successive weeks, once each week and
on the same day of the week, on the following dates, to-wit:

On Thursday, the 13th day of April, 1989;
On Thursday, the 20th day of April, 1989;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;

That \$ 39⁴¹ being the full amount of the fees for publication of
the attached notice insures solely for the benefit of the publishers of the said
newspaper; that no arrangement or understanding for a division thereof has
been made with any other person and that no part thereof has been agreed to
be paid to any other person whomsoever.

Judith E. Friese
Subscribed and sworn to before me this 20th
day of April, 1989.

Notary Public, Turner County, South Dakota.

NOTICE OF HEARING on Application No. 5290-3 to Appropriate Water

NOTICE IS GIVEN that David Kost, RR
2, Box 33, Hurley SD 57036 has filed an
application for a water permit to appropriate
an additional 0.68 cubic feet of water per
second (cfs) from one existing irrigation well
(Parker-Centerville Aquifer) 40 feet deep.
Water Right No. 2200-3 appropriates 1.2 cfs
from the existing irrigation well to irrigate
132 acres. Water diverted from the existing
well is to be used to irrigate 40 acres
formerly irrigated under Water Right No.
2051-3 and portions of the NW 1/4 Section-
31-T98N-R52W irrigated under Water Right
No. 2200-3. The 40 acres is located in the
SE 1/4 NW 1/4 and the existing well is
located in the W 1/2 NW 1/4; both in
Section 31-T98N-R52W. The combined
diversion rate authorized by this application,
if approved, and Water Right No. 2200-3 is
not to exceed the rate of 1 cfs per 70 acres
irrigated.

Pursuant to SDCL 46-2A-2, the Chief
Engineer of the Water Rights Division
recommends APPROVAL of Application
No. 5290-3 with qualifications and that the
44 acres in the E 1/2 NE 1/4 Section 36-
T98N-R53W as specified on Water Right
No. 2200-3 be deleted from No. 2200-3
because the acreage has not been developed
for irrigation because (1) unappropriated
water is available, (2) existing rights will
not be unlawfully impaired, (3) it is a
beneficial use of water and (4) it is in the
public interest. This application will be
considered by the Water Management Board
in Room 216, Joe Foss building, 523 E.
Capitol, Pierre, SD on May 10, 1989 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 qualification, (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 April 28, 1989. 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.

Publication Fees - - - \$ 39⁴¹
Notary Fees - - - - - \$ -
Total - - - - - \$ 39⁴¹

Received Payment,



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 April 28, 1989.

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, 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

(Publish April 13 & 20, 1989)



Department of Water & Natural Resources

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

May 5, 1989

David Kost
RR 2, Box 33
Hurley SD 57036

Dear Mr. Kost:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5290-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

SEP 12 1989

David Kost
RR #2 Box 33
Hurley, SD 57036

Dear Mr. Kost:

Enclosed is Water Permit No. 5290-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.





NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date Sept. 27, 1989

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

FROM: David Host RR-2-Box 33 Hurley S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5290-3 and 2200-3

Water Permit No. 5290-3 states that the diversion system is to be constructed by May 10, 1994, and that the water it put to beneficial use by May 10, 1998.

The diversion system was completed on May 6, 1989.
Applying the water to beneficial use was completed on May 15, 1989

You may schedule an inspection so that the Water License may be issued.

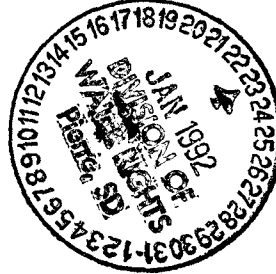
David Host
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1992



5290-3

David Kost
RR 2, Box 33
Hurley SD 57036

Dear Mr. Kost:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5290-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



Jan-20-92

regards of the latter I received
about my water permit.

I had my permit updated last
year, as I had to apply for a different
permit to use more water when I
changed from using a travelling gun
irrigator to a center pivot.

I think I had to pay for that permit
last year.

the way things are going for the farmer
I don't think irrigation is paying off any
more. with the grain prices we are
getting.

Yours truly

David Kort

R-1 Box 176

Menno & D

52045

I want to hear
from you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 1992

5290-3

David Kost
RR #2 Box 33
Hurley, SD 57036

Dear Mr. Kost:

I am writing in response to your letter of January 20, 1992 concerning payment of fees for Water Permit No. 5290-3.

You were partially correct in stating that you had paid for Permit No. 5290-3 last year. The fee (of \$150.00) you paid in February 1989, was the application filing fee. Application fees are assessed based upon the additional acreage and/or diversion rate specified on the application.

The fee of \$50.00, requested in our letter of January 8, 1992, was for the inspection and issuance of the water license. The license fee is the last fee that will be assessed for Water Permit No. 5290-3. As stated in our letter of January 8, 1992, South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 fee has been paid.

While we can certainly agree that the farm economy is unstable, in order to be able to irrigate, water permits must be obtained, inspections conducted and water licenses issued. South Dakota Water Laws describe the procedure for obtaining permits and the fees that are to be assessed.

I hope I have addressed your concerns. If you have any other questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352



2-5-92
Menno. SD

Sir:

In response to Your letter

I Jan 20, 1992, a request for me
to pay \$50. for inspection of my
Permit No. 5290-3.

I have talked to two of my neighbors
who are irrigating also, and they say
they have never paid for something
like that, so I'm confused about this
since I paid \$150 last year for
renewing my Permit

So why do I have to pay for this and
the neighbors don't have to?

Yours truly

David Host

R-2 Box 174 Menno, SD 57045



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1992

5290-3

David Kost
RR #2 Box 174
Menno, SD 57045

Dear Mr. Kost:

I am writing in response to your February 5, 1992 letter to Genny McMath regarding payment of a \$50.00 fee for inspection and issuance of Water License No. 5290-3.

You indicated in your letter that you had visited with a couple of your neighbors about payment of fees. A review of water rights within a two to three mile radius of your permit found a majority of permits have been licensed. These people had to pay an inspection fee prior to having a water license issued. Some include Arnold Madsen, Glennis Tellinghuisen, Albert Smit, LaRohn Hagen, Donald Schroedermeier, Gilbert Hagenbuch, John & Ronelle Ludens, David Smit, Gary & Rodney Knock, James Bondesen and Mark Rasmussen.

Enclosed are excerpts of the South Dakota Water Laws dealing with fees of the Board (SDCL 46-2-13) and inspection and issuance of a water license (SDCL 46-5-30.1). The areas you were concerned with have been highlighted.

This Department is responsible for administering the South Dakota Water Laws. The fees assessed permit holders for applications, inspections and licensing are certainly not done at random. As stated in SDCL 46-2-13(3), the fee for inspection of constructed water use works, including issuance of a water license is \$50.00.

Upon submission of the required fee, Water License No. 5290-3 will be issued and forwarded to you. If you have any further questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413074

Pierre, February 19, 19 92

RECEIVED OF David or Rose Kost, ^{RR #1} ~~Box~~ Box 176, Menno, SD 57045

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>5290-3</u>	50	00
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

Permit No. 2200-3 and 5290-3

Vermillion River Water District

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

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

I have this day made a thorough examination of the water use system constructed by David Kost of RR2 Box 33, Hurley, SD 57036 holder of Permit No. 2200-3 and 5290-3, bearing the priority of February 11, 1975 and February 21, 1989, respectively authorizing the diversion of 1.22 (No. 2200-3) and addl. 0.68 (No. 5290-3) cu. ft. per second and/or the storage of acre-feet of the waters of Parker-Centerville Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

One Well (See Water License No. 2200-3) - 40' deep with 20' 22"(OD) concrete casing and 20' 22"(OD) concrete screen; 3 stage Western Land Roller Pump (Model No. Unknown) -6" outlet 600 GPM @ 65-70 PSI; GM Diesel Motor (Model No. Unknown) 140 HP

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

1240' of 6" Aluminum pipe

C. Works used to apply water to beneficial use:

Zimmatic Center Pivot 7 Tower- 1280' long, High Pressure with Rain Bird Nozzles 550 GPM capacity

The system is in the following condition Good. The point of diversion is located ~1550'S and 50'E of the NW corner of Section 31-T98N-R52W. The works are capable of diverting and conveying to the place of use 1.22 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW1/4 NW1/4 = 27 acres All these acreages are covered Under Water License #2200-3

SW1/4 NW1/4 = 33 acres "

NE1/4 NW1/4 = 24 acres "

SE1/4 NW1/4 = 33 acres

These acres covered under Permit No. 5290-3

The combined diversion rate authorized by Application No. 5290-3 (SE1/4 NW1/4 Sec. 31), if approved, and Water License No. 2200-3 (N1/2 NW1/4 and the SW1/4 NW1/4 Sec. 31 T98N-R52W) is not to exceed the statutory limit of 1 cfs per 70 acres irrigated.

comprising a total of 117 acres of land and the license should be issued for 1.22 cfs and/or acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 7/29/91



Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 2200-3 and 5290-3

1. Legal location of wells: ~1550' South and 50' East of the NW corner of Section 31-T98N-R52W, Turner County, South Dakota

Dams and Structures none

2. Well Information: Well Drilling Firm Empire Irrigation Drilling

Completion Report? Yes X No No. of Wells 1 Depth(s) 40 feet

Casing a) diameter 22 (OD) inches Screen a) type Concrete 22" OD

b) length 20' feet b) length 20' feet

c) type Concrete Static Water Level 6.5 feet

Pump a) make Western Land Roller Motor a) make GM Diesel

b) model Unknown b) model no. Unknown

c) size 6" c) horsepower rating 140

d) capacity 600 GPM d) serial no. Unknown

e) turbine pump - no. of stages 3

f) operating PSI 65-70

3. Distribution lines or canals

a) size 6" inches

b) type Aluminum

c) length 1280 feet

5. System Type a) sideroll: b) towline:

c) gun: d) center pivot:

1) make 1) make Zimatic

2) nozzle size 2) number of towers 1

3) capacity (GPM) 3) distance between towers

4) hose size	inches	4) overall length	<u>1280</u>	feet
5) hose length	feet	5) end gun (Y/N)	<u>Y</u>	
e) gated pipe:		6) high or low pressure	<u>High</u>	
1) length	feet	7) make and size of nozzles:		
2) diameter	inches		<u>Rain Bird</u>	
3) spacing of gates	inches	8) capacity (GPM)	<u>550</u>	

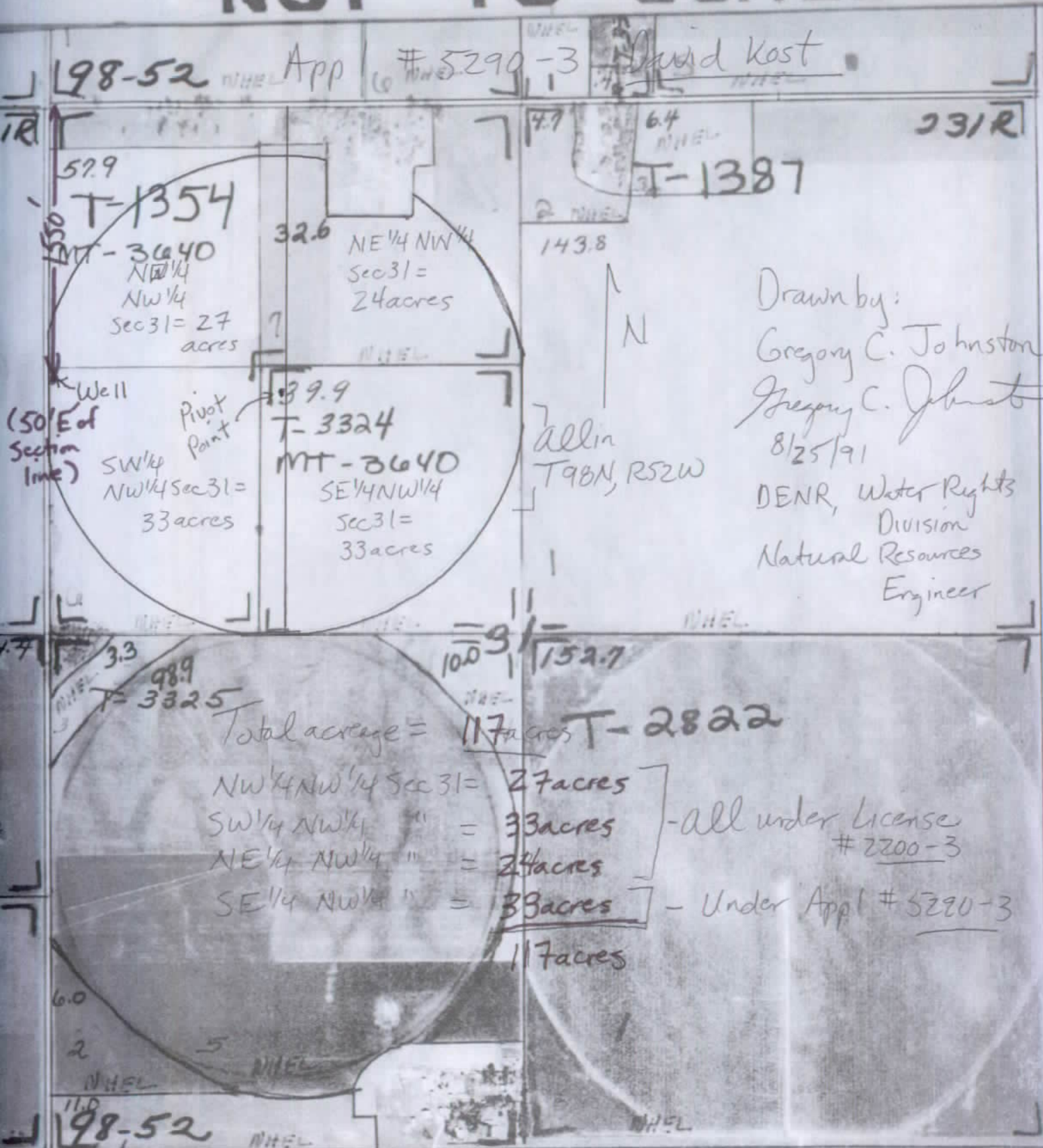
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project 2200-3

Yes	No	Check Items
<u>x</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>x</u>		2. Special qualifications to permit being abided by?
<u>x</u>		3. All structures, wells and lands on map?
<u>x</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>x</u>	5. Is chemigation used?
<u>N/A</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:

NOT TO SCALE



5290-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5290-3

(1) David Kost of RR 1, Box 176, Menno, SD 57045 made Application No. 5290-3, February 21, 1989 for a water permit to appropriate 0.68 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5290-3 with a priority date of February 21, 1989 was approved May 10, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

Water Permit No. 5290-3 authorized irrigation of 40 acres from an existing well, permitted under No. 2200-3. The applicable portions of Water Right No. 2200-3 are incorporated into this Water License No. 5290-3. The priority dates, as they pertain to the acres irrigated, are described 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 1.22 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 1550'S and 50'E of the NW corner of Section 31, T98N, R52W (SW 1/4 NW 1/4).

(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:

T98N, R52W Section 31	NW 1/4 NW 1/4	27 Acres
	SW 1/4 NW 1/4	33 Acres
	NE 1/4 NW 1/4	24 Acres
	*SE 1/4 NW 1/4	33 Acres
	Total-----	117 Acres

*SE 1/4 NW 1/4 retains a priority date of February 21, 1989 (established by No. 5290-3), the remaining land carries a priority date of February 11, 1975 (established by No. 2200-3).

(4) Pursuant to Section 46-5-30.1 David Kost of RR 1, Box 176, Menno, SD 57045 the holder(s) and/or owner(s) of Incorporated Water Permit No. 5290-3 is issued a license to appropriate water, the right to use 1.22 cubic feet of water per second from groundwater (one well) with priority dates of February 11, 1975 and February 21, 1989 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 Water Permit No. 5290-3 and subject to South Dakota State Law.



NOV 30 1992

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 3 0 1992

5290-3

David Kost
RR 1, Box 176
Menno, SD 57045

Dear Mr. Kost:

Enclosed is Water License No. 5290-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413074 in the amount of \$50.00 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. 5290-3, 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,

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

enclosures

NOTE: The applicable portions of Water Right No. 2200-3 are incorporated into this Water License No. 5290-3.



Dec-8-92

Gentlemen:

I am writing about a letter
I received a few days ago, about the
Well I use for irrigating
as far as I'm concerned I had this
permit updated in 1989 when
we added 40 ac to our land
and I'm sure I paid for that
Permit at that time to use
more water

Yours truly
David Host

R-1 Box 176

Menno S.D.

12/9/92 - called Mr. Host and told him the
letter he got was only sending license &
receipt -- not a bill. Told him he had
his water right up to date and did not owe
any more money.
Genny



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 1994

5290-3

David Kost
RR 1, Box 176
Menno, SD 57036

Dear Mr. Kost:

This letter is in response to receipt of the enclosed check for \$50.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: DAVID KOST, RR 1 BOX 176, MENNO, SD 57036

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

SUBJECT: Violation of Water Permit No(s). 5290-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5290-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5290-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5290-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed 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:

DAVID KOST
RR 1 BOX 176
MENNO SD 57036

4a. Article Number

378 081 454

4b. Service Type

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

7. Date of Delivery

2/7/97

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

XX David Kost

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



If you could send me
another form for '97 I
could keep track
thru-out the summer.
I'd appreciate it. Thanks.

Troi Andernack
45829 284th St,
Hurley, SD 57036
Ph. # 605-238-5876



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1997

5290-3

Troi D Andernacht
45829 284th St
Hurley, SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 5290-3.**

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

As you requested, future irrigation questionnaires will be directed to your attention. Enclosed is a blank irrigation questionnaire for your use in keeping track of 1997 irrigation data. The actual 1997 forms will not be mailed till October, 1997. Thank you and if you have any questions, please contact me.

Sincerely,

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

c: David Kost, RR 1 Box 176, Menno, SD



5290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45829 284TH ST, HURLEY, SD 57036
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 5290-3 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, February 25, 1998 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) 5290-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, 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.

cc: DAVID KOST, RR 1 BOX 176, MENNO, SD 57045

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.

Is your RETURN completed 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:

TROI D ANDERNACHT, OPERATOR
45829 284TH ST
HURLEY SD 57036

4a. Article Number

119 141 188

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Troy Andernacht*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed 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:

David Kost

~~RR 1 Box 176~~

Menno SD 57045

4a. Article Number

2115 pine ST 119 141 189

4b. Service Type

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

7. Date of Delivery

1-10-98 DS

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

102595-97-B-0179

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

January 23, 1998

5290-3

Troi D Andernacht
45829 284th St
Hurley, SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 5290-3.

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

c: David Kost 211 S Pine St., Menno, SD 57045



January 22, 1999

5290-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45829 284TH ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 5290-3 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 3, 1999 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) 5290-3 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, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

C: DAVID KOST, 211 S PINE ST., MENNO, SD 57045

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.

Is your RETURN ADDRESS completed 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:

TROI D ANDERNACHT, OPERATOR
45829 284TH ST
HURLEY SD 57036

4a. Article Number

2119 141 637

4b. Service Type

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

7. Date of Delivery

1-23-99

5. Received By: (Print Name)

Troi D. Andernacht

6. Signature: (Addressee or Agent)

X

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed 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:

David Kost
211 S Pine St
Menno, SD 57045

4a. Article Number

P378 080 630

4b. Service Type

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

7. Date of Delivery

1-26-99

5. Received By: (Print Name)

DAVID KOST

6. Signature: (Addressee or Agent)

X *David Kost*

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

PS Form 3811, December 1994

102595-98-B-0229

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
www.state.sd.us/denr

March 2, 1999

5290-3

Troi Andernacht
45829 284th St
Hurley, SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 5290-3.

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

c: David Kost, 211 S Pine St, Menno, SD 57045



January 14, 2000

5290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45829 284TH ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5290-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5290-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: DAVID KOST, 211 S PINE ST., MENNO, SD 57045

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Kost
211 Pine St
Menno SD 57045

JAN
18
2000
PM

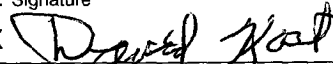
COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery
1-15-00

C. Signature

x

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

Z 227 670 426



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2000

5290-3

Troi Andernacht
45829 284th St
Hurley, SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 5290-3.

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

c: David Kost



5290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45829 284TH ST, HURLEY, SD 57036
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 5290-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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) 5290-3 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 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: DAVID KOST, 211 S PINE ST., MENNO, SD 57045

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.

SE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS

THIS SECTION ON DELIVERY

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Kost
 211 S Pine St
 Menno SD 57045

2. Article Number (Copy from service label)
 7000 0600 0026 9814 2737

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

A. Received by (Please Print Clearly) DAVID KOST B. Date of Delivery 1-22-01

C. Signature *David Kost* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TROI D ANDERNACHT, OPERATOR
 45829 284TH ST
 HURLEY SD 57036

2. Article Number (Copy from service label)
 7000 0600 0026 9814 2744

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Stacy Andernacht B. Date of Delivery 1-23-01

C. Signature *Stacy Andernacht* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2001

5290-3

Troi D Andernacht
45829 284th St
Hurley SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5290-3.

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

c: David Kost



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2007

5290-3

Del Andernacht
46374 US Hwy 18
Davis SD 57021

Dear Ms. Andernacht:

Thank you for contacting us about the ownership change for Water Right No. 5290-3. I have included a copy of the water right which you may keep for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIVED

FEB 01 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5290-3

Date: 1-30-07

I/We request that Water Right No. 5290-3

formerly owned by: David Kost

be transferred to: (name & address) DELPHINE M. ANDERNACHT
46374 U.S. Hwy 18
DAVIS, SD 57021 Telephone No. 605-238-5524

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

117 acres - NW 1/4 Section 31, T98N, R52W

I/We understand that the validity of Water Right No. 5290-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Del M. Andernacht
(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 Feb 1, 20 07

RECEIVED OF Delphine Andernacht, 46374 US Hwy 18, David SD 57021

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

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct	2	50	
Fee for Application for Permit No. _____	to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____	after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____				
Fee for Filing Transfer Form <u>Water Right No. 5290-3</u>				
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. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____	for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL	2.50		

No.

02899

By Garland Erbe
Chief Engineer

(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2007

5290-3

Del Andernacht
46374 US Hwy 18
Davis SD 57021

Dear Ms. Andernacht:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring ownership of Water Right No. 5290-3. The transfer has been completed. The water right, formerly held by David Kost is now listed in your name.

Enclosed is a copy of the form you submitted and your Receipt No. 02899 in the amount of \$2.50. You may keep both of these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 23, 2013

5290-3

Troi D Andernacht
45835 284th St
Hurley SD 57036 6100

Dear Sir:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to 45829 284th St, Hurley SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



5290-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5290-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5290-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

c: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 26, 2015

5290-3

Troi Andernacht
45835 284th St
Hurley SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 5290-3. 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



5290-3
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 15, 2016

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3 & 8148-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 5290-3 & 8148-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 5290-3 & 8148-3 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, 2016** 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>

c: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.



5290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 1, 2016

5290-3
8148-3

Troi Andernacht
45835 284th St
Hurley SD 57036 6100

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 5290-3 and Water Permit No. 8148-3. 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

c: Del Andernacht



5290-3
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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100
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) 5290-3 & 8148-3. 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) 5290-3 & 8148-3 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:

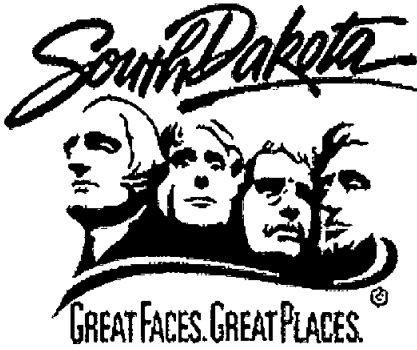
1. Suspend or cancel Permit No(s) 5290-3 & 8148-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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>

c: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.



5290-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2018

5290-3
8148-3

Troi Andernacht
45835 284th St
Hurley SD 57036-6100

Dear Mr. Andernacht:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 5290-3 and Water Permit No. 8148-3. 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,

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



5290-3
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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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) 5290-3 & 8148-3. 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) 5290-3 & 8148-3 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) 5290-3 & 8148-3 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>

C: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.



5290-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

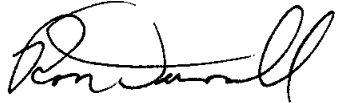
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 20, 2019

NOTICE

TO: Troi D Andernacht, 45835 284th St, Hurley SD 57036

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Division 

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 5290-3 and
Water Permit No. 8148-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 28, 2019 and February 1, 2019 to pick up and sign for the certified mail before returning it to our office.

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

CERTIFICATION

I hereby certify that on February 20, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 20, 2019 regarding Unclaimed Certified Mail concerning irrigation questionnaire violations addressed as stated below:

No. 2072-3: Darwin Ulvestad, 46679 201st St, Bruce SD 57220

No. 6168-3: Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

No. 417-1: Vivian F. & Ron Sjodin, 3001 Sunnyhill Circle, Rapid City SD 57702

No. 515-3: Daniel Benson, 45586 US Hwy 18, Hurley SD 57036-6009

Nos. 5290-3

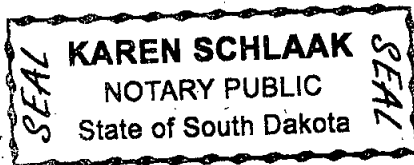
8148-3: Troi D Andernacht, 45835 284th St, Hurley SD 57036


Eric Gronlund
Water Rights Program
Environment and Natural Resources

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 20th day of February, 20 19

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2019

5290-3
8148-3

Troi Andernacht
45835 284th St
Hurley SD 57036 6100

Dear Mr. Andernacht:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5290-3 and Water Permit No. 8148-3. 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

c: Del M Andernacht, 46374 US Hwy 18, Davis SD 57021



5290-3
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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100
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) 5290-3 & 8148-3. 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) 5290-3 & 8148-3 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) 5290-3 & 8148-3 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: DIMPIM**

c: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.

5290-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2020

5290-3
8148-3

Troi Andernacht
45835 284th St
Hurley SD 57036 6100

Dear Mr. Andernacht:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 5290-3 and Water Permit No. 8148-3. 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,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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) 5290-3 & 8148-3. 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) 5290-3 & 8148-3 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) 5290-3 & 8148-3 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/iq> using this password: KXDEIA**

C: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.

5290-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

5290-3
8148-3

Troi D Andernacht
45835 284th St
Hurley SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right/Permit Nos. 5290-3 and 8148-3. 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,

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

5290-3



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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3 & 8148-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 5290-3 & 8148-3 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) 5290-3 & 8148-3 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 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 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://danr.sd.gov/iq> using this password: WLUZEK**

c: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.

5290-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2022

5290-3
8148-3

Troi D Andernacht
45835 284th St
Hurley SD 57036-6100

Dear Mr. Andernacht:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 5290-3 and 8148-3. 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



5290-3 + 8148-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2024

5290-3 & 8148-3

Troi D Andernacht, Operator
45835 284th St
Hurley SD 57036

Dear Mr. Andernacht:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 5290-3 & 8148-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
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 19, 2024

NOTICE

TO: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3 & 8148-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 5290-3 & 8148-3 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) 5290-3 & 8148-3 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, 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 questionnaire(s) 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: HWKLMO**

DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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.

5290-3
8954-3



**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: TROI D ANDERNACHT, OPERATOR, 45835 284TH ST, HURLEY, SD 57036 6100

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

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5290-3 & 8954-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 5290-3 & 8954-3 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) 5290-3 & 8954-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 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 questionnaire(s) 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: ZANEMY**

cc: DEL M ANDERNACHT, 46374 US HWY 18, DAVIS SD 57021

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

February 9, 2026

5290-3

8954-3

Operator
Troi D Andernacht
45835 284th St
Hurley, Sd 57036

Dear Mr. Andernacht,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us