

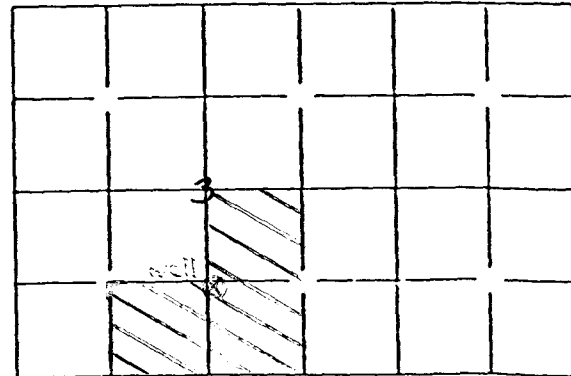
Considered: _____

WATER PERMIT NO. 5313-3MAP No. same 966-5871Name of Applicant Bernard NearmanPost Office Address RR1, Box 120, Jefferson SD 57038Amount of Water Claimed 1.71 cfs Total Acres 120Source of Water Supply ground water - 1 wellWater to be used for irrigation County UnionAbout 4 miles SW of Jefferson.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Mar 28, 1989 Fee \$225⁰⁰ Remarks _____Corrected Application Received _____ Period of Annual Use June 1 - Aug 30WATER QUALITY APPROVAL RECEIVED Apr 10, 1989 APPROVED/CONDITIONAL (Circle one)WI-1 Description same as Application YES ☒ NO _____ REMARKS _____Diversion Point well: near center of S $\frac{1}{2}$ section 3-T89N-R49WLand to be Irrigated W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 3-T89N-R49WWell Log: Driller SD Geological Survey Licensed YES _____ NO _____Depth of Well 110 feet REMARKS observation well $\approx$ 1360 feet S. of proposed well siteType of Map aerial photo PREPARED BY Louie DeSmet Reviewed and the Number assigned on Mar. 30, 1989 By Don Duvall

(See instructions)

No. 5313-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Elk Point/The Leader-Courier, Box 310
(Sheet) 31025

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 _____

- Name of Applicant Bernard Nearman Phone No. 966-5871
- Post Office Address RR1 Box 120, Jefferson State So. Dak. Zip Code 57038
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) 1.71 Total acres irrigated 120
- Source of Water supply Deep incased well
- Location of point of diversion Northwest corner of The SW 1/4 - SE 1/4 Sec
3 - 89-49 County Union
- Counties where water will be used Union
- Annual period during which water is to be used June-Aug. April 1 - October 31
- 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>NW 1/4 SE 1/4 Sec 3 89-49</u>	<u>40</u>
<u>SW 1/4 SE 1/4 Sec 3 89-49</u>	<u>40</u>
<u>SE 1/4 SW 1/4 Sec 3 89-49</u>	<u>40</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: (Specify) Flood-pipe
- Crops to be Irrigated: Corn & Soybeans
- Give a description of proposed project. (Attach sheet if more-space is needed)

Dig an Irrigation Well and Plan PIPE Pads



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 Union)^{ss}

I, Bernard Nearman, 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 Bernard Nearman

Subscribed and sworn to before me this 23rd day of March 19 89

George J. [Signature]
Notary Public 11-9-89

SOUTH DAKOTA
WATER PERMIT No. 5313-3 FOR IRRIGATION

Date of first receipt of application March 28, 1989.

Date Soil/Water Compatibility Permit received April 10, 1989.

The Water Management Board approved Water Permit Application No. 5313-3 on May 10, 1989 for Bernard Nearman, RR #1, Box 120, Jefferson, South Dakota 57038 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. 5313-3 appropriates 1.71 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) approximately 110 feet deep to irrigate 120 acres. The well is to be located near the center of the S1/2 Section 3 and the acreage to be irrigated in the W1/2 SE1/4, SE1/4 SW1/4 Section 3; all in T89N, R49W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to October 31.
3. The date from which applicant may claim right is March 28, 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 well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- 2) 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.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC slotted Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 18'
- f) Depth to Water (ground surface to water level) 17'
- g) Distance to nearest existing domestic well: 1/2 mile

On applicants property _____

On property owned by others _____

2. Dugout Information Estimates

Well log will be sent when well is drilled

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

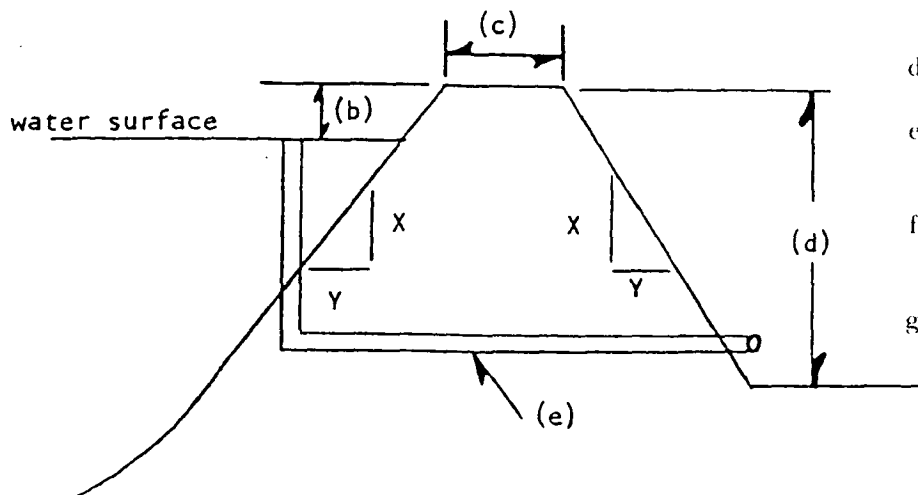
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Bernard Plummer
 Signature of Applicant

NOT TO SCALE



UN-77R

↑
North

prepared for
Bernard Neuman Mar 27 79
Lance E De Smet
Union Co Expt. agt.

Appl. No. 5313-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 28, 1989

RECEIVED OF Thomas J. Cario, (Bernard Nearman) RR #1, Box 120, Jefferson, SD 57038

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

Fee for Application for Permit No. <u>5313-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By

Chief Engineer

John Hatch/mra
John Hatch/mra

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4363

WR#

OWNERS NAME: Bernard Nearman OWNERS ADDRESS: RR 1, Box 120
Jefferson, SD 57038

COUNTY LAND LOCATED IN: Union PHONE: 966-5871

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NW corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3-T89N-R49W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 3-T89N-R49W</u>	<u>40</u>		
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ " "</u>	<u>40</u>		
<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$ " "</u>	<u>40</u>		
		TOTAL ACRES =	120

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

3. CROPS TO BE IRRIGATED: corn, soybeans

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>89-0125</u>	7. ADJUSTED (SAR): <u>3.99</u>
5. SALINITY (EC X 10 ⁶): <u>1400</u>	8. PERCENT SODIUM: <u>20.20</u>
6. SODIUM (SAR): <u>1.36</u>	

Requirements: All the soils of the area are subject to seasonal high water tables, which may become perched under irrigation & inhibit the leaching of salts. To address this problem may include the installation of artificial drainage, ie. tile drainage. The areas mapped as Albaton silty clay, depressional, (Ad) & Fluvaquents, wet, (Fb) are subject to severe wetness problems & shall be maintained in permanent vegetation, unless drained.

The escarpment found in the NW portion of the project will remain in permanent vegetation.

Please be advised that in developing our recommendations, we do not consider the Swampbuster Provision. Before undertaking any drainage project, consult with your local conservation district.



[Signature]
Director, Division of Conservation

Date

4/2/89

XXX APPROVED
 DISAPPROVED
 WAIVER

XXX REQUIREMENTS

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

SOUTH DAKOTA GEOLOGICAL SURVEY

Location 89-49-10 abbb

Location NW¼NW¼NW¼NE¼

Section: 10

T. 89 N R. 49 W

Test Hole: UN-77-31

Well: UN-77 R
~~UN-31-77~~

Land Owner:

County: Union

Date: 9-8-77

Elevation: 1112 T

C-log: No

Samples: No

Drilling Company: SD Geological Survey

Project: South Union County

Geologist: Derric Iles

Rotary: Yes

Auger:

Driller: Tim Kenyon

Thickness	Lithologic Description	From - to Feet
2	Topsoil, dark brown, silty	0- 2
12	Clay, brown, silty	2- 14
10	Clay, gray, silty	14- 24
28	Sand, fine, silty	24- 52
18	Gravel, fine to medium	52- 70
29	Gravel, medium to coarse	70- 99
4	Gravel, fine to medium(?), silty	99-103
14	Silt, gray	103-117
Observation well: 100 feet of casing; slotted from 67 feet to 97 feet		
Total depth - 117 feet		

Report on Application No. 5313-3
Bernard Nearman
April 3, 1989

This application proposes to appropriate 1.71 cfs from one well approximately 110 feet deep to irrigate 120 acres. The well is to be located near the center of the S1/2 of Section 3 and the acreage to be irrigated in the W1/2 SE1/4, SE1/4 SW1/4 of Section 3; all in T89N, R49W in Union County.

Aquifer Missouri-Elk Point (M-EP)

The Missouri-Elk Point is an alluvium mantled glacial outwash (sand and gravel) which is predominantly under water table conditions. However, because the alluvium consists of sands, silts and clays portions of the M-EP Aquifer are under artesian conditions. The M-EP Aquifer underlies 99,600 acres and contains approximately 1.5 million acre-feet of recoverable water in Union County (Hedges, 1982). The aquifer is hydraulically connected to the Lower Vermillion Missouri Aquifer in Clay and Union Counties and the M-EP Aquifer in Clay County and the Big Sioux and Missouri Rivers.

The Division of Water Rights monitors 27 observation wells completed into the alluvium or M-EP Aquifer in Union County. One of these wells UN-77R is located within 1/2 mile of this application (Water Rights, 1989). Records for this well indicate an aquifer thickness of 79 feet and a static water level about 20 feet below land surface. Water level records for UN-77R tend to mirror climatic conditions, that is, rising during wet years and declining during dry years.

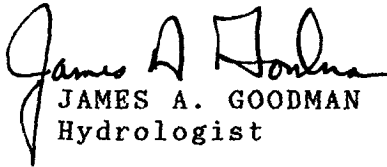
There are numerous high capacity wells developed in Union County from the M-EP Aquifer with specific capacities in the 50-100 gpm/ft of drawdown range (Well Files, 1989). Interference is not expected to be a problem because significant drawdowns do not extend very far from a producing well in this aquifer. Also the aquifer thickness is more than adequate to handle a few feet of drawdown.

Review of Existing Water Permits

This area of Union County is fairly intensively irrigated and the Missouri River is within a mile to the west. There are two existing wells about 1/2 mile from this proposed diversion. These are Water Right Nos. 2108-3 and 3613-3.

Conclusions

1. Water is available from the M-EP Aquifer.
2. Interference will not be a problem. Drawdowns are not expected to be significant and water level records for UN-77R confirm this.
3. Water level records for the M-EP Aquifer indicate recharge to the aquifer is sufficient to sustain existing demands.
4. The well must be constructed in accordance with SD Well Construction Standards.


JAMES A. GOODMAN
Hydrologist

Bibliography

Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069

Water Rights, 1989, Observation Well Data for UN-77R and the M-EP Aquifer in Union County, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

Well Files, 1989, Union County Drillers Logs, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

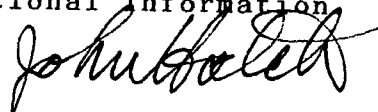
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5313-3, Bernard Nearman

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. 5313-3, Bernard Nearman, RR 1, Box 120, Jefferson SD.

The Chief Engineer is recommending APPROVAL of Application No. 5313-3 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 authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 3, 1989

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. 5313-3 to Appropriate Water

Notice is given that Bernard Nearman, RR 1, Box 120, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) approximately 110 feet deep to irrigate 120 acres. The well is to be located near the center of the S 1/2 Section 3 and the acreage to be irrigated in the W 1/2 SE 1/4, SE 1/4 SW 1/4 Section 3; all in T89N, R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5313-3 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



Department of Water & Natural Resources

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

April 5, 1989

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

Bernard Nearman
RR 1, Box 120
Jefferson SD 57038

Dear Mr. Nearman:

Water Permit Application No. 5313-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Leader-Courier printed at Elk Point 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 5, 1989

The Leader-Courier
Box 310
Elk Point SD 57025

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5313-3 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 Bernard Nearman, RR 1, Box 120, Jefferson SD 57038.

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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

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

Water was taken from the The Leader-Courier

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

City of Elk Point

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

Thursday, April 13

Thursday, April 20

Lester E. Emerson
(Signature)

Editor/Publisher
(Title)

April 20, 1989
(Date Signed)

Cost of Printing: \$37.54

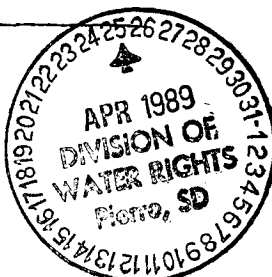
NOTICE OF HEARING
On Application No. 5313-3
To Appropriate Water

Notice is given that Bernard Nearman, RR 1, Box 120, Jefferson, S. D. 57038 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) approximately 110 feet deep to irrigate 120 acres. The well is to be located near the center of the S $\frac{1}{2}$ Section 3 and the acreage to be irrigated in the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3; all in T89N, R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5313-3 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, S. D. 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 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, S. D. 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

RON DUVALL

Natural Resources Engineer

Pub. Apr. 13 and 20.



Department of Water & Natural Resources

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

May 4, 1989

Bernard Nearman
RR 1, Box 120
Jefferson SD 57038

Dear Mr. Nearman:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5313-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
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

Bernard Nearman
RR #1 Box 120
Jefferson, SD 57038

Dear Mr. Nearman:

Enclosed is Water Permit No. 5313-3 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.

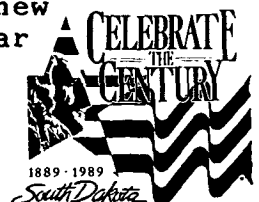
Very truly yours,

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.



SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 9, 1990

BERNARD NEARMAN
RR 1 BOX 120
JEFFERSON, SD 57038

NOTICE

RE: Violation of Water Permit No(s). 5313-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 5313-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 5313-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

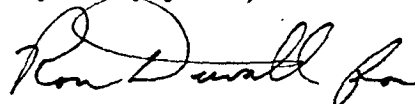
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 5313-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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



Department of Water & Natural Resources

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

March 14, 1990

5313-3

Bernard Nearman
RR #1 Box 120
Jefferson, SD 57038

Dear Mr. Nearman:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 5313-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in black ink, reading "Ron Duvall". The signature is written in a cursive, flowing style. The "R" is large and loops around the "o". The "n" is connected to the "D". The "u" is connected to the "v". The "a" is connected to the "l". The "l" is tall and thin. The signature is written on a white background.

RON DUVAL
Natural Resources Engineer
Water Rights Division

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1991

5313-3

Thomas Corio
RR #1
Jefferson, SD 57038

Dear Mr. Corio:

It has come to our attention that you now own the land authorized for irrigation under Water Permit No. 5313-3. The permit is currently listed in the name of Bernard Nearman. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 5313-3.

The transfer form should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

BERNARD NEARMAN
RR 1 BOX 120
JEFFERSON SD 57038

NOTICE

RE: Violation of Water Permit No(s) 5313-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 5313-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5313-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5313-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

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:

BERNARD NEARMAN
RR 1 BOX 120
JEFFERSON, SD 57038

4a. Article Number

P 906 557 130

4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)

6. Signature (Agent)

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1992

5313-3

Tom Corio
RR #1 Box 665
Jefferson, SD 57038

Dear Mr. Corio:

Enclosed is a 1991 irrigation questionnaire pertaining to Water Permit No. 5313-3. The original questionnaire was mailed in October, 1991 to Bernard Nearman.

Please complete the questionnaire and return it to our office as soon as possible. The "water used" column on the form can be left blank if you can provide the information for "# days pumped", "average # hours per day" and the "average pump rate in gpm".

A "Notice of Transfer" was sent to you December 9, 1991 for filing an ownership change on Water Permit No. 5313-3. To date, we have not received the transfer form from you. Enclosed is an additional form. A \$2.50 filing fee is required for filing a "Notice of Transfer".

I have included a postage paid envelope for your convenience in returning the irrigation questionnaire, transfer form and filing fee. If you have any questions, or need assistance in completing the irrigation questionnaire, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1992

5313-3

Thomas J Corio
RR #1 Box 665
Jefferson, SD 57038

Dear Mr. Corio:

Enclosed is the "Notice of Transfer" you submitted and your \$2.50 filing fee. In order for the form to be complete, your signature must be notarized.

I am enclosing another partially completed "Notice of Transfer of Ownership" form. Please sign the form in the presence of a notary. Upon completion, return the form and your filing fee to our office for processing.

A Notice of Violation of Water Permit No. 5313-3 was sent to Bernard Nearman (January 27, 1992) concerning the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and Permit No. 5313-3 is no longer subject to suspension.

If you have any questions concerning the "Notice of Transfer" form, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1992

Second Notice
Permit No. 5313-3

Thomas J. Corio
RR 1, Box 665
Jefferson, SD 57038

Dear Mr. Corio:

On March 3, 1992, notice was sent to you concerning the transfer of Water Permit No. 5313-3 in the name of Bernard Nearman. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, which you submitted to our office, but it had to be returned to you, as your signature was not notarized. Enclosed is an additional form. Please sign, have it notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the 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:

Thomas J. Corio
RR 1, Box 665
Jefferson, SD 57038

4a. Article Number

P 906 559 896

4b. Service Type

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

7. Date of Delivery

6-24-92

5. Signature (Addressee)

Mary Corio

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 1992

No. 5313-3

Thomas J. Corio
RR 1, Box 665
Jefferson, SD 57038

Dear Mr. Corio:

We are in receipt of your Notice of Transfer of Ownership for Water Permit No. 5313-3. Before we can proceed with the transferring of this Water Permit, we must be in receipt of a \$2.50 transfer fee.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5313-3



I request that Water Permit No. 5313-3

formerly owned by: Bernard Nearman

be transferred to: (name & address) Thomas J Corio

RR #1 Box 665, Jefferson, SD 57038 (Telephone No.) 605 966 5366

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

W 1/2 SE 1/4 and SE 1/4 SW 1/4 Section 3, T89N, R49W

I understand that the validity of Water Permit No. 5313-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
)
County of Union)

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

Thomas J. Corio
(Signed)

Subscribed and sworn to before me this 29th day of June, 19 92.

Sharon R. McEneaney
(Notary Public) 2695

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413304

Pierre, July 13, 19 92

RECEIVED OF Thomas J Corio, RR 1 Box 665, Jefferson, SD 57038

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5313-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John Hotal
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 1992

No. 5313-3

Thomas J. Corio
RR 1, Box 665
Jefferson, SD 57038

Dear Mr. Corio:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5313-3.

Our records now show you as the owner of Water Permit No. 5313-3.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

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

enclosure



5313-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: THOMAS CORIO, RR 1 BOX 612, JEFFERSON, SD 57038

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) 5313-3. 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) 5313-3 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) 5313-3 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.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1998

NOTICE

TO: Thomas Corio, RR 1 Box 612, Jefferson, SD 57038

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

SUBJECT: Unclaimed Certified Mail Concerning Reporting Requirements for Water Permit No. 5313-3

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 10th and January 21, 1998, to pick up and sign for the certified mail.

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1998

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: THOMAS CORIO, RR 1 BOX 612, JEFFERSON, SD 57038

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: One Year Suspension of Water Permit No. 5313-3

Pursuant to the provisions of the notice dated January 9, 1998, and following the hearing of February 25, 1998, the Water Management Board has ordered:

That Water Permit No. 5313-3 be suspended until December 31, 1998, for failure to submit the 1997 irrigation questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1998 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1997 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6, 1998, in Pierre, SD. The letter should include your reasons for not completing the 1997 irrigation questionnaire.

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

CERTIFICATION

I hereby certify that on March 2, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 2, 1998, regarding One Year Suspension of the following Water Rights/Permits until December 31, 1998, for failure to submit the 1997 irrigation questionnaires, addressed as stated below:

W.R. #881-2: Ronnie Edwards, Box 169, Winner, SD 57580.

W.P. #5309-3: Norman DeLange, RR 2, Box 88, Corsica, SD 57328.

W.P. #5313-3: Thomas Corio, RR 1, Box 612, Jefferson, SD 57038.

Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2 are suspended for failure to submit the 1997 irrigation questionnaires and chemical reporting forms, and the Notice was sent to the following:

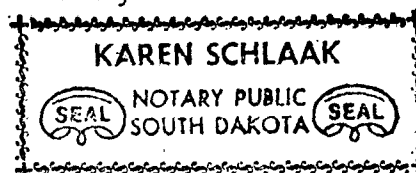
Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 1998


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Thomas Corio

ADDRESS: RR1 Box 612, Jefferson, SD 57038

COUNTY: UN

DATE: 10-22-98

TELEPHONE: 966-5366

RE: Suspended Water Permit Investigation

COMMENTS:

While in this area on a well run, I drove past this location on 10-20-98 to check if there had been use of this system this year. There was no evidence that the system had been used.



Forest Ross Walter
Natural Resource Technician



**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: THOMAS CORIO, 47606 SD HIGHWAY 50, ELK POINT, SD 57025 6629

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) 5313-3. 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) 5313-3 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) 5313-3 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.

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.

PLACE STICKER AT TOP OF ENVELOPE

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:

THOMAS CORIO
47606 SD HIGHWAY 50
ELK POINT SD 57025 6629

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Faci Corio 11/22/01

C. Signature

X *Faci Corio*☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf 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)

7000 0600 0026 9814 2607



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2001

NOTICE OF THREE YEAR SUSPENSION OF WATER PERMIT

TO: Thomas Corio, 47606 SD Highway 50, Elk Point, SD 57025-6629

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Three Year Suspension of Water Permit No. 5313-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing of March 7, 2001, the Water Management Board has ordered:

That Water Permit No. 5313-3 be suspended until December 31, 2003, for failure to submit the 2000 irrigation questionnaire.

Suspension means water may not be pumped during the 2001, 2002 or 2003 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001, in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaire.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2003

5313-3

Thomas J Corio
47606 SD Hwy 50
Elk Point SD 57025

Dear Mr. Corio:

On June 19, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5313-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 10, 2003

RECEIVED OF Thomas Corio, 47606 SD Hwy 50, Elk Point SD 57025

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and Issuing Water License No. <u>5313-3</u>		50 00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000651

By

Darland Ebele

Chief Engineer

gm

Permit No. 5313-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, June 19, 2002, made a thorough examination of the water use system constructed by Thomas J Corio of 47606 SD Hwy 50 Elk Point SD 57025 holder of Permit No. 5313-3, bearing the priority of March 28, 1989 authorizing the diversion of 1.71 cu. ft. per second of the waters of ground water (Missouri Elk Point aquifer) for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **John Corio, father**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 133 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 93 feet
- 3) Type Plastic

Screen:

- 1) Type Manufactured PVC
- 2) Length 40 feet
- 3) Static water level 24 feet

Pump:

- 1) Make Amarillo PTO driven
- 2) Model S60A
- 3) Capacity 800 gpm
- 4) Size rated for 60 hp

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

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length ≈ 1,120 feet

C. Works used to apply water to beneficial use:

Gated pipe:

- 1) Length ≈ 1,000 feet
- 2) Diameter 8 inches

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none (permit suspended through 2003)

The system is in fair condition with the point of diversion located as follows: well: 2,650 feet W and 1,350 feet N from the SE corner section 3-T89N-R49W (NE¼SW¼). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in section 3-T89N-R49W

NW¼SE¼ 33 acres
 SW¼SE¼ 32 acres

SE¼SW¼ 32 acres

Report of Examination of Works

Permit No. 5313-3

comprising a total of 97 acres of land and the license should be issued for 1.38 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: **none**



Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: January 28, 2003

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
January 28, 2003

No. 5313-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5313-3

(1) Bernard Nearman, Jefferson SD made Application No. 5313-3, March 28, 1989 for a water permit to divert 1.71 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5313-3, with a priority date of March 28, 1989 was approved May 10, 1989 and issued to the applicant 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 water on or before May 10, 1998.

On July 1, 1992, Water Permit No. 5313-3 was transferred to Thomas J Corio, 47606 SD Hwy 50, Elk Point SD 57025.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5313-3 is issued a license, bearing a priority date of March 28, 1989 to appropriate 1.38 cubic feet of water per second from groundwater (one well) to irrigate 97 acres.

The diversion point is located: 2,650 feet west and 1,350 feet north from the southeast corner of Section 3-T89N-R49W (NE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 3-T89N-R49W			
NW ¼ SE ¼	33 acres	SE ¼ SW ¼	32 acres
SW ¼ SE ¼	32 acres		
Total 97 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5313-3 including the following now applicable qualifications:

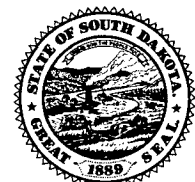
- The well authorized pursuant to this Permit shall be constructed by a licensed well driller and construction shall comply Water Management Board Well Construction Rules, Chapter 74:02:04.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 12 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 2003

5313-3

Thomas J Corio
47606 SD Hwy 50
Elk Point SD 57025

Dear Mr. Corio:

Enclosed is Water License No. 5313-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000651 in the amount of \$50.00 which you paid for the investigation 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. 5313-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: *Thomas Corio* **File No.** *5313-3***Address:** *47606 SD Hwy 5, Elk Point, SD* **County:** *Union***Date:** *8-25-03***RE:** *Inspection of Suspended Permit No. 5313-3***Comments:**

On August 19, 2003, Garland Erbele and I made a drive-by inspection of suspended permit No. 5313-3. We found no evidence of an irrigations system or any evidence that irrigation had been performed this year.



Mark D Rath

Natural Resources Engineering Specialist



5313-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: THOMAS CORIO, 47606 SD HIGHWAY 50, ELK POINT, SD 57025 6629

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No. 5313-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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. 5313-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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. 5313-3 in accordance with applicable provisions of SDCL 46-1-12. **Based on the number of past violations, the Water Rights Staff recommendation to the Board will be that Water Right No. 5313-3 be cancelled.**
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 25, 2005**, 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.



5313-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0254

Your item was delivered at 2:02 pm on January 21, 2005 in ELK POINT, SD 57025. The item was signed for by J J CORIO.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0254

THOMAS CORIO
47606 SD HIGHWAY 50
ELK POINT SD 57025 6629

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 158, July 2001



**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 24, 2005

5313-3

Tom Corio
47606 SD Hwy 50
Elk Point SD 57025

Dear Mr. Corio:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 5313-3.

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



5313-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: THOMAS CORIO, 47606 SD HIGHWAY 50, ELK POINT, SD 57025 6629

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No. 5313-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire 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. 5313-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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. 5313-3 in accordance with applicable provisions of SDCL 46-1-12;
Based on the number of past violations, the Water Rights Staff recommendation to the Board will be that Water Right No. 5313-3 be cancelled.
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 is received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed is an additional questionnaire for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.



5313-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2301 3460 0000 8516 2401**
Status: **Delivered**

Your item was delivered at 1:30 PM on January 30, 2007 in ELK POINT, SD 57025. The item was signed for by T CORIO.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

Service Signature Confirmation	
SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8516 2401	PO THOMAS CORIO 47606 SD HIGHWAY 50 ELK POINT SD 57025 6629
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811
☐ Priority Mail® ☐ Package Services	
PS Form 153, July 2001 (5010-108-000)	



McMath, Genny

From: Jana Foltz [ucrod@iw.net]
Sent: Monday, March 05, 2007 8:27 AM
To: McMath, Genny
Subject: Re: land ownership

Sorry but our Courthouse was closed on March 1 and March 2 because of a blizzard. Yes the property you asked about is in the names of Thomas & Jaclyn Corio and John and Mary Corio

TO:

FROM:

Jana Foltz, Union County Register of Deeds

SUBJECT:

Pursuant to the hearing, the

- Effective the 2006
- If the 201 will not t

Failure to retri 5313-3. SDC violation.

Pursuant to S and/or forfeit excerpts of th

A review of y excuse exists questionnaire place since 19

Based on the Water Manag

Decisions of t provided by l

Please contact

----- Original Message -----

From: Genny.McMath@state.sd.us
To: ucrod@iw.net
Sent: Thursday, March 01, 2007 11:45 AM
Subject: land ownership

I am in the process of reviewing a water right held by Thomas Corio, Elk Point SD.

The legal description of the property is: W 1/2 SE 1/4 and SE 1/4 SW 1/4 Section 3, T89N, R49W (contains 97 acres of irrigated land)

Can you tell me if Mr. Corio still owns the land?

Thank you in advance for your help.

Genny McMath

Water Rights Program – DENR

605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2007

NOTICE

TO: Thomas Corio, 47606 SD Hwy 50, Elk Point SD 57025-6629

FROM: Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352 *Garland Erbele*

SUBJECT: Cancellation of Water Right No. 5313-3

Pursuant to the provisions of the notice dated January 26, 2007 and following the March 7, 2007 hearing, the Water Management Board has ordered:

- **Effective April 6, 2007, Water Right No. 5313-3 be CANCELLED for failure to submit the 2006 irrigation questionnaire.**
- **If the 2006 irrigation questionnaire is received prior to April 6, 2007, the cancellation will not take effect.**

Failure to return the 2006 irrigation questionnaire was the third violation of Water Right No. 5313-3. SDCL 46-1-12 states that the Board may cancel a permit or license for the third violation.

Pursuant to SDCL 46-5-36 and 46-5-37, the Board can also cancel a water right for abandonment and/or forfeiture for nonuse, unless legal excuse exists for the years of nonuse. Enclosed are excerpts of the water laws and Water Management Board Rules dealing with these issues.

A review of your water right indicates the land was last irrigated in 1995. If you feel legal excuse exists and wish to maintain your water right, you must submit the 2006 irrigation questionnaire by April 6th along with a narrative describing the reasons no irrigation has taken place since 1995.

Based on the reasons for non-use, the Water Rights Program may bring the matter before the Water Management Board to have them make a formal ruling on the validity of the water right.

Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

CERTIFICATION

I hereby certify that on March 12, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2007 regarding Board action concerning irrigation questionnaire violations addressed as stated below:

No. 5313-3
Thomas Corio
47606 SD Hwy 50
Elk Point SD 57025-6629

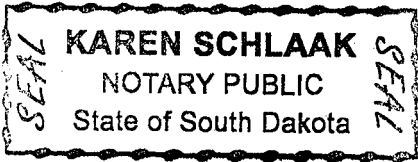
No. 418-1
Dennis Lien
19068 136th Ave
Vale SD 57788


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 13th day of March, 2007.

Karin Schuck
Notary Public



My Commission Expires
April 1, 2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2007

Thomas Corio
47606 SD Hwy 50
Elk Point SD 57025-6629

Dear Mr. Corio:

On March 7, 2007, the Water Management Board has ordered Water Right No. 5313-3 be cancelled for failure to submit the 2006 irrigation questionnaire unless the questionnaire was received prior to April 6, 2007.

Your irrigation questionnaire was received on March 16th. Since the questionnaire was received prior to April 6th the Board action did not take effect and the water right has not been cancelled.

The notice to you dated March 12th requested information from you concerning the reasons water was not placed to beneficial use for several years. This information should still be submitted. Enclosed is a postage-paid envelope for your reply.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure.



5313-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: THOMAS CORIO, 47606 SD HIGHWAY 50, ELK POINT, SD 57025 6629

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5313-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 5313-3 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 11, 2008** 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) 5313-3 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights staff will recommend to the Board that Water Right No. 5313-3 be cancelled.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

5313-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 2700

Status: **Delivered**

Your item was delivered at 1:35 PM on January 19, 2008 in ELK POINT, SD 57025. The item was signed for by J CORIO.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail.

[Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

United States Postal Service
Official WebsiteUnited States Postal Service
Official Website

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2700	
THOMAS CORIO 47606 SD HIGHWAY 50 ELK POINT SD 57025 6629	
Waiver of Signature	☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 2008

5313-3

Tom Corio
33551 480th Ave
Jefferson SD 57038

Dear Mr. Corio:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5313-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, enclosed are three sets of application forms for irrigation. If you need assistance when completing the forms, please contact us.

Sincerely,

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



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, 2009

NOTICE

TO: THOMAS CORIO, 33551 480th AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5313-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 5313-3 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 11, 2009** 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) 5313-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations, Water Rights Staff will be recommending to the Board that the water right be cancelled;**
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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

0313

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 6562**
Status: **Delivered**

Your item was delivered at 10:32 AM on January 24, 2009 in JEFFERSON, SD 57038. The item was signed for by D HEATVN.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6562

THOMAS CORIO
33551 480th AVE
JEFFERSON SD 57038

ing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail® Service
☐ First-Class Mail® parcel
☐ Package Services parcel



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2009

NOTICE

TO: Thomas Corio, 33551 480th Ave, Jefferson SD 57038

FROM: Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352 *Garland Erbele*

SUBJECT: Cancellation of Water Right No. 5313-3

Pursuant to the provisions of the notice dated January 23, 2009 and following the March 11, 2009 hearing, the Water Management Board has ordered:

- **Effective April 11, 2009, Water Right No. 5313-3 be CANCELLED for failure to submit the 2008 irrigation questionnaire.**
- **If the 2008 irrigation questionnaire is received prior to April 11, 2009, the cancellation will not take effect.**

Failure to return the 2009 irrigation questionnaire was the third violation of Water Right No. 5313-3. SDCL 46-1-12 states that the Board may cancel a permit or license for the third violation.

Pursuant to SDCL 46-5-36 and 46-5-37, the Board can also cancel a water right for abandonment and/or forfeiture for nonuse, unless legal excuse exists for the years of nonuse. Enclosed are excerpts of the water laws and Water Management Board Rules dealing with these issues.

Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

CERTIFICATION

I hereby certify that on March 12, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2009 regarding cancellation, suspension and amendments of Water Rights addressed as stated below:

Cancelled

Thomas Corrio, 33551 480th Ave., Jefferson SD 57038 5313-3

Gary R Larson, PO Box 337, Bison SD 57620 984-1

3 year suspension

Edward Patrick Henry, PO Box 11, White Clay NE 672-2

1 year suspension

Mike Slocum, Lakes Golf Course, 19 Golf Dr., Wentworth SD 57075 6055-3

Brad Kronz, McCook Country Club, PO Box 129, Salem SD 57058 5222-3 & 6874-3

Donald T & Katherine A Miller, 13217 Wilson Cemetery Rd., Newell SD 57760 1653-1

Duane Rogers, Adminstrator, 13575 383rd Ave., Aberdeen SD 57401 2943-3

Amendment to Water Right

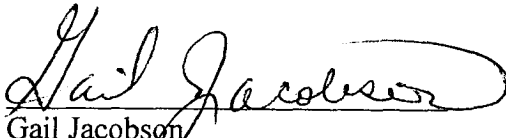
Steven Ching, 46577 188th St., Castlewood SD 57223 3224-3

Emily Stadheim Revocable Trust, 504 11th Ave N, Hettinger ND 58639 1055-1

Kent Wientjes, River Bottom Cattle Co., LLC, PO Box 96, Mobridge SD 57601 1012-1

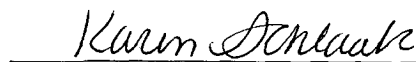
Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd., Wasta SD 57791 618-2

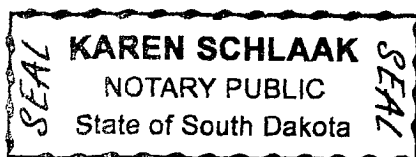
Fred Wientjes, PO Box 127, Mobridge SD 57601 1067-1


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 2009

5313-3

Tom Corio
33551 480th Ave
Jefferson SD 57038

Dear Mr. Corio:

On March 11th, the Water Management Board ordered Water Right No. 5313-3 be cancelled if the 2008 irrigation questionnaire was not received prior to April 11, 2009. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred. You are hereby authorized to irrigate during the 2009 irrigation season.

In a phone conversation with Genny McMath with our program, you indicated you had changed the irrigation system to a low pressure center pivot system. Enclosed is a copy of the water right and the map prepared by the staff engineer who conducted the licensing investigation. As long as the changes to your system did not increase the diversion rate from the well, add or change acres irrigated, no additional permitting is necessary.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



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 22, 2010

NOTICE

TO: THOMAS CORIO, 33551 480th AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5313-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 5313-3 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 10, 2010** 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) 5313-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to past violations the Water Rights Program will recommend to the Board that the water right be cancelled.**
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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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.aspx>

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

5313-3
[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8658

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 12:19 PM on January 27, 2010 in JEFFERSON, SD 57038. The item was signed for by M COLO.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 27, 2010, 12:19 pm, JEFFERSON, SD 57038
- Notice Left, January 23, 2010, 12:32 pm, JEFFERSON, SD 57038
- Out for Delivery or Available at PO Box, January 23, 2010, 8:57 am, JEFFERSON, SD 57038
- Sorting Complete, January 23, 2010, 8:27 am, JEFFERSON, SD 57038
- Arrival at Post Office, January 23, 2010, 8:13 am, JEFFERSON, SD 57038

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail.

[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8658THOMAS CORIO
33551 480th AVE
JEFFERSON SD 57038

mailing.

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

- ☐ Priority Mail™ Service
- ☐ First-Class Mail® parcel
- ☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2010

5313-3

Thomas Corio
33551 480th Ave
Jefferson SD 57038

Dear Mr. Corio

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 5313-3.

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
email: genny.mcmath@state.sd.us