

Considered: _____

WATER PERMIT NO. 5337-3

HAP No. same 487-7059

Name of Applicant Dan D Svatos

Post Office Address RR 1, Box 126, Lake Andes SD 57356

Amount of Water Claimed 0.57 Total Acres 40 add'l

Source of Water Supply Missouri River

Water to be used for irrigation County Charles Mix

About 4 miles S of Lake Andes.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received May 31, 1989 Fee \$150⁰⁰ Remarks _____

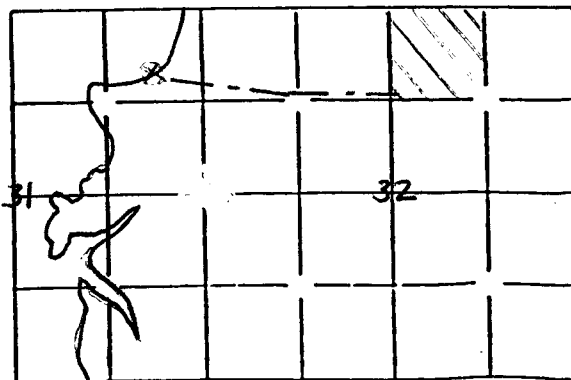
Corrected Application Received July 7, 1989 Period of Annual Use April - Sept 30

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

WI-1 Description same as Application YES ☒ NO _____ REMARKS Jim Stukel made
correction to diversion point description

Diversion Point Missouri River: NE 1/4 NE 1/4
section 31-T96N-R65W

Land to be Irrigated NW 1/4 NE 1/4 section 32-T96N-
R65W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Wayne Noble Reviewed and the Number
assigned on July 13, 1989 By Ron Durrall



No. 5337-3 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Lake Andes Wave, Box 216, (wood) 57356

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

- Type of Application: ☒ New ☐ Vested Right ☒ Amend Permit No. 1564-3
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant DAN D. SVATOS Phone No. 605 487-7059
Post Office Address RR 1 Box 126 Lake Andes State SD Zip Code 57356
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 0.57 Total acres irrigated 40 add'l
3. Source of Water supply Missouri River Lake Francis Case
4. Location of point of diversion 96 65 Sec 31 NE 1/4 NE 1/4
County Charles Mix
5. Counties where water will be used Charles Mix
6. Annual period during which water is to be used April 1 - September 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>96 65 Sec 31 NW 1/4, NE 1/4</u>	<u>40</u>
<u>32</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

This 40 Acre tract to be irrigated is located adjacent to our property. We Purchased a center Pivot and would like be Able to irrigate this Additional 40 acre. This Additional 40 Acre tract is owned by Jack Soulek RR 2 Box 49 Lake Andes SD 57356

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 Charles Mix)^{ss}

I, DAN D. SVATOS, 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 _____

Subscribed and sworn to before me this 5th day of May 1989

Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5337-3 FOR IRRIGATION

Date of first receipt of application May 31, 1989.

Date Soil/Water Compatibility Permit received July 7, 1989.

The Water Management Board approved Water Permit Application No. 5337-3 on September 28, 1989 for Dan D Svatos, RR 1, Box 126, Lake Andes SD 57356 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. 5337-3 appropriates 0.57 cubic feet of water per second from the Missouri River to irrigate 40 acres. The point of diversion is to be located in the NEL/4 NEL/4 section 31 and the acreage to be irrigated is located in the NW1/4 NEL/4 section 32; all in T96N-R65W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is May 31, 1989.
4. One-fifth of the construction is to be completed on or before March 28, 1992.
5. All construction is to be completed on or before September 28, 1994.
6. Water is to be put to beneficial use on or before September 28, 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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Land authorized for irrigation by Permit No. 5337-3 is also irrigated under Water Permit No. 1564-3. Combinations of diversion under these water permits may not exceed the statutory limit of 1.0 cfs for each 70 acres of land to be irrigated.

WATER MANAGEMENT BOARD

By: _____

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

NOV 20 1989

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 1, 1989

RECEIVED OF SVATOS BROTHERS, RR #1 BOX 126, LAKE ANDES SD 57356

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

Fee for Application for Permit No. <u>5337-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By John Hatch (ma)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4386

WR#

OWNERS NAME: Dan D. Svatos OWNERS ADDRESS: RR 1, Box 126
Lake Andes, SD 57356

COUNTY LAND LOCATED IN: Charles Mix PHONE: _____

LEGAL DESCRIPTION:

1. LOCATION NE 1/4 Sec. 31-T96-R65 7/10/89 ☐ Well ☒ Surface

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 Sec. 32-T96-R65</u>	<u>40</u>		

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

3. CROPS TO BE IRRIGATED: Soybeans, Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: Missouri River 7. ADJUSTED (SAR): 2.6
5. SALINITY (EC X 10⁶): 529 8. PERCENT SODIUM: 35
6. SODIUM (SAR): 1.4

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.



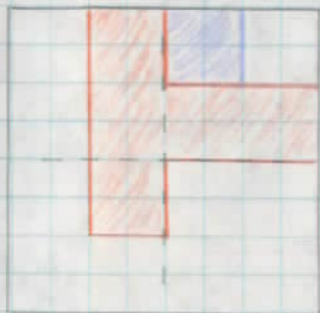
[Signature]
Director, Division of Conservation

6/10/89
Date

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

— Sec. 32, T96N, R65W —



— WR PERMIT No. 5337-3 (PROPOSED) —

— WR PERMIT No. 1564-3 (EXISTING) —

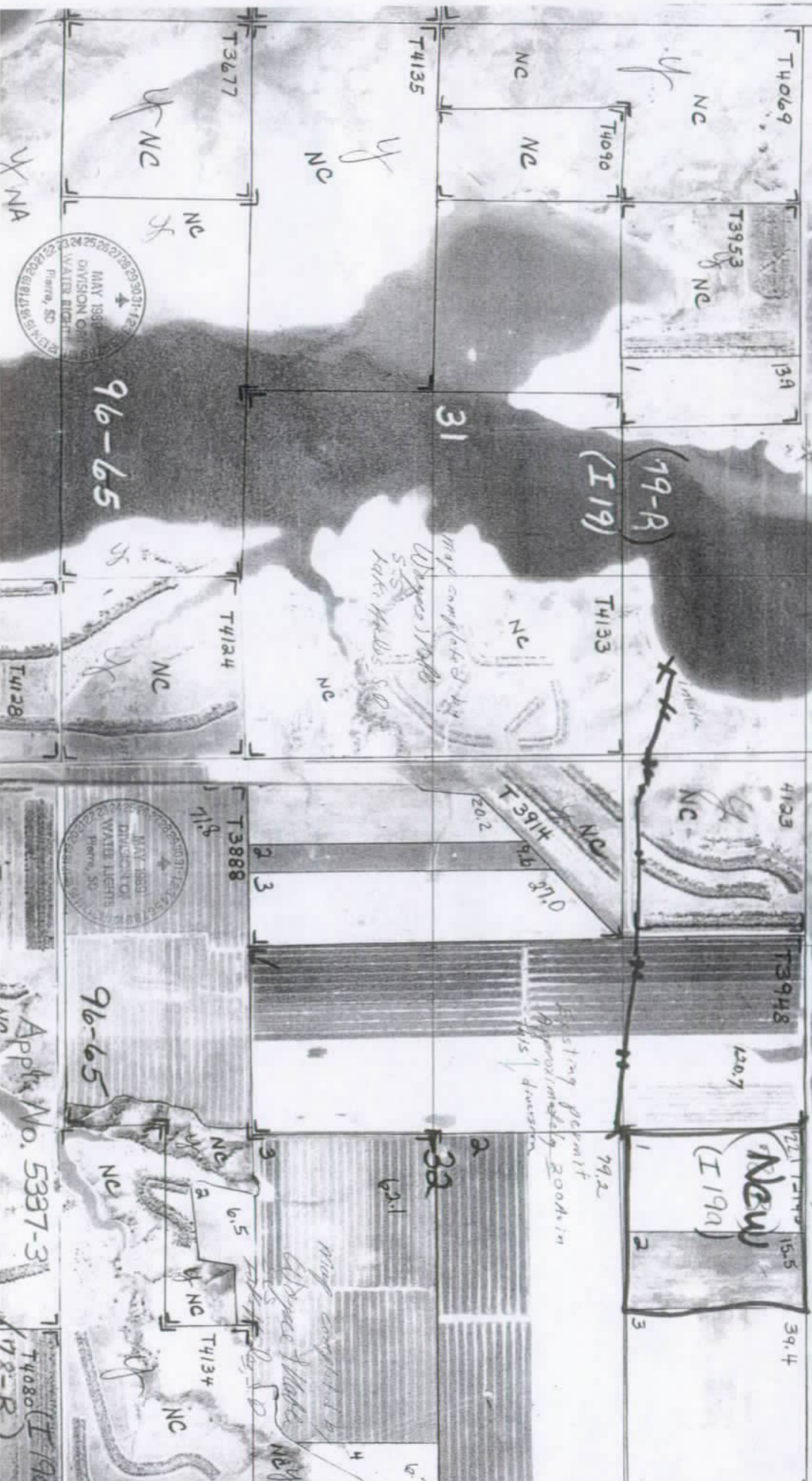
NOT TO SCALE

Don Santos
R.M. 1 Box 124
La Jolla, Calif. 92037

NOT TO SCALE

P. 111
 RM. 1
 1-a/6
 S. 10405
 Box 126
 Andros, S. P.

Permit # 1564-3



REPORT ON APPLICATION NO. 5337-3

Dan D. Svatos

August 7, 1989

Water Permit No. 5337-3 requests to appropriate 0.10 cubic feet per second (cfs) from the Missouri River to irrigate 40 acres. The point of diversion is located in the NE 1/4, NE 1/4, section 31 and the acreage to be irrigated is located in the NW 1/4, NE 1/4, section 32; all in T96N, R65W. The combined diversion rate of this application, if approved, and Water Right No. 1564-3 (held by the same party) is not to exceed 1.0 cfs per each 70 acres irrigated.

The diversion project consists of a center pivot irrigation system that will be used to irrigate 40 acres. A soil/water compatibility permit (#4386) has been approved by the Department of Agriculture, Division of Conservation.

The Missouri River has an adequate supply of water to support this additional appropriation.

CONCLUSIONS

1. Water is available from the Missouri River to support additional appropriations.
2. Existing water rights on the Missouri River will not be impaired by approval of Water Permit Application No. 5337-3.
3. It is recommended that Water Permit Application No. 5337-3 be approved with the condition that the irrigation questionnaire must be submitted each year.
4. The total water appropriation of permit no. 1564-3 and proposed permit no. 5337-3 (both to be held by Mr. Svatos) must not exceed 1.0 cfs per 70 acres of irrigated area.

Terry L. Jorgensen /KS

Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:

Gale N. Selken

Gale N. Selken, P.E.
Hydrologist
Division of Water Rights

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5337-3, Dan D. Svatos

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. 5337-3, Dan D. Svatos, RR #1 Box 126, Lake Andes, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5337-3 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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Land authorized for irrigation by Permit No. 5337-3 is also irrigated under Water Permit No. 1564-3. Combinations of diversion under these water permits may not exceed the statutory limit of 1.0 cfs for each 70 acres of land to be irrigated.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 11, 1989



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
August 16, 1989

Lake Andes Wave
Box 216
Lake Andes, SD 57356

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5337-3 to be published twice. Please publish the first notice on or before August 23, 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 Dan D. Svatos, RR #1 Box 126, Lake Andes, SD 57356.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

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.

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

Name _____

Newspaper _____





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
August 16, 1989

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

Dan D. Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

Water Permit Application No. 5337-3 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 Lake Andes Wave printed at Lake Andes SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5337-3 to Appropriate Water

Notice is given that Dan D. Svatos, RR #1, Box 126, Lake Andes, SD 57356 has filed an application for a water permit to appropriate 0.57 cubic feet of water per second (cfs) from the Missouri River to irrigate 40 acres. The point of diversion is located in the NE1/4 NE1/4 Section 31 and the acreage to be irrigated is located in the NW1/4 NE1/4 Section 32; all in T96N-R65W. The combined diversion rate of this application, if approved, and Water Right No. 1564-3 is not to exceed 1 cfs per each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5337-3 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 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 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 September 15, 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 September 15, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Charles Mix) ss.

I, Pamela J. Wells
 certify that the attached printed Notice was taken
 from the Lake Andes Wave

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

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

August 22, 1989
August 29, 1989

Pamela J. Wells
 (Signature)

Publisher
 (Title)

8-28-89
 (Date Signed)

Cost of Printing: \$ 34.71

NOTICE OF HEARING
 ON APPLICATION NO. 5337-3 TO
 APPROPRIATE WATER

Notice is given that Dan D. Svatos, RR #1, Box 126, Lake Andes, SD 57356 has filed an application for a water permit to appropriate 0.57 cubic feet of water per second (cfs) from the Missouri River to irrigate 40 acres. The point of diversion is located in the NE 1/4 NE 1/4 Section 31 and the acreage to be irrigated is located in the NW 1/4 NE 1/4 Section 32; all in T96N-R65W. The combined diversion rate of this application, if approved, and Water Right No. 1564-3 is not to exceed 1 cfs per each 70 acres irrigated.

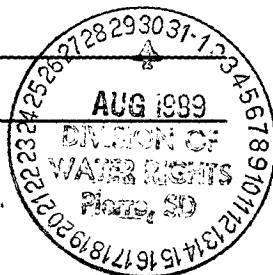
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5337-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 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 September 15, 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 September 15, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

A-22-29-79L





Department of Water & Natural Resources

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

NOV 20 1989

Dan D Svatos
RR 1, Box 126
Lake Andes SD 57356

Dear Mr. Svatos:

Enclosed is Water Permit No. 5337-3 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,

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

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



GREAT FACES. GREAT PLACES.

February 1, 1991

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES SD 57356

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 1392-3, 1564-3, 5337-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1392-3, 1564-3, 5337-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1392-3, 1564-3, 5337-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

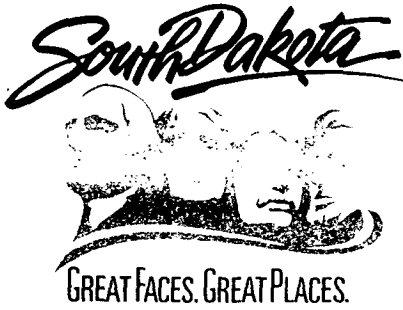
1. Suspend Permit No(s) 1392-3, 1564-3, 5337-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 14, 1991

1392-3
1564-3
5337-3

Dan D Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1392-3, 1564-3 and 5337-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES SD 57356

NOTICE

RE: Violation of Water Permit No(s) 1392-3, 1564-3 & 5337-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1392-3, 1564-3 & 5337-3. 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) 1392-3, 1564-3 & 5337-3 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) 1392-3, 1564-3 & 5337-3 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:

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES, SD 57356

4a. Article Number

P 906 557 741

4b. Service Type

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

7. Date of Delivery

2-1-92

5. Signature (Addressee)

Ryan Svatos

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 6 , 1991

1392-3

1564-3

5337-3

Dan D Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 1392-3, 1564-3, and 5337-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 1995

Dan Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

Thank you for taking the time to visit with me about the status of your water rights. As you indicated during our phone conversation, portions of your land were sold to the Yankton Sioux Tribe. The following is a listing of your water right numbers and their respective legal descriptions.

Sold to Yankton Sioux Tribe

No. 1392-3	122 acres	E 1/2 NW 1/4, W 1/2 NE 1/4 Section 8, T96N, R65W
No. 1564-3	320 acres	S 1/2 SE 1/4, SE 1/4 SW 1/4, N 1/2 SW 1/4 Section 29; S 1/2 NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4 Section 32; all in T96N, R65W
No. 5337-3	40 acres	NW 1/4 NE 1/4 Section 32, T96N, R65W (The permit indicates this tract of land is owned by Jack Soulek)
No. 336-3	80 acres	E 1/2 SW 1/4 Section 30, T96N, R65W (This water right is listed in the name of Tommy Svatos)

Please review the above legal descriptions and let me know which pieces of land were sold. This will allow us to update our records. If you have any questions, please contact me.

Sincerely,

Genny McMath

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



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DAN D SVATOS, RR #1 BOX 126, LAKE ANDES, SD 57356

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

SUBJECT: Violation of Water Permit No(s) 1564-3, 5337-3.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1564-3, 5337-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1564-3, 5337-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1564-3, 5337-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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