

considered:

WATER PERMIT NO. 5340-3 49

HAP No. same 966-5868

Applicant Patty Brienza

Office Address RR 2 Jefferson, SD 57038

Amount of Water Claimed 2.28 cfs Total Acres 160

Source of Water Supply groundwater - well

Water to be used for irrigation County Union

About 2 miles NE of Jefferson

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received July 18, 1989 Fee \$250⁰⁰ Remarks _____

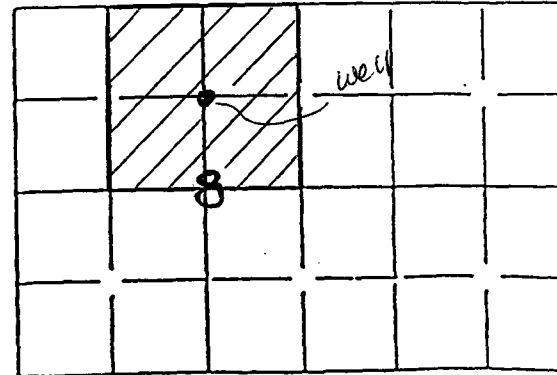
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 8/1/89 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point ~1320' N of the center of
Section 8-T90N-R48W

Land to be Irrigated E¹/₂NW¹/₄, W¹/₂NE¹/₄
Sect 8-T90N-R48W



Well Log: Driller Wetmore Licensed YES ☒ NO _____

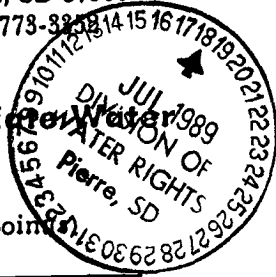
Depth of Well 102' REMARKS test hole

Type of Map aerial photo PREPARED BY L.E. DeSmet Reviewed and the Number

assigned on August 1, 1989 By Susan Bowal

(See instructions)

No. 5340-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper Leader-Courier Box 310 Elk Point 57025



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Patty Brienzo Phone No. 966-5868
2. Post Office Address RR 2 Jefferson State SD Zip Code 57038
(Street, RR or Box) (City)
3. Amount of water claimed (c.f.s.) 2.28 Total acres irrigated 160
4. Source of Water supply 1 well
5. Location of point of diversion NE corner of the SE 1/4 of the NE 1/4 Sec 8-90-48--
approximate 1320 feet north of the center of Section 8-T90N-R48W
6. _____ County UNION
7. Counties where water will be used UNION
8. Annual period during which water is to be used April through October 31
9. 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.
NE 1/4 NW 1/4 Sec 8 T90R48	40
SE 1/4 NW 1/4 Sec 8 T90R48	40
NW 1/4 NE 1/4 Sec 8 T90R48	40
SW 1/4 NE 1/4 Sec 8 T90R48	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
11. Crops to be Irrigated: Corn, soybeans, alfalfa, small grains
12. Give a description of proposed project. (Attach sheet if more-space is needed)

The system will consist of a well with pump and gated pipe to deliver the water

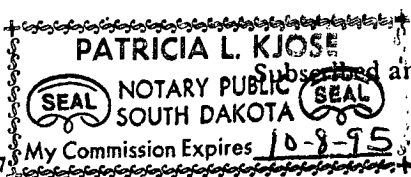
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

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

I, Pat Brienzo 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 Pat Brienzo

Patricia L. Kiose 17th day of July 1989
Notary Public



**SOUTH DAKOTA
WATER PERMIT No. 5340-3 FOR IRRIGATION**

Date of first receipt of application July 18, 1989.

Date Soil/Water Compatibility Permit received August 1, 1989.

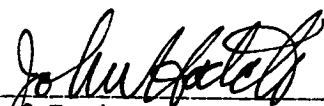
The Water Management Board approved Water Permit Application No. 5340-3 on September 28, 1989 for Patty Brienzo, RR 2, Jefferson SD 57038 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5340-3 appropriates 2.28 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) 139 feet deep to irrigate 160 acres. The well is to be located approximately 1320 feet north of the center of section 8 and the acreage to be irrigated is located in the E1/2 NW1/4, W1/2 NE1/4, section 8; all in T90N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is July 18, 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. 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

DEC 26 1989
(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 102'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type 100 slotted Diameter 16" Thickness 3/4"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 32'
- e) Depth to Top of Water Bearing Material 60'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:
 On applicants property 80 rods On property owned by others 160 rods

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

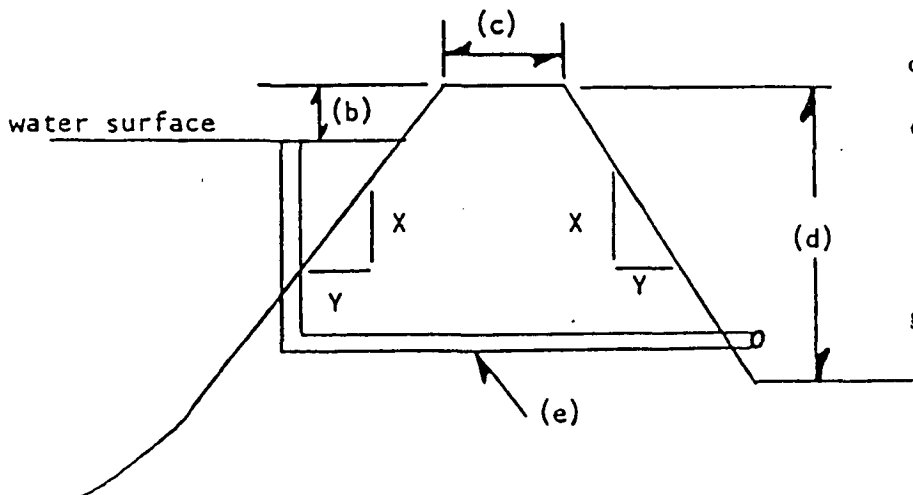
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Pat Brienza

Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 18, 19 89

RECEIVED OF Mrs. William Brienzo, RR #2 Box 35, Jefferson, SD 57038

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

Fee for Application for Permit No. <u>5340-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By

Chief Engineer

John Hatch

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4393

WR#

OWNERS NAME: Patty Brienzo OWNERS ADDRESS: RR 2

Jefferson, SD 57038

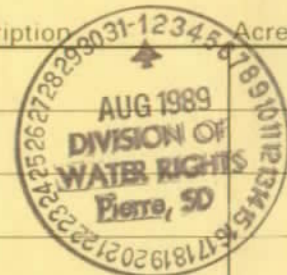
COUNTY LAND LOCATED IN: Union PHONE: 605-966-5868

LEGAL DESCRIPTION:

1. LOCATION 1320' North of center 8-T90N-R48W ☒ Well ☐ Surface

Depth Approx. 130'

Legal Description	Acres	Legal Description	Acres
<u>NE1/4 NW1/4 Sec. 8-T90-R48</u>	<u>40</u>		
<u>SE1/4 NW1/4 Sec. 8-T90-R48</u>	<u>40</u>		
<u>NW1/4 NE1/4 Sec. 8-T90-R48</u>	<u>40</u>		
<u>SW1/4 NE1/4 Sec. 8-T90-R48</u>	<u>40</u>		



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

3. CROPS TO BE IRRIGATED: Corn, soybeans, alfalfa, small grains

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0314 7. ADJUSTED (SAR): 2.82
5. SALINITY (EC X 10⁶): 1000 8. PERCENT SODIUM: 20.33
6. SODIUM (SAR): 1.11

Requirements:

The soils of the area are subject to seasonal high water tables which may inhibit the leaching of salts to address the potential hazard adequate internal drainage shall be provided. To achieve this necessary drainage may only require good water management and the existing drainage system. It may, however, include the modification of the existing drainage.

Please be advised that we do not consider the Swampbuster provision in the development of our recommendation. Before installing or modifying any drainage, contact your local SCS and ASCS offices.

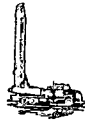
The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.

X APPROVED X REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Patty Brienzo
Director, Division of Conservation

Date 7/28/89

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



WETMORE DRILLING

P.O. BOX 577 · ELK POINT, SOUTH DAKOTA 57025 · (605) 356-3272

7/ 15/89



Patty Brienzo
Rt. 2
Jefferson, SD 57038

TEST WELL

NE corner of SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec8-90-48

0	- 4'	Topsoil
4	- 26'	clay
26	- 67'	fine sand
67	- 130'	coarse sand & gravel
130	- 139'	coarse sand, gravel & large boulders

James Wetmore
James Wetmore

Wetmore Drilling

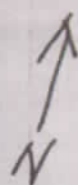
NOT TO SCALE



74.3 T1316

155.2 T129894R

X Well



See
674

76.6 T1281

157.1 T1315

Sec 8 - 90-48
Prepared for Patty Brienzo
July 6 - 89
by L. E. DeSmet
Benton Co Ext agt

235.2

T1308

21.8

90-48

76.6 T1279

160.0 T1386 94R

Appl. No. 5340-3

Report on Application No. 5340-3
Patty Brienzo
August 9, 1989

This application proposes to appropriate 2.28 cfs from one well approximately 139 feet deep to irrigate 160 acres. The well is to be located approximately 1320 feet north of the center of Section 8 and the acreage to be irrigated is located in the E1/2 NW1/4, W1/2 NE1/4 of Section 8; all in T90N, R48W in Union County.

Aquifer - Missouri - Elk Point (M-EP)

The Missouri - Elk Point is an alluvium mantled glacial outwash (sand and gravel) which is basically under water table conditions. Because the alluvium consists of silts, sands and clays it can act as a leaky confining layer in some locations causing the Missouri-Elk Point Aquifer to be under artesian conditions. This situation is not prevalent over the entire aquifer and for practical purposes the sediments can be considered as one unit hydrologically. The aquifer underlies 99,600 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Union County (Hedges, 1982). The aquifer is hydraulically connected to the Lower Vermillion Aquifer, the Big Sioux South Aquifer and the Missouri and Big Sioux Rivers.

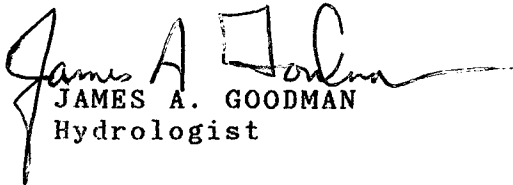
The Division of Water Rights monitors 25 observation wells completed into the M-EP Aquifer. Five of these wells, UN-87C, UN-87E, UN-87D, UN-87B and UN-87A are located within a 2 mile radius because of this diversion point. Water levels for these wells show excellent correlation with climatic conditions, that is rising during wet years and lowering during dry years. There are noticeable effects due to seasonal pumping for irrigation in this area. Fluctuations were in the 5 to 8 feet range in 1988 (Water Rights, 1988).

Review of Existing Water Permits

This area of Union County is intensively irrigated. This particular permit application is surrounded by existing irrigation. There are 4 irrigation wells within 1/2 mile of this application. Interference is not expected to be a problem. Water levels show some response to pumping, but that fluctuation will not adversely affect the amount of water available from the aquifer. Recharge to the M-EP is sufficient to meet the demands of pumping as evidenced by the water level records.

Conclusions

1. Water is available form the M-EP Aquifer.
2. Interference will not be a problem. Even though there is fluctuation in the water levels this does not effect the aquifer adversely. The aquifer can exceed 100 feet in saturated thickness and a few feet of change in water levels does not significantly affect the aquifer.
3. Recharge to the M-EP Aquifer appears to be sufficient to meet the demands of pumping in the area.
4. Any well completed for this application will need to be constructed in accordance with SD Well Construction Standards.


JAMES A. GOODMAN
Hydrologist

Bibliography

- Hedges, L.S., 1982, Evaluation of Groundwater Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWNR, Vermillion, SD 57069
- Water Rights, 1989, Observation Well Records for M-EP Aquifer in Union County, SD DWNR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

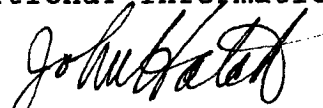
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5340-3, Patty Brienzo

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. 5340-3, Patty Brienzo, RR #2 Jefferson, SD

The Chief Engineer is recommending APPROVAL of Application No. 5340-3 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 wells 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
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
August 15, 1989



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.

Patty Brienzo
RR #2
Jefferson, SD 57038

Dear Ms. Brienzo:

Water Permit Application No. 5340-3 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. 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





Department of Water & Natural Resources

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

August 16, 1989

Leader-Courier
Box 310
Elk Point, SD 57025

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5340-3 to be published twice. Please publish the first notice on or before August 24, 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 Patty Brienzo, RR #2, 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



Instruction to Newspaper - Publish first Notice on or before August 24, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5340-3 to Appropriate Water

Notice is given that Patty Brienzo, RR #2, Jefferson, SD 57038 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well (Missouri - Elk Point Aquifer) approximately 139 feet deep to irrigate 160 acres. The well is to be located approximately 1320 feet north of the center of Section 8 and the acreage to be irrigated is located in the E1/2 NW1/4, W1/2 NE1/4 Section 8; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5340-3 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; 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson

certify that the attached printed Notice 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:

August 24,

August 31

Lester E. Emerson
(Signature)

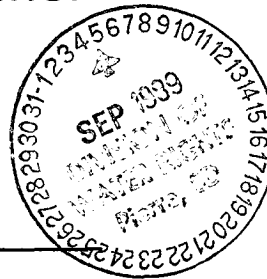
Editor/Publisher
(Title)

(Date Signed)

Cost of Printing: 37.54

Emerson

My Commission Expires 7-21-91



NOTICE OF HEARING On Application No. 5340-3 To Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5340-3 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, S. D. 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, 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 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; 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 DUVAL
Natural Resources Engineer
Pub. Aug. 24 and 31.



Department of Water & Natural Resources

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

DEC 26 1989

Patty Brienzo
RR 2
Jefferson SD 57038

Dear Ms. Brienzo:

Enclosed is Water Permit No. 5340-3 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 dark ink, appearing to read "John Hatch".

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

enclosures

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

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1-9-90TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Patty BRIENZO RR #2 JEFFERSON SD
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5340-3.

Water Permit No. 5340-3 states that the diversion system is to be constructed by Sept 28, 1994, and that the water it put to beneficial use by Sept 28, 1998.

The diversion system was completed on May 28, 1990.
Applying the water to beneficial use was completed on JUNE 28 1990

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

Patty Brienzo
signature



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

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

I have this day made a thorough examination of the water use system constructed by Patty Brienzo
 of RRI, Box 280, Jefferson, SD 57038 holder of
 Permit No. 5340-3, bearing the priority of July 18 19 89 pm authorizing
 the diversion of 2.28 cu. ft. per second of the waters of the Missouri - Elk Point Aquifer
 for irrigation purposes, in Union County.

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

A. Works used to divert the water:

Section 8 - One well - 130' deep, 70' of 16" plastic casing and 60' of 16" 100 slot screen PVC
 Western Land Roller 5 stage pump - 10", 1000 GPM @ 30 psi
 US Electric Motor - 30 HP, Model F405150 R334 R046 F

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

Section 8 -
 2640' of 8" Gated Pipe

C. Works used to apply water to beneficial use:

Section 8 -
 Same as above

The system is in the following condition Good.

The point of diversion is located in the NW 1/4 approximately 1320' N of the center of
Section 8, T90N, R48W Union County, SD.

The works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in T90N, R48W:Section 8 - 40 acres in the NE 1/4 NW 1/440 acres in the SE 1/4 NW 1/440 acres in the NW 1/4 NE 1/440 acres in the SW 1/4 NE 1/4comprising a total of 160 acres of land and the license should be issued for 2.22 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: None Date July 11, 1991

Gregory C. Johnston
 (signature)

LICENSE FOR PERMIT NUMBER 5340-3 Patty Brienzo

1. Legal location of wells: 1320' N of the center of Section 8, T90N, R48W
Union County, South Dakota
dams & structures: None

2. Well Information: Well Drilling Firm Wetmore Drilling

Completion Report Yes X No _____ No. of Wells 1 Depth 130'
Casing a) diameter 16" Screen a) type 16"-PVC
b) length 70' b) length 60'
c) type Plastic Static Water Level 18'
Pump a) make Western Land Roller Motor a) make US Electric
b) model N/A b) model No. F4051502R334R046F
c) size 10" c) horsepower rating 30
d) capacity 1000 gpm
e) turbine pump - no. of stages 5
f) operating PSI 30

3. Distribution lines or canals

a) size 8"
b) type Gated Pipe
c) length 2640'

4. Dam Information: N/A

a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

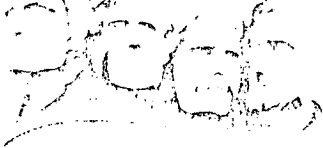
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project None

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

REMARKS:

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1991

5340-3

Patty Brienzo
RR #1 Box 280
Jefferson, SD 57038

Dear Ms. Brienzo:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5340-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

NOT TO SCALE

~~22711~~ 17200 of 18200 23

94.3 T1316

155.2

NE $\frac{1}{4}$ NW $\frac{1}{4}$

40 acres

T129894R

NW $\frac{1}{4}$ NE $\frac{1}{4}$

40 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$

40 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$

1320' 40 acres

* Well

8

96.6 T1281

159.1 T1315

235.2

T1308

Sec. 8 T90N1 R48W - Application # 5340-3

160 acres irrigated (total)

Inspected 7/11/91

by Greg C. Johnston

Greg C. Johnston
Water Resources Eng., DENR

90-48

182

96.6 T1299

194.4

T1386

94R

5340-3

N

See
67L

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412748

Pierre, July 22, 1991

RECEIVED OF Mrs. William Brienzo, RR 2, Box 35, 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. <u>5340-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch (CF)
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5340-3

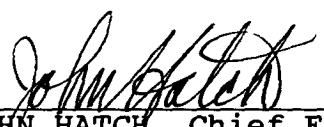
(1) Patty Brienzo of RR 1, Box 280, Jefferson, SD 57038 made Application No. 5340-3, July 18, 1989 for a water permit to appropriate 2.28 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5340-3 with a priority date of July 18, 1989 was approved September 28, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 28, 1994 and for the application to beneficial use of said water on or before September 28, 1998.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is: 1320'N of the center of Section 8, T90N, R48W.

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

T90N, R48W Section 8	NE 1/4 NW 1/4	40 Acres
	SE 1/4 NW 1/4	40 Acres
	NW 1/4 NE 1/4	40 Acres
	SW 1/4 NE 1/4	40 Acres
	Total-----	160 Acres

(4) Pursuant to Section 46-5-30.1 Patty Brienzo of RR 1, Box 280, Jefferson, SD 57038 the holder(s) and/or owner(s) of Water Permit No. 5340-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from groundwater (one well) with a priority date of July 18, 1989 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5340-3 and subject to South Dakota State Law.


SEP 17 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

SEP 17 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5340-3

Patty Brienzo
RR 1, Box 280
Jefferson, SD 57038

Dear Ms. Brienzo:

Enclosed is Water License No. 5340-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412748 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5340-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures



5340-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DENNIS & MICHELLE CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5282-3 & 5340-3, 59-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5282-3 & 5340-3 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 5, 2003 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) 5282-3 & 5340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 28, 2003**, 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 (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 57501-3182
www.state.sd.us/denr

January 28, 2003

59-3
5282-3
5340-3

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 59-3, 5282-3 and 5340-3

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



5340-3

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 14, 2004

NOTICE

TO: DENNIS & MICHELLE CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5282-3 & 5340-3, 59-3, 1092-3, 1106-3 & 2410-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5282-3 & 5340-3 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 3, 2004 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) 5282-3 & 5340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, 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 (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.

5340-3



February 9, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 59-3, 1092-3, 1106-3, 2410-3, 5282-3 and 5340-3. We also received from you the questionnaires for the SD Parks and Wildlife Foundation.

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

On a couple of the forms, I noticed you included notations about possible changes to the water rights. With respect to using the well authorized under Water Right 59-3 to irrigate land authorized for irrigation from the Big Sioux River under Water Right No. 5282-3; this change will require a new permit. I am enclosing an application for this purpose. I have included a copy of both water rights for reference purposes.

In regard to your notation on the forms for the SD Parks and Wildlife Foundation, I need to visit with Tim Bjork (Director for the Foundation) to see how he wants to handle the application. I will be in touch with you as soon as I have had a chance to talk to Tim.

If you have any questions, please contact me.

Sincerely,

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

enclosures



5340-3

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: DENNIS & MICHELLE CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5282-3 & 5340-3 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) 53-3, 5282-3 & 5340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the 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.

5346-3

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Status: **Delivered**

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JEFFERSON, SD 57038. The item was signed for by D CHICOINE.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4636	
DENNIS & MICHELLE CHICOINE 32703 483RD AVE JEFFERSON SD 57038	
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	



5340-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2008

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right Nos. 53-3, 59-3, 1092-3, 1106-3, 2410-3, 5282-3 and 5340-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 53-3, 59-3, 1092-3, 1106-3, 2410-3, 5282-3 and 5340-3.

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



5340-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: DENNIS CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3 & 7608-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 53-3, 5340-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

c: KATHLEEN FITZPATRICK, 2925 SAFFORD AVE, DANBURY IA 51019

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.



5340-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2015

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3

Dear Mr. Chicoine:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: DENNIS CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3 & 7608-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 53-3, 5340-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



5340-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Permit/Right Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3

Dear Mr. Chicoine:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5340-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: DENNIS CHICOINE, OPERATOR, 32703 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

c: LISA WEYER, SD PARKS & WILDLIFE FOUNDATION, 523 E CAPITOL, PIERRE SD

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3

Dear Mr. Chicoine:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Lisa Weyer, SD Parks & Wildlife Foundation

McMath, Genny

From: DANRnoreply@caspio.com
Sent: Thursday, January 13, 2022 5:57 PM
To: Duvall, Ron; McMath, Genny
Subject: [EXT] 5340-3 IQ Reported Use in 2021, No, acres irrigated

Permit Holder:

DENNIS CHICOINE, OPERATOR
32703 483RD AVE
JEFFERSON SD 57038

chicoine@longlines.com

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	,	,	,	,
June	,	,	,	,
July	,	,	,	,
Aug	,	,	,	,
Sep	,	,	,	,
Oct	,	,	,	,
Nov	,	,	,	,

Comments:

This farm was sold and Dennis is no longer the operator.

Additional Info:



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2022

5340-3

Tarri Rott
AT Strong Commodities LLC
21718 445th Ave
Oldham SD 57051

Dear Mr. Rott:

I am contacting you regarding ownership of land described in Water Right No. 5340-3. Recently we were made aware the land was sold. The online listing through the county treasurer's office indicates AT Strong Commodities LLC now owns the property.

The water right, currently listed under Patty Brienzo, will need to be transferred to reflect the change in ownership. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions or if you are not the new owner and I need to be contacting someone else, please let me know.

Sincerely,

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

enclosure

Summary

Parcel ID	17.00.08.1010
Property Address	
Sec/Twp/Rng	8/90/48
Brief Tax Description	W1/2NE1/4 LESS 1A FOR RD & E1/2NW1/4 (Note: Not to be used on legal documents)
Comments	
Class	AGA
Tax District	17617
Gross Acres	159.00
\$/Acre	2,448.33

Owners

Deed Holder
AT STRONG COMMODITIES LLC

21718 445 AVE
OLDHAM SD 57051



531247670

B0183-6818 06/07/2021 12:43PM Rec'd by SD SOS

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2021
FILING YEAR

ANNUAL REPORT
Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL049045
BUSINESS ID

AT Strong Commodities, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**21718 445TH AVENUE
OLDHAM, SD 57051**

Mailing Address

**21718 445TH AVENUE
OLDHAM, SD 57051**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Tarri Rott**

Actual Street Address in this State

**21718 445TH AVENUE
OLDHAM, SD 57051**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name

Address

TARRI ROTT

PO Box J, 21718 445th Ave, Oldham, SD 57051

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

06/07/2021

Dated

Email (Optional)

Tarri Trent Rott

Signature of an Authorized Person

Tarri Trent Rott

Printed Name

5340-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 6, 2022

5340-3

Tarri Rott
AT Strong Commodities LLC
21718 445th Ave
Oldham SD 57051

Dear Mr. Rott:

In January 2022, I contacted you regarding ownership of land described in Water Right No. 5340-3 (Patty Brienzo). The online listing through the county treasurer's office listed AT Strong Commodities LLC as owning the property. A transfer form was mailed to you and to date, we have not received anything back.

In the event you do not have the original form, enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not own the property, please let me know who I need to be contacting. Thank you in advance.

Sincerely,

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

enclosure

PAID

JUN 16 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 9074

Rec't# _____

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

RECEIVED

JUN 16 2022

OFFICE OF
WATER

No. 5340-3

Date: _____

I/We request that Water Right No. 5340-3

formerly owned by: Patty Brienzo

be transferred to: (name & address) AT Strong

2718 445 Ave
Oldham, SD 57051 Telephone No. 605-482-8295

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

160 acres E ½ NW ¼ and W ½ NE ¼ Section 8, T90N, R48W

I/We understand that the validity of Water Right No. 5340-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date June 16, 2022

RECEIVED OF Grren Thumb Commodities PO Box J Oldham SD 57051

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>5340-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
 Chief Engineer *vm*

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
corpinfo@state.sd.us

**APPLICATION FOR AMENDED
ARTICLES OF ORGANIZATION
DOMESTIC LIMITED LIABILITY COMPANY**
SDCL 47-34A-204

FILING FEE: \$60

Make check payable to SECRETARY OF STATE

5340-3

B0069-2833 08/13/2018 9:37AM Rec'd by SD SOS

The Limited Liability Company named below, adopts the following Amended Articles of Organization pursuant to SDCL 47-34A-204.

1. The Name and Business ID of the company is:

AT STRONG, LLC

DL049046

Name (Note: This must be the exact limited liability company name as registered.)

Business ID

2. The date of filing the original Articles of Organization 06/27/2016

3. The amendment to the Articles is:

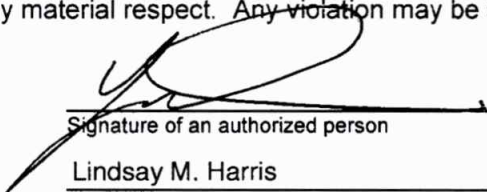
SEE ATTACHED AMENDED AND RESTATED ARTICLES OF ORGANIZATION.

The application must be signed by a member if the company is a member-managed company or by a manager if it's a manager managed company or in accordance with SDCL 47-34A-205.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Dated 05/01/2018

Email Lindsay@SwierLaw.com
(Optional)


Signature of an authorized person

Lindsay M. Harris
Printed Name

Company Attorney & Attorney-In-Fact for Tarri Rott
Title

AMENDED ARTICLES OF ORGANIZATION

AT STRONG, LLC

At Strong, LLC filed its Articles of Organization with the South Dakota Secretary of State's office on June 27, 2016. The Business ID of At Strong, LLC is DL049046. At Strong, LLC hereby amends and restates its Articles of Organization in their entirety as provided herein. The previous Articles of Organization shall be null and void.

ARTICLE I COMPANY NAME

The name of the Company is At Strong, LLC.

ARTICLE II DESIGNATED OFFICE

The street and mailing address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

21718 445th Ave., Oldham, South Dakota 57051

ARTICLE III REGISTERED AGENT

The Registered Agent and address for service of process of the limited liability company is:

Tarri Rott at 21718 445th Ave., Oldham, South Dakota 57051.

ARTICLE IV ORGANIZER

The name of the initial organizers are:

Bright Star, LLC	7400 South Moor Cross Drive, Sioux Falls, SD 57108-3355
Andrew Trudeau	33052 480 th Avenue, Jefferson, SD 57038
John Trudeau	33052 480 th Avenue, Jefferson, SD 57038

ARTICLE V DURATION

The duration of the company is Perpetual. The company's effective date is the date the Articles of Organization were initially filed with the South Dakota Secretary of State's Office.

**ARTICLE VI
MANAGEMENT**

The company shall be Manager-Managed. The initial manager is:
Tarri Rott, whose address is 7400 South Moor Cross Drive, Sioux Falls, SD 57108.

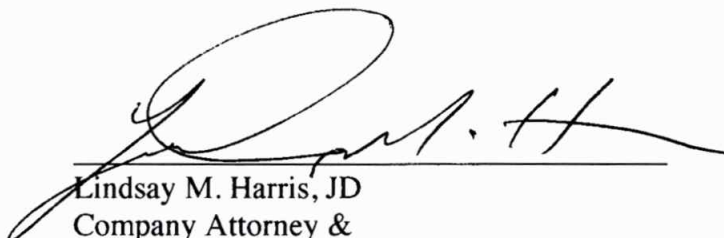
**ARTICLE VII
LIABILITY**

No Member or Manager of the Company shall be liable for its debts and obligations as set forth under SDCL 47-34A-303(c).

**ARTICLE VIII
BENEFICIAL OWNERS**

The Company has no beneficial owners.

Dated this 01st day of May, 2018.



Lindsay M. Harris, JD
Company Attorney &
Attorney-In-Fact for Tarri Rott



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 17, 2022

5340-3

Tarri Rott
AT Strong
21718 445th Ave
Oldham SD 57051

Dear Mr. Rott:

Thank you for following up on the transfer of Water Right No. 5340-3.

The ownership change has been completed. Water Right No. 5340-3, formerly held by Patty Brienzo is now listed under AT Strong.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October.

Enclosed for your records is a receipt for the filing fee that was paid. If I can answer any questions, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: AT STRONG, TARRI ROTT, PO BOX J, OLDHAM, SD 57051

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5340-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 5340-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5340-3 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 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **TMRRBY****

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

5340-3

AT STRONG
c/o Tarri Rott
PO Box J
Oldham SD 57051

Dear Mr. Rott:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 5340-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

5340-3

AT STRONG
c/o Tarri Rott
PO Box J
Oldham SD 57051

Dear Mr. Rott:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 5340-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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