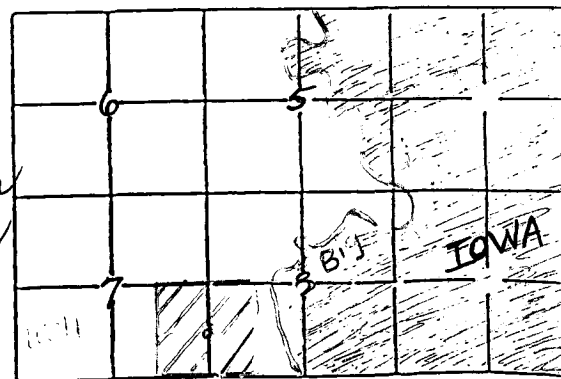


HAP No. same 565-3008Name of Applicant Melvin HitzemannPost Office Address RR 2 Box 129A Akron, Iowa 51001Amount of Water Claimed 2.2 cfs Total Acres 160Source of Water Supply groundwater - 1 wellWater to be used for irrigation County UnionAbout 14 miles NE of Elk Point

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

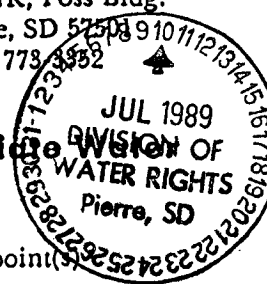
F.F.C.C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received July 10, 1989 Fee \$250⁰⁰ Remarks _____Corrected Application Received Aug 1, 1989 Period of Annual Use Apr 1 - Oct 31WATER QUALITY APPROVAL RECEIVED August 4, 1989 APPROVED/CONDITIONAL (Circle one)WI-1 Description same as Application YES ☒ NO _____ REMARKS _____Diversion Point NE 1/4 SE 1/4 Sec 7-T93N-R48W(~ 1320' north of the SE corner Section 7-T93N-R48W)Land to be Irrigated E 1/2 SE 1/4 Section 7-T93N-R48WLots 4 & 5 Section 8-T93N-R48WWell Log: Driller Wetmore Licensed YES ☒ NO _____Depth of Well 102' REMARKS Test holeType of Map aerial photo PREPARED BY L. DeSmet Reviewed and the Numberassigned on August 4, 1989 By Susan Boxer

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 778-3552

(See instructions)

No. 5343-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper Elk Point Leader Courier Box 310 57025



Application For Soil/Water Compatibility Permit and Permit To Appropriation

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 _____

Applicant Melvin Hitzemann Phone No. 565-3008
Post Office Address RR 2 Box 129A Akron State Iowa Zip Code 51001
(Street, RR or Box) (City)

- Amount of water claimed (c.f.s.) 2.2 Total acres irrigated 160
- Source of Water supply Well
- Location of point of diversion The North East Corner of the SE 1/4 Sec. 7 T93R48
(approximately 1320' North of the SE corner Section 7-T93N-R48W)
- County UNION
- Counties where water will be used UNION
- Annual period during which water is to be used April through October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Lot 4
Lot 5

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 SE 1/4 Sec 7 T93R48	40		
SE 1/4 SE 1/4 Sec 7 T93R48	40		
NW 1/4 SW 1/4 Sec 8 T93R48	40		
SW 1/4 SW 1/4 Sec 8 T93R48	40		

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: Corn, Beans, Alfalfa, Small grain and others
- Give a description of proposed project. (Attach sheet if more space is needed)

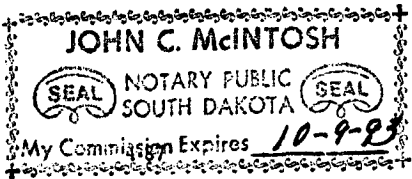
Well with pump and a center pivot system for delivery

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, Melvin L. Hitzemann, 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 Melvin L. Hitzemann
1st day of July 1989
John C. McIntosh
Notary Public



**SOUTH DAKOTA
WATER PERMIT No. 5343-3 FOR IRRIGATION**

Date of first receipt of application July 10, 1989.

Date Soil/Water Compatibility Permit received August 4, 1989.

Date of return to applicant for corrections, amendments or changes July 25, 1989.

Date of receipt of corrected application August 1, 1989.

The Water Management Board approved Water Permit Application No. 5343-3 on September 28, 1989 for Melvin Hitzemann, RR 2, Box 129A, Akron IA 51001 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. 5343-3 appropriates 2.20 cubic feet of water per second from one well (Big Sioux-South Aquifer) approximately 100 feet deep to irrigate 160 acres. The well is to be located approximately 1320 feet north of the SE corner of section 7 and the acreage to be irrigated is located in the E1/2 SE1/4 section 7; Lots 4 & 5 section 8; all in T93N-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 10, 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 _____

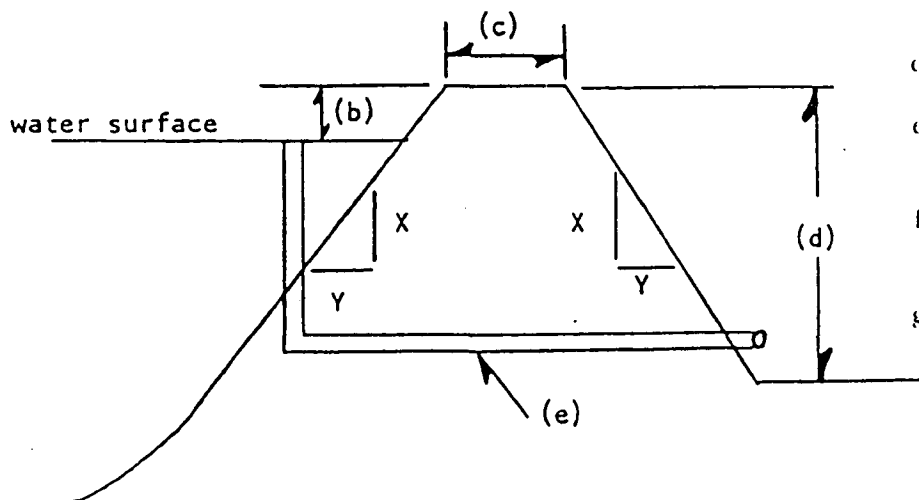
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



Department of Water & Natural Resources

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

July 25, 1989

Melvin Hitzemann
RR 2, Box 129A
Akron, IA 51001

Dear Mr. Hitzemann:

This letter is in response to the water permit application received from you on July 10, 1989.

Your application is complete. However, please check the legal description of the well location. According to the application form you submitted (enclosed), the location of the well is northeast corner of the SE 1/4 Section 7, T93N, R48W. The location of the well according to the map that you submitted, a copy of which is enclosed, is approximately 1320 feet north of the SE corner Section 8, T93N, R48W.

Please indicate which legal description for the well is correct and make any changes necessary on the enclosed forms.

In addition, the following changes will be made to the legal descriptions of the irrigated acreage on your application form (question no. 7):

FROM	TO
NW 1/4 SW 1/4 Section 8-T93N-R48W	Lot 4 Section 8-T93N-R48W
SW 1/4 SW 1/4 Section 8-T93N-R48W	Lot 5 Section 8-T93N-R48W

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 11, 1989

RECEIVED OF Melvin Hitzemann, RR #2 Box 129A, Akron, IA 51001

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

Fee for Application for Permit No. <u>5343-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	25000
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	25000

By

Chief Engineer

John Hatch/mra
John Hatch/mra

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4394

WR#

OWNERS NAME: Malvin Hitzmann OWNERS ADDRESS: RR 2, Box 129A
Akron, IA 51001

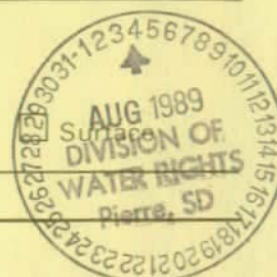
COUNTY LAND LOCATED IN: Union PHONE: 565-3008

LEGAL DESCRIPTION:

1. LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7-T93-R48

☒ Well

Depth: _____



Legal Description	Acres	Legal Description	Acres
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 7-T93-R48</u>	<u>40</u>		
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 7-T93-R48</u>	<u>40</u>		
<u>Lot 4 Sec. 8-T93-R48</u>	<u>40</u>		
<u>Lot 5 Sec. 8-T93-R48</u>	<u>40</u>		

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

3. CROPS TO BE IRRIGATED: Corn, beans, alfalfa, small grain and others

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0322

7. ADJUSTED (SAR): 0.72

5. SALINITY (EC X 10⁶): 900

8. PERCENT SODIUM: 5.93

6. SODIUM (SAR): 0.28

Requirements:

The area mapped as Kennebec silty clay loam (Ka) is subject to a seasonal high water table which may become perched under irrigation and inhibit the leaching of salts. Should this occur, adequate internal drainage shall be provided, i.e. tile drainage.

Please be advised that we do not consider the Swampbuster provision in developing our recommendations. Please contact the local soil conservation service office or the ASCS office before undertaking any drainage project.

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.

☒ APPROVED

☒ REQUIREMENTS

☐ DISAPPROVED

☐ WAIVER

[Signature]
Director, Division of Conservation

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

8/12/89
Date



WETMORE DRILLING

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



July 7, 1989

TEST WELL

Melvin Hitzman
Rt.2 Box 129A
Akron, Ia. 51001

NE corner of the SE 1/4 Sec 7 T93 R48 - County of Union

0 - 2'	Topsoil
2 - 16'	clay
16 - 69'	fine sand w clay streaks
69 - 102'	coarse sand & gravel

James Wetmore
Wetmore Drilling
PO Box 577
Elk Point, SD 57025

5343 7/89 9/94 ?

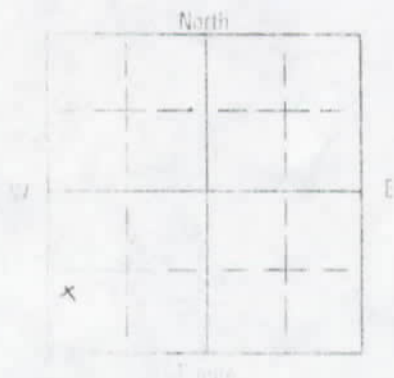
DAKOTA WATER WELL COMPLETION REPORT

10-85

SW SW

8 Twp 93N Rg 48-49-W

Union



D-24-89

☐ Test Hoses
☐ Stacks

ROTARY

☒ Other

1/2 wall

SECTION	FROM	TO	HOLE DIAMETER
16	0 FT	68 FT	22 IN
	FT	FT	IN
	FT	FT	IN
	FT	FT	IN

☒ YES ☐ NO

0-10 FEET

cement

18

triple pipe pump

16 to 36

15.4 LB/GAL

☒ Manufactured

16 Length 20 FEET

PVC

100 38 feet to 58 feet

feet to feet

feet to feet

☐ YES ☒ NO

☒ YES ☐ NO

200 ppm

☒ NO

Chlorine

Well Owner:

Name MELVIN H. T. Z. MAN

Address RR2 BOX 129A AKRON IA

Well Log:

Depth

Formation:

From

To

top soil

0

2

clay

2

36

gravel

36

58

STATIC WATER LEVEL 12 Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other: specify

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

☐ Bailed

Describe

☐ Other

Pumping Level Below Land Surface

36 ft. After 2 Hrs. pumped 475 GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

REMARKS:

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Wetmore Drilling

Signature of License Representative:

James Wetmore

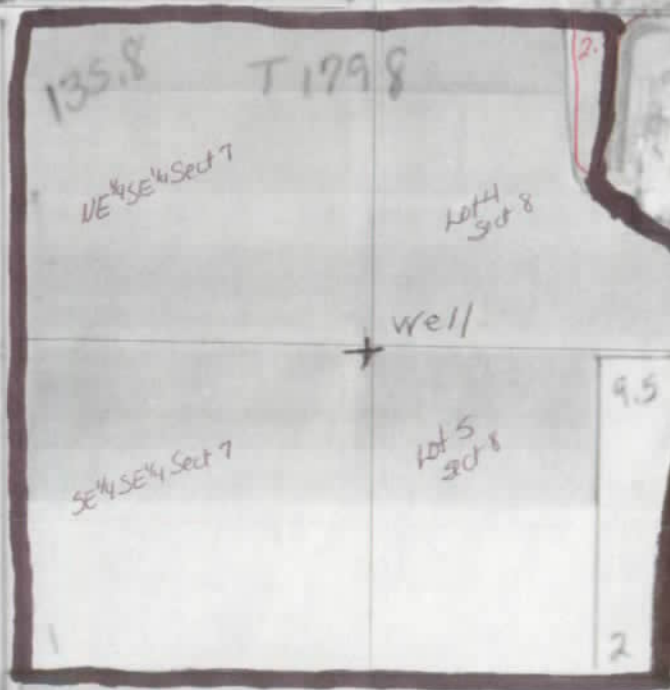
Signature of Well Owner

Date



NOT TO SCALE

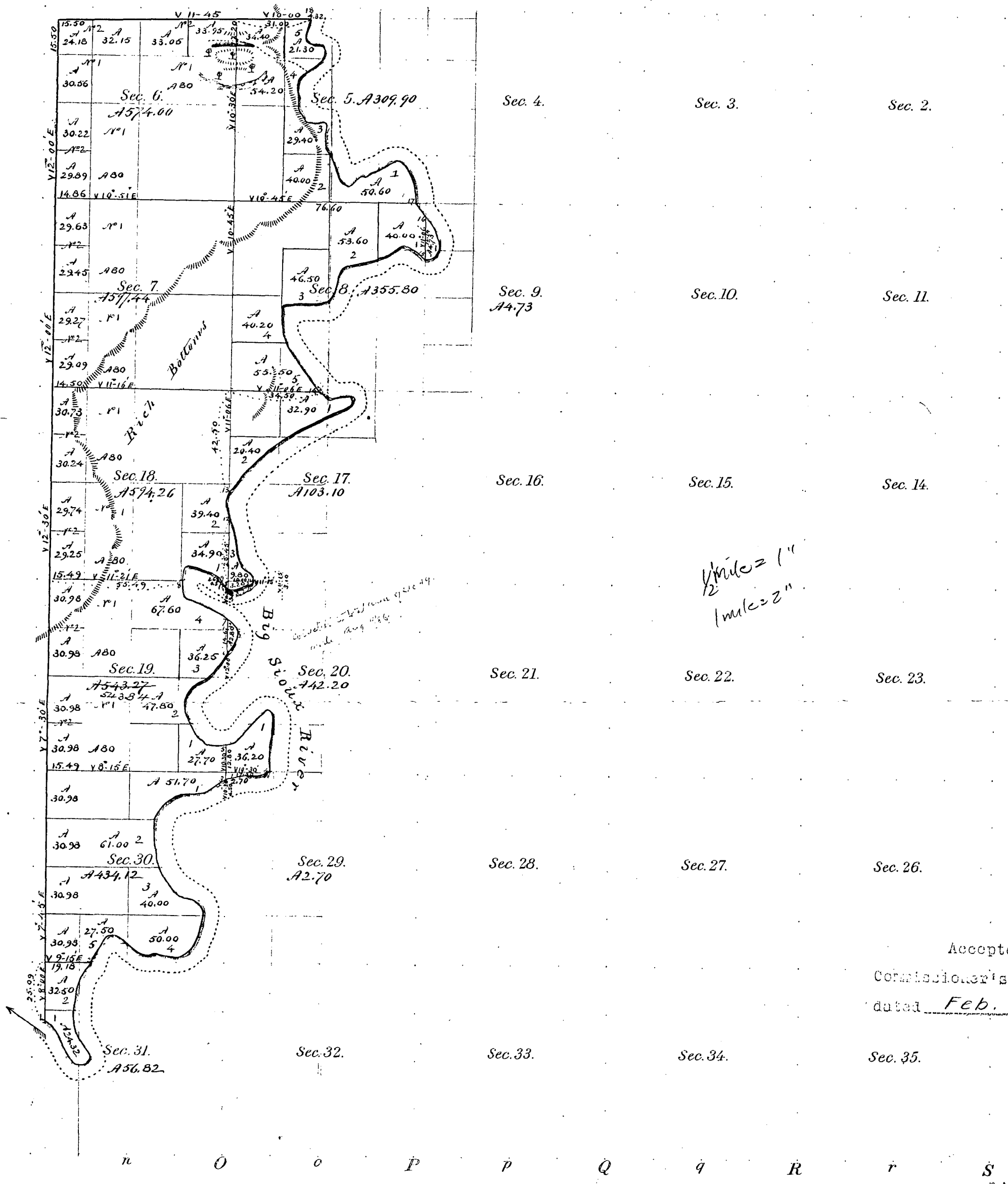
Sec 7 and 8 Range 48 T 93.
Prepared for Melvin Nitzman
July 6, 1989
Sec 84R by June E. DeMet
Almonco Egypt.



Appl. No. 5343-3



TOWNSHIP N^o 93 North RANGE N^o 48 West of the 5th Principal



Accepted
Commissioner's
dated Feb.

Total number of Acres. 3618.34 3618.91				
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Ball	Aug 1 st 1860	M. Ch ^s Jk ^s	Sept 1860
Subdivisions	John E. Clark	July 24 th 1861	19 - 31 - 46	Aug & Nov 1861

The above Map of Town
Principal Meridian
notes of the survey thereof
Surveyor General
Feb 1st 1862

$$c \qquad C \qquad b \qquad B \qquad a \qquad A$$

Sec. 34.	Sec. 35.	Sec. 36.	t

res. ~~3618.34~~
3618.91

Geo. D. Will Secy Genl

Meanders of Big Sioux River, Right Bank.					
Posts	Courses	Ch. & Lk.	Posts	Courses	Ch. & Lk.
1	S 49-30 E	11.57	14	N 33-30 W	26.00
	S 28-00 E	12.40		N 2-00 W	14.40
	N 63-00 E	7.15		N 87-30 E	20.04
	N 24-30 W	14.84		N 12-15 E	13.35
	N 00-45 E	16.39		N 50-00 E	6.30
	N 20-00 E	12.40		N 77-15 E	12.51
				N 65-00 E	12.15
2	N 30-45 E	7.92		S 58-30 E	11.10
	N 71-15 E	12.27	15	S 58-30 E	1.85
	S 52-15 E	15.68		N 26-00 E	7.60
	N 89-00 E	14.57		N 25-30 W	11.38
	N 17-45 E	17.50	16	N 29-30 W	9.00
	N 42-00 W	6.60			
	N 52-30 W	14.40	17	N 11-00 W	17.00
	N 25-30 W	12.62		N 64-00 W	5.74
	N 4-00 W	20.54		S 69-15 W	14.20
	N 54-30 E	8.50		S 43-30 W	7.97
	N 85-30 E	16.38		N 66-00 W	6.47
	N 47-15 E	9.35		N 12-00 W	19.10
3	N 47-15 E	2.54		N 11-30 E	2.45
	N 77-15 E	12.50		N 86-30 W	6.42
	N 82-30 E	3.20		N 44-30 W	5.43
4	N 2-30 W	3.35		N 22-15 W	7.00
	N 6-30 E	21.93		N 13-00 E	3.71
	N 74-00 W	2.23		N 13-00 W	2.47
	S 30-30 W	9.30		N 15-30 E	6.88
	S 63-15 W	6.35		N 63-30 E	7.33
	S 52-15 W	6.10		N 29-00 E	6.66
				N 74-45 W	6.66
5	S 64-00 W	5.74		N 28-45 W	4.10
	N 63-30 W	10.70		N 4-45 E	6.40
	N 19-45 W	11.41			
	N 19-00 E	9.28			
	N 49-00 E	20.10			
6	N 30-00 E	7.16			
	N 22-30 W	9.34			
7	N 57-00 W	23.40			
	N 21-30 W	5.29			
8	N 10-30 E	6.07			
	S 71-15 E	16.80			
9	S 50-30 E	4.78			
10	S 83-30 E	6.38			
	N 42-15 E	5.36			
11	N 4-15 W	2.52			
	N 47-30 W	8.27			
	N 15-45 W	2.28			
	N 12-15 W	15.06			
12	N 9-15 W	6.62			
	N 9-00 E	5.66			
13	N 34-45 E	14.28			
	N 48-00 E	13.88			
	N 61-15 E	34.66			
	N 35-00 W	2.10			
	S 73-30 W	6.00			
	N 59-00 W	9.28			

Report on Application No. 5343-3
Melvin Hitzemann
August 7, 1989

Water Permit Application No. 5343-3 was submitted for Melvin Hitzemann of Akron, Iowa to appropriate 2.2 cubic feet of water per second (cfs) from one well 100 feet deep, to irrigate 160 acres. The well will be located approximately 1/4 mile north of the southeast corner of Section 7, while the irrigated acreage is to be located in the E1/2 SE1/4 of Section 7 and W1/2 SW1/4 of Section 8; all in T93N, R48W (Union County).

Aquifer - Big Sioux-South (BS:S)

The well for this application is to be drilled into the Big Sioux-South Aquifer. This surficial aquifer, which consists of sand and gravel outwash, is found predominately under watertable conditions (Hedges, 1982). Average annual recharge to the aquifer was estimated at 4.1 inches/year and average annual use was calculated to be 1.8 inches/year (Hedges, 1983).

According to a test hole log submitted with the application, fine sand was found from 16 to 69 feet and coarse sand and gravel from 69 to 102 feet. There may be some connection between the surficial and basal systems in the area. The depth to water was estimated at 18 feet (WRD Permit Files, 1989). Other wells in the area show similar static water levels, but have a total depth of only 50-60 feet (WRD Drillers Logs, 1989).

Water Rights Division Observation Well UN-77G is located in the aquifer about 2 miles southwest of the applicant's well. The water levels change according to seasonal climatic variations but no long term effects were evident (WRD Observation Well Logs, 1989).

Existing Water Rights

Two other Water Permits are located in the vicinity of the applicant's well, with the nearest well approximately 1/2 mile away. An inspection by a Division engineer revealed that other irrigation systems were operating in the area without having obtained a Water Permit. Logs submitted from these wells indicated that 3 of them were between 1/2 and 1 mile from the applicant's well. Two of these existing wells will be brought before the Water Management Board for approval under Permit Application No. 5341-3 (Van Lunen Farms) at the same meeting as the above application. Permit Application No. 5343-3 for Mr. Hitzemann has priority consideration if any problems should arise between the two applicant's (WRD Permit Files, 1989). Because of the aquifer characteristics and adequate well spacing, no interference is expected.

Conclusions

1. Permit Application No. 5343-3 is requesting 2.2 cfs from one well 100 feet deep to irrigate 160 acres.
2. The well will be drilled into the Big Sioux Aquifer - South Management Unit. This surficial aquifer may be connected to a lower lying basal aquifer. Unappropriated water is available from this aquifer.
3. Four other irrigation wells are located about 1/2 to 1 mile from the applicant's well. Only one of these is currently under permit. Because of the watertable conditions and aquifer capacity, no interference is expected.
4. The well to be drilled for this permit must be constructed according to South Dakota Well Construction Standards.



Thomas M. Brandner
Natural Resources Engineer

Approved by:


James A. Goodman
Hydrologist

References

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5343-3, Melvin Hitzemann

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. 5343-3, Melvin Hitzemann, RR 2, Box 129A, Akron IA.

The Chief Engineer is recommending APPROVAL of Application No. 5343-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 11, 1989

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

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

August 17, 1989

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

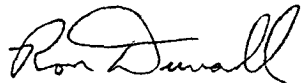
Melvin Hitzemann
RR #2 Box 129A
Akron, IA 51001

Dear Mr. Hitzemann:

Water Permit Application No. 5343-3 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 Elk Point 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 17, 1989

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5343-3 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 Melvin Hitzemann, RR #2 box 129A, Akron, IA 51001.

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. 5343-3 to Appropriate Water

Notice is given that Melvin Hitzemann, RR #2, Box 129A, Akron, IA 51001 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Big Sioux - South) approximately 100 feet deep to irrigate 160 acres. The well is to be located approximately 1320 feet north of the SE corner Section 7, and the acreage to be irrigated is located in the E1/2 SE1/4 Section 7 and Lots 4 & 5 Section 8; all in T93N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5343-3 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

Elk Point
 of

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

August 24, 1989

August 31, 1989

Lester E. Emerson
 (Signature)

Editor/Publisher
 (Title)

(Date Signed)

Cost of Printing: 37.93

My Commission Expires 7-21-91

My Commission Expires 7-21-91

**NOTICE OF HEARING
 On Application No. 5343-3
 To Appropriate Water**

Notice is given that Melvin Hitzemann, RR #2, Box 129A, Akron, IA 51001 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Big Sioux-South) approximately 100 feet deep to irrigate 160 acres. The well is to be located approximately 1,320 feet north of the SE corner Section 7, and the acreage to be irrigated is located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and Lots 4 & 5 Section 8; all in T93N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5343-3 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 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 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 DUVALL
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

Melvin Hitzemann
RR 2, Box 129A
Akron IA 51001

Dear Mr. Hitzemann:

Enclosed is Water Permit No. 5343-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Feb. 27, 1990TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Melvin L. Hitzman R#2 Box 129A Abbeville, Iowa 51001
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. 5343-3.

Water Permit No. 5343-3 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 July 25, 1989.
Applying the water to beneficial use was completed on July 30, 1989

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

Melvin L. Hitzman
signature





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 1991

5343-3

Melvin Hitzemann
RR #2 Box 129A
Akron, IA 51001

Dear Mr. Hitzemann:

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. 5343-3, 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,

A handwritten signature in cursive script that reads "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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412969

Pierre, December 20, 19 91

RECEIVED OF Melvin L Hitzemann, Rt 1 Box 210, Akron, IA 51001

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Permit No. 5343-3</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

Chief Engineer

John Hated [Signature]

Permit No. 5343-3Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Melvin Hitzemann of RR2 Box 129A Akron, IA 51001 holder of Permit No. 5343-3, bearing the priority of July 10, 1989 authorizing the diversion of 2.2 cu. ft. per second and/or the storage of acre-feet of the waters of the Big Sioux-South 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:

One well - 58' deep with 16" PVC casing and 20' 100 slot PVC screen; Fairbanks-Morris 3 stage pump Model No. H16FL7100B 10" outlet 650 GPM @ 20-25 PSI; Perkins Diesel Motor Model No. C37114B00 100 HP

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

10' of 8" Steel Pipe

C. Works used to apply water to beneficial use:

Valley 6000 Center Pivot- 7 Towers and 1280' in length with End Gun, Low Pressure RainBird Sprinklers 600 GPM capacity

The system is in the following condition Excellent. The point of diversion is located 1340' North and 30' West of the SE corner of Section 7-T93N-R48W, Union County, SD. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 7-T93N-R48W:

NE1/4 SE1/4 = 32 acres

SE1/4 SE1/4 = 32 acres

Total = 118 acres

Section 8-T93N-R48W:

Lot 4 = 26 acres

Lot 5 = 28 acres

comprising a total of 118 acres of land and the license should be issued for 1.33 cfs and/or acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes No

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

A handwritten signature in black ink that reads "Gregory C. Johnston". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

$$53 \times 3 = 159$$

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5343-3

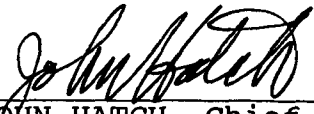
(1) Melvin Hitzemann of RR 2, Box 129A, Akron, IA 51001 made Application No. 5343-3, July 10, 1989 for a water permit to appropriate 2.20 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5343-3 with a priority date of July 10, 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. On March 1, 1990, the permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use". The Notice stated the diversion system was completed on July 25, 1989 with the application of water to beneficial use completed on July 30, 1989.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is: 1340'N and 30'W of the SE corner of Section 7, T93N, R48W (NE 1/4 SE 1/4).

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

T93N, R48W Section 7	NE 1/4 SE 1/4	32 Acres
	SE 1/4 SE 1/4	32 Acres
Section 8	Lot 4	26 Acres
	Lot 5	28 Acres
	Total-----	118 Acres

(4) Pursuant to Section 46-5-30.1 Melvin Hitzemann of RR 2, Box 129A, Akron, IA 51001 the holder(s) and/or owner(s) of Water Permit No. 5343-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater (one well) with a priority date of July 10, 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. 5343-3 and subject to South Dakota State Law.


FEB 27 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1992

5343-3

Melvin Hitzemann
RR 2, Box 129A
Akron, IA 51001

Dear Mr. Hitzemann:

Enclosed is Water License No. 5343-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412969 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. 5343-3, 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

2002 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2002

No. 5343-3

MELVIN HITZEMANN
421 N 8TH ST
AKRON IA 51001

Any address corrections?

Telephone No. _____

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V1-IQ.pdf>

1. Is the system constructed? *yes X no _____

*Type of system used (check all that apply):

center pivots X towlines _____ big gun _____
flood _____ sprinklers _____ other _____

2. Did you irrigate in 2002? *yes X **no _____

*If yes, number of acres irrigated 130

**If no, list reason(s) in comment box and answer No. 3:

Comment Box

3. Is the land enrolled in CRP? *yes _____ no X

*If yes, through what year? _____

4. Did you apply chemicals or fertilizer through the system in 2002? yes _____ no X

5. If permitted for more than one water source, circle each source used. A. GROUNDWATER

B.

C.



BB	BA	AB	AA
(B)			(A)
BC	BD	AC	AD
CB	CA	DB	DA
(C)			(D)
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED

OCT 30 2002

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 5343-3 (see above section map for help reading legal descriptions)

sec 07-T093N-R48W, DA -- 32.00 acres

sec 07-T093N-R48W, DD -- 32.00 acres

sec 08-T093N-R48W, L4 -- 26.00 acres

sec 08-T093N-R48W, L5 -- 28.00 acres

Pivot was operated for a total of 400 hours. Most of that time was in the months of June and July with very little use in the month of August.
Also I have always reported irrigating 130 acres as opposed to the 118 you have listed.

Please provide your 2002 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Melvin Hitzemann, 421 N 8th St., Akron, IA 51001

DATE: October 30, 2002

TELEPHONE: 712 568-3008

RE: Acres irrigated

COMMENTS:

Mr. Hitzemann reported on his 2002 irrigation questionnaire that he has always irrigated 130 acres and not the 118 we have him licensed for.

The map and investigation report reflected 118 acres however the area is next to the river and part is described as lots. Mr. Hitzemann says he obtained the 130 acre amount from the FSA office.

He indicated he is still using the same system and has not changed anything. The system capacity is 600 gallons per minute as described in the inspection report.

RECOMMENDED ACTION:

Reissue the water license for 130 acres leaving the diversion rate at 1.33 cfs (600 gpm).



Genny McMath
Environmental Scientist

STATE OF SOUTH DAKOTA
REISSUED
WATER LICENSE NO. 5343-3

(1) Melvin Hitzemann, 421 N 8th St, Akron IA 51001 was issued Water License No. 5343-3, February 27, 1992 for a water permit to divert 1.33 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Water License No. 5343-3, with a priority date of July 10, 1989 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water License No. 5343-3 is being reissued to correct the number of acres irrigated.

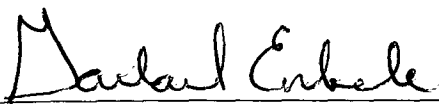
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5343-3 is reissued a license, bearing a priority date of July 10, 1989 to appropriate 1.33 cubic feet of water per second from groundwater (one well) to irrigate 130 acres.

The diversion point is located 1,340 feet north and 30 feet west of the southeast corner of Section 7-T93N-R48W (NE ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 7-T93N-R48W	NE ¼ SE ¼	33 acres
	SE ¼ SE ¼	33 acres
Section 8-T93N-R48W	Lot 4	31 acres
	Lot 5	33 acres
Total 130 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5343-3 including the following qualifications:

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



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

NOV 26 2002

date



1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
November 7, 2002

No. 5343-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 26 2002

5343-3

Melvin Hitzemann
421 N 8th St
Akron IA 51001

Dear Mr. Hitzemann:

Enclosed are Reissued Water License No. 5343-3 and map. Based on your irrigation questionnaire comments, we have reviewed the water license. The license is being reissued to accurately reflect the 130 acres you are irrigating.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 29, 2024

5343-3

Melvin Hitzemann
528 N Kelly St, Apt # 101
Shell Rock IA 50670

Dear Mr. Hitzemann:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaire.

The notice was originally mailed to 350 N 8th St, Akron IA 51001. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *BSPRUL*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

RETURN TO SENDER 114182410015/23/24
HITZEMANN
528 N KELLY ST APT 101
SHELL ROCK IA 50670 1013
RETURN TO SENDER
|||||

5343-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: MELVIN HITZEMANN, 528 N KELLY ST, APT 101, SHELL ROCK, IA 50670
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5343-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5343-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5343-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 25, 2026

5343-3

Gordon Kleihauer
47935 310th St
Akron, IA 51001

Dear Mr. Klehauer,

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

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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