

Considered: _____

WATER PERMIT NO. 5500-3

Phone: 605-248-2455

Name of Applicant: Lennie J Jarabek

Post Office Address: 1416 North Sanborn, Mitchell SD 57301

Amount of Water Claimed: 0.25 (20 AF storage) Total Acres: 17.7

Source of Water Supply: James River

Water to be used for: irrigation County: Sanborn

About 5 miles SW SE of Forestburg

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 8-16-83 Fee: \$150.00 Remarks _____

Corrected Application Received _____ Period of Annual Use April 1 - October 31

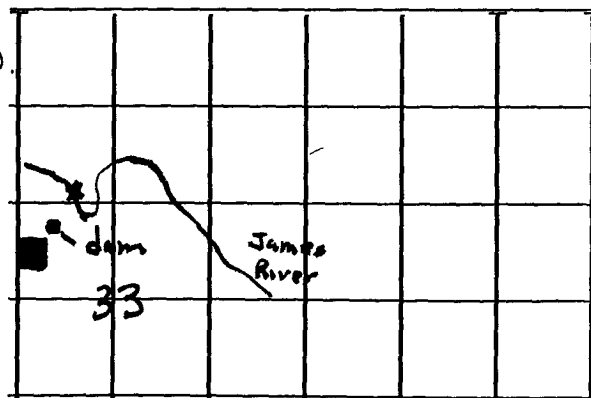
WATER QUALITY APPROVAL RECEIVED 3/6/91 APPROVED/CONDITIONAL (Circle one)

Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SE 1/4 SW 1/4 Sec 28-T106N-R60W

dam - NW 1/4 NW 1/4 Sect. 33 T106N, R60W

Land to be Irrigated: W 1/2 NW 1/4 NW 1/4 Sec 33-T106N-R60W



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Elmer Boschie, SCS Reviewed and the Number

Assigned on 2-1-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 5500-3 FOR IRRIGATION

Date of first receipt of application August 16, 1983.

Date Soil/Water Compatibility Permit received March 6, 1991.

Date of return to applicant for corrections, amendments or changes August 16, 1983.

Date of receipt of corrected application January 30, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5500-3 to Lennie J Jarabek, 1416 North Sanborn, Mitchell SD 57301 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. 5500-3 appropriates 0.25 cubic feet of water per second from the James River into a storage dam (20 acre-feet storage capacity) to irrigate 17.7 acres. The point of diversion from the James River is located in the SE 1/4 SW 1/4 Section 28 and the proposed dam is located in the NW 1/4 NW 1/4 Section 33-T106N-R60W. The storage dam may also receive water from incidental surface runoff.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 March 6, 1991.
4. The date of approval of Permit No. 5500-3 is May 1, 1991.
5. One-fifth of the construction is to be completed on or before November 1, 1993.
6. All construction is to be completed on or before May 1, 1996.
7. Water is to be put to beneficial use on or before May 1, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This Permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written order issued by the Chief Engineer.

(continued)

2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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 Environment and Natural Resources

AUG 13 1991
date

No. 5500-3Map No. _____ Water Division No. 10160011 James River DistrictAbove for Office Use Woonsocket News, Box 218
(thurs)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____Change in Diversion _____ Additional Diversion AltChange in Acreage _____ Additional Acreage Alt

1. Name of Applicant LENNIE J. JARABEK Phone No. 605-248-2455
 1416 N. Sanborn, Mitchell, SD
 Post Office Address REL. BOX 227, REIDER State So. Dak. 57301
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation No2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of diversion work LENNIE J. JARABEK Irrigation System4. Amount of water claimed (cubic feet per second) .25 (20 acre ft. storage)5. Source of water supply Runoff and James River6. Location of point of diversion 2 Rods N + 124 Rods EAST of SW corner of Sec 28 - T 106 R-60 (SE 1/4 SW 1/4)7. Annual period or periods during which water is to be used April 1 - Oct 31 County Sanborn
WHEN AVAILABLE - Spring

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____

9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NW - NW Sec 33 - 106-60</u>	<u>17.7</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 3 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Woonsocket News12. Principal Features of the Proposed Water Supply System. Runoff + pump from JAMES RIVER

A. Works proposed to divert water from its natural source.

Pumping Plant

B. Works proposed to transport water to place of use.

Pumping Plant

C. Works proposed to apply water to beneficial use.

Sprinkler for treesEstimated Total Cost \$ 5,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
County of Davison)I, Lennie J. Jarabek the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Lennie J. JarabekSubscribed and sworn to before me this 9th day of August, 19 83H. Elaine Robinson

Notary Public (or other qualified officer)

My commission expires 9-28-87

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. _____

(Applicant)

(Post Office Address)

(State)

With the following qualifications.

Date of first receipt of application _____, 19____

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Management Board hereby grants and issues this Water Right Permit No. _____ authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

No well

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____
Depth to bottom of water bearing material _____
Depth to water (ground surface to water level) _____

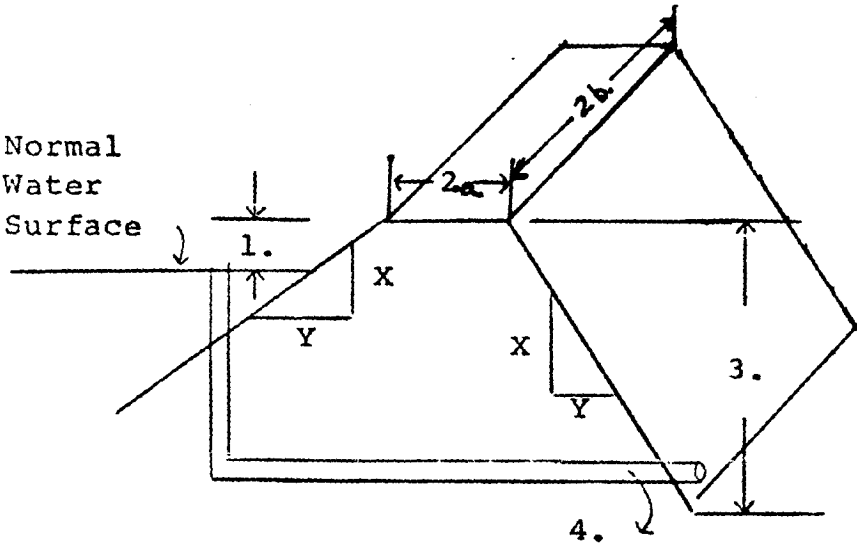
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.
On property owned by others _____ rds.



G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



- 1. Freeboard 2.0
- 2a Crest width 20 b. length 250
- 3. Height of Dam 12
- 4. Outlet dimensions:
 - Pipe diameter NONE
 - Spillway width 20
- X & Y slope:
 - Upstream 3:1
 - Downstream 2:1
- Surface area of impoundment 2.1 AC
- Drainage area above dam 10 AC

to be filled out
of James River with
a pump
20 ac-ft capacity (maximum)

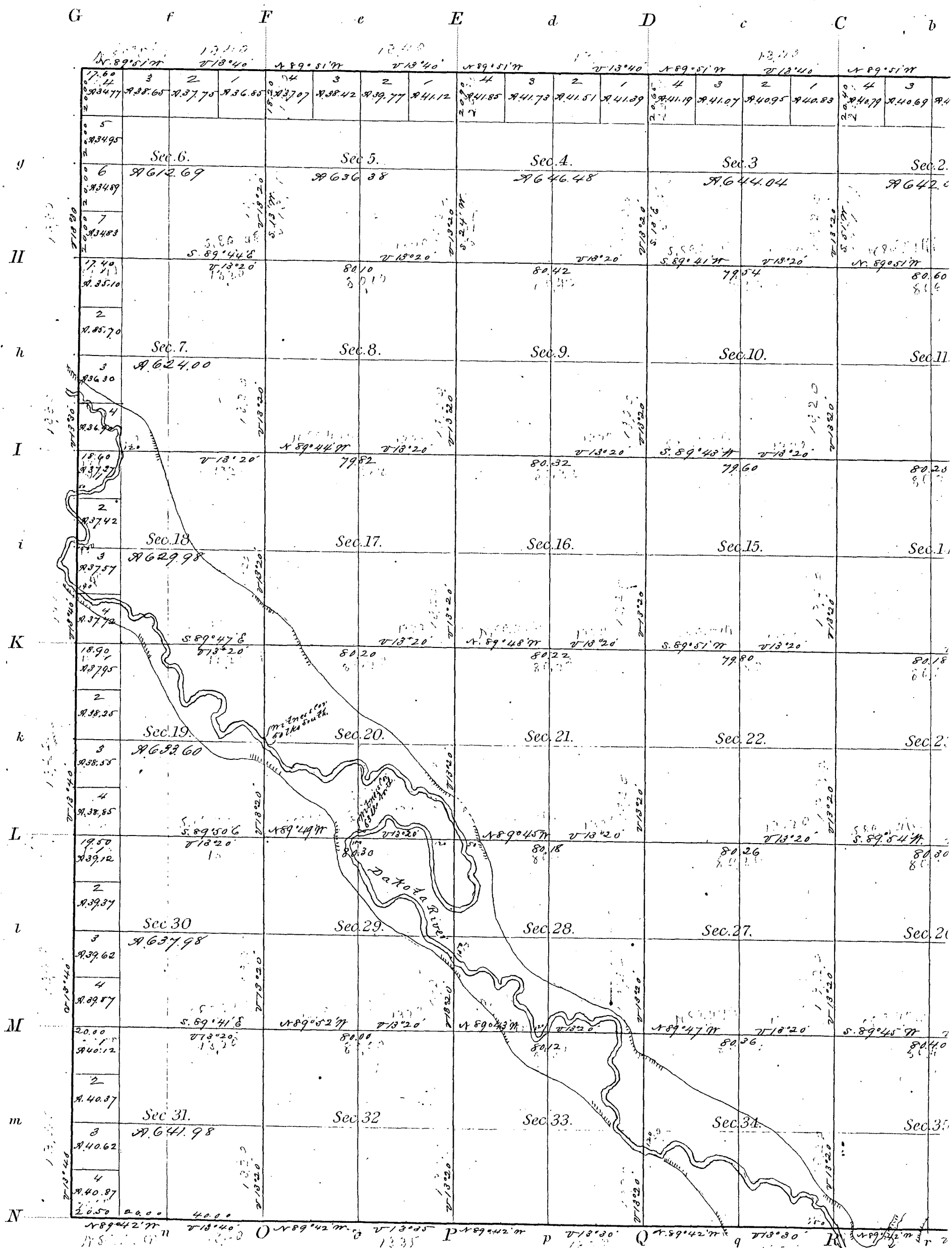
Lance J. Jacobson
Signature of Applicant

NOT TO SCALE



Appl. No 5500-3

TOWNSHIP N: 106 North RANGE N: 60 West of the 5th Prime



Total number of Acres. 22,990.61

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	Wm. S. Montley	June 27 th 1871	M. 28. 78. 90	Aug. 1871
Subdivisions	Wm. S. Montley	July 19 th 1872	59. 78. 90	Sept. 2 nd to 6 th inclusive 1872

The above
Principal
notes of the
Survey
Jankin



Journal of the

[illegible]

Wm. H. Beadle
Sur. Gen.

RECEIPT

Division of Water Rights

No 4 9371

South Dakota Department of Water and Natural Resources

Pierre, October 3, 1983

Lennie Jarabek, RR 2, Box 12A, Letcher SD 57359

RECEIVED OF

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

Fee for Application for Permit No. <u>5500-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

JOHN HATCH

ks

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4563

WR#

OWNERS NAME: LENNIE J. JARABEK OWNERS ADDRESS: 1416 N SANBORN
MITCHELL SD 57301-1349
COUNTY LAND LOCATED IN: SANBORN PHONE: 248-2455

LEGAL DESCRIPTION:

☐ Well☒ Surface
JAMES RIVER1. LOCATION SE 1/4 SW 1/4 28-T106N-R60W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NW 1/4 33-T106N-R60W</u>	<u>17.7</u>		

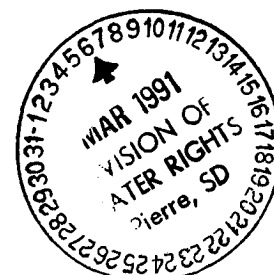
2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) OTHER: SPRINKLER
3. CROPS TO BE IRRIGATED: TREES

WATER QUALITY:

4. WATER SAMPLE NUMBER: JAMES RIVER 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:

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



XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Director, Division of Conservation

FEBRUARY 11, 1991

Date

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

Kevin

- I hope I have
everything in order for
my permit.

Elmer Baschee of Woonsocket
did the map work for me.
He works for the SCS.

If you have any questions
please drop me a line.

Have a good day & Thanks

Lennie J. Jacobek





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

August 16, 1983

Lennie J Jarabek
Rt 2, Box 12A
Letcher SD 57359

Mr. Jarabek:

Your permit application has been received however there are several items needed to complete the application. I am returning the map and Form 2A. Please have Mr. Boschee sign the map and fill in the bottom portion of Form 2A with the dimensions of the storage dam. We will also need the \$150 filing fee. When we receive the above we will process your application. In order to retain your priority date of August 16, 1983 the above material and the soil/water compatibility permit must be received in this office by October 14, 1983.

If you have any questions concerning this, please contact this office.

Thank you,

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Water Resources Engineer

KCL:ks

enclosures

WATER RIGHTS DIVISION
(605) 773-3352

October 13, 1983

Lennie J. Jarobek
Rural Route #2, Box 12A
Letcher, South Dakota 57359

Dear Mr. Jarobek:

With reference to your application to appropriate 0.25 cfs (32 acre feet storage) to irrigate 17.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33-T106N-R60W, we have received the information requested in our August 16, 1983 letter. As of this date we have not received the soil/water compatibility approval from the State Conservation Commission.

The soils map received with your application will be forwarded to the State Conservation Commission along with a copy of this letter.

If you have any questions please feel free to contact this office.

Sincerely,

Betty Westlund
Natural Resources Analyst III

BW:ms

cc: Conservation Comm.



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

October 17, 1983

Lennie Jarobek
RR 2, Box 12A
Letcher, SD 57359

Dear Mr. Jarobek:

We have been notified by the Division of Water Rights that you are currently applying for a water permit to irrigate 17.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33-106-60. In accordance with State Law it will be necessary for you to first obtain a Soil and Water Compatibility Permit.

Enclosed is the necessary form, please complete it and return it to our office, along with the correct soils information. We will then begin further processing your application. Our next scheduled Commission meeting is November 10, 1983. If you wish us to review your application for this meeting we must receive the above information one week prior to the meeting.

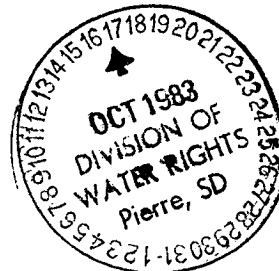
If you have any questions please feel free to contact this office.

Sincerely,

Jim Stukel
Program Administrator

cf

Lec: Division of Water Rights





Department of Water & Natural Resources

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

August 1, 1986

Lennie J Jarabek
RR #2, Box 12A
Letcher, SD 57359

Dear Mr. Jarabek:

I am contacting you in reference to your water permit application dated August 16, 1983 for irrigation of 17.7 acres in the NW 1/4 NW 1/4 Section 33, T106N, R60W. You were contacted in August and October, 1983 concerning the additional data needed to complete your application. Your permit application, map and filing fee are on file; however, to date, we have not received the soil/water compatibility approval from the State Conservation Commission.

If you intend to proceed with your project, you will need to complete the application. Enclosed is a partially completed soil-water compatibility application (WI-1) and instruction sheet. Please read over the instruction sheet and complete the application accordingly. A water sample will need to be obtained. The instruction sheet shows the sampling procedures and gives the address for sending the WI-1, water sample and soils information.

If you have any questions concerning the WI-1 application, you may contact the Division of Conservation directly at the Anderson Building, Pierre, SD, telephone: 605-773-3259.

If you no longer wish to proceed with your project or this application, please contact our office.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resource Analyst
605 773-3352

cc: Division of Conservation



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 4, 1990

Lennie J Jarabek
RR 2, Box 12A
Letcher SD 57359

*address change
1416 N Sunborn Blvd.
Mitchell SD 57301-1349*

Dear Mr. Jarabek:

On August 16, 1983, you submitted an application (copy enclosed) for a permit to appropriate water for irrigation of 17.7 acres in Section 33-106-60. You were notified several times that the application was incomplete and were instructed a soil/water compatibility permit had to be obtained from the Department of Agriculture in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. Currently, a water permit for Lennie Jarabek has not been found on file with the Division of Water Rights. If you believe you already have the required water permit, no longer use water or have no plans to develop your proposed project, please inform us.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you do not intend to complete this project, please contact this office and the \$150.00 filing fee which you paid in 1983, will be refunded. Please respond by March 1, 1991.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosure

Water Rights Division - DWNR
Conversation File Documentation

NAME OF PERSON OR FILE: Lennie Jarabek

ADDRESS: 1416 North Sanborn, Mitchell COUNTY: SA

DATE: 1/30/91

TELEPHONE:

RE: Pending Application

COMMENTS:

Mr. Jarabek called regarding the letter sent to him on a pending water permit application. Mr. Jarabek stated that he didn't know that he hadn't received the required permit. In 1983 when he originally applied there were the two separate application for the permit to appropriate water and for a soil/water compatibility permit. It appears that the application to appropriate water was complete but the application for the SW permit was not submitted or was for some reason not processed. I called Jim Stukel to ask if the application form for appropriating water would suffice in this case since we now utilize the dual application. He said that he thought it might and told me to send it over. Also since the water source is from the James River I asked if Jim would need a water sample analyzed. He said that wouldn't be necessary.

I conveyed this information to Mr. Jarabek. During the conversation he stated that the project would consist of pumping from the James River to a reconstruct dam (not yet reconstructed) with less than a 20 acre feet storage capacity. This would then be diverted from the dam during the summer month to irrigate 17.7 acres of trees.

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

NAME: Eric Thibault

Report on Water Permit Application No. 5500-3
Lennie J. Jarabek
March 7, 1991

Application No. 5500-3, Lennie J. Jarabek, proposes to appropriate 0.25 cubic feet of water per second (cfs) from incidental surface runoff and from the James River into a storage dam to irrigate 17.7 acres. The James River Diversion point is to be located in the SE1/4 SW1/4 of Section 28-T106N-R60W. The proposed dam which is to be reconstructed, is located in the NW1/4 NW1/4 of Section 33-T106N-R60W and will have a maximum storage capacity of 20 acre-feet. The land to be irrigated is located in the NW1/4 NW1/4 of Section 33-T106N-R60W. The proposed project is located in Sanborn County approximately 6 miles SE of Forestburg.

Review of Existing Water Rights

In 1965 the Water Resources Commission placed a 300 cfs limit on diversions from the James River in South Dakota north of the Hutchinson-Yankton County line. This limit was later upheld by the Water Management Board in 1980. Currently there are 124 water rights/permits which appropriate 273.76 cfs from the James River. Below the proposed diversion point there are 42 water rights/permits which appropriate 116.41 cfs. These will be senior to this proposed diversion.

Water Source

The water source for the the proposed project will be from incidental surface runoff with the primary source being the James River. Diversions will occur from April 1 thru October 31, annually. The proposed diversion point is located approximately 2 miles downstream from the USGS gaging station near Forestburg. Table 1 lists the values for 10%, 30%, 50%, 70% and 90% probabilities of flow for the Forestburg station from 29 years of record.

Table 1. Flow Duration Hydrograph Data Points, in cfs, from USGS Gaging Station Near Forestburg, 29-year period.

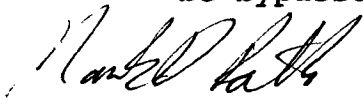
Month	10%	30%	50%	70%	90%
Mar	1354	691	262	102	12
Apr	4264	1026	474	116	71
May	2119	1104	502	159	55
Jun	1712	654	328	110	17
Jul	933	404	146	50	2
Aug	711	290	46	9	0
Sep	531	110	38	5	0
Oct	291	70	38	8	0

The flow hydrograph data indicates that during some years there will be little or no flow in the river from July thru October. During these times the proposed project would have to rely on water which has been previously stored in the dam for a water supply.

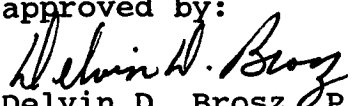
The James River has been subject to many shut off orders. The river reach on which the proposed diversion point is located has been subject to 10 shut off orders since 1959. The most recent shut off order occurring on April 6, 1990. This order was rescinded on June 20, 1990.

Conclusions

1. The applicant proposes to appropriate 0.25 cfs from the James River and from incidental surface runoff into a reconstructed storage dam for the purpose of irrigating 17 acres.
2. Currently there are 273.76 cfs approved for diversion from the James River. A limit of 300 cfs, total diversions, has been established for the James River.
3. Flow data indicates that during certain times, water for the proposed appropriation will not be available from the river.
4. There are 42 water rights/permits which appropriate 116.41 cfs located below the proposed diversion point. These will be senior to this project.
5. If the application is approved it should contain the following qualifications:
 - a. This Permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written order issued by the Chief Engineer.
 - b. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.


Mark D. Rath
Natural Resources Engineer II

approved by:


Delvin D. Brosz P.E.
Natural Resources Engineer IV

References

1. United States Geological Survey. 1989. Water Resources Data South Dakota Water Year 1989. U.S. Geological Survey Water-Data Report SD-89-1.
2. South Dakota Department of Water And Natural Resources. 1991. Water Rights Division records.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5500-3, Lennie J. Jarabek

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. 5500-3, Lennie J. Jarabek, 1416 North Sanborn, Mitchell, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5500-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. This Permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written order issued by the Chief Engineer.
2. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 8, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 28, 1991

Lennie J. Jarabek
1416 North Sanborn
Mitchell, SD 57301

Dear Mr. Jarabek:

Water Permit Application No. 5500-3 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 Woonsocket News printed at Woonsocket, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

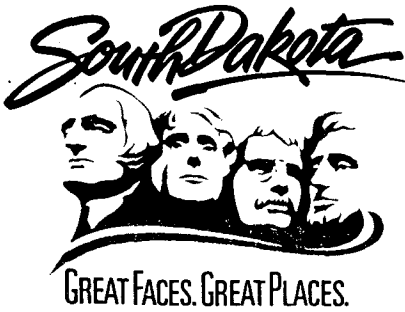
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 28, 1991

Woonsocket News
Box 218
Woonsocket, SD 57385

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5500-3 to be published twice. Please publish the first notice on April 4, 1991, 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 Lennie J. Jarabek, 1416 North Sanborn, Mitchell, SD 57301.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 April 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5500-3 to Appropriate Water

Notice is given that Lennie J. Jarabek, 1416 North Sanborn, Mitchell, SD 57301 has filed an application for a water permit to appropriate 0.25 cubic feet of water per second from the James River into a storage dam (20 acre-feet storage capacity) to irrigate 17.7 acres. The point of diversion from the James River is located in the SE 1/4 SW 1/4 Section 28 and the proposed dam is located in the NW 1/4 NW 1/4 Section 33; all in T106N-R60W. The land to be irrigated is located in the NW 1/4 NW 1/4 Section 33-T106N-R60W. The storage dam may also receive water from incidental surface runoff.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5500-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5500-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Sanborn) ss.



I, Herald W. Kline

certify that the attached printed Notice was taken
 from the Woonsocket News

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 Woonsocket

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

April 4, 1991

April 11, 1991

Herald W. Kline
 (Signature)

Publisher
 (Title)

4/13/91
 (Date Signed)

Cost of Printing: \$62.66

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 46-1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14; 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. W28-21

NOTICE OF HEARING ON
APPLICATION NO. 5500-3
TO APPROPRIATE WATER

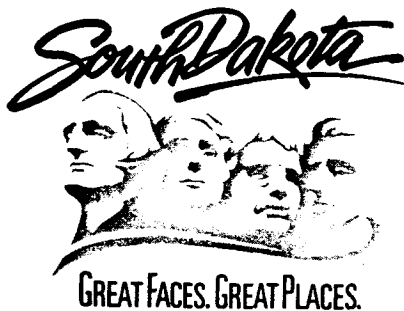
Notice is given that Lennie J. Jarabek, 1416 North Sanborn, Mitchell, SD 57301, has filed an application for a water permit to appropriate 0.25 cubic feet of water per second from the James River into a storage dam (20 acre-foot storage capacity) to irrigate 17.7 acres. The point of diversion from the James River is located in the SE 1/4 SW 1/4, Section 28 and the proposed dam is located in the NW 1/4 NW 1/4, Section 33; all in T106N-R60W. The land to be irrigated is located in the NW 1/4 NW 1/4, Section 33-T106N-R60W. The storage dam may also receive water from incidental surface runoff.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5500-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. 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 the petitioner's legal counsel, if the legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5500-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1991

NOTICE

5500-3

TO: Lennie J. Jarabek
1416 N Sanborn
Mitchell, SD 57301

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent

South Dakota

State

GREAT FACES. GREAT PLACES.

AUG 13 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lennie J Jarabek
3408 Colbin St
Rapid City, SD 57702

Dear Mr. Jarabek:

Enclosed is Water Permit No. 5500-3 authorizing construction of 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.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 1991

Lennie Jarabek
3408 Colbin St.
Rapid City, SD 57702

Dear Mr. Jarabek:

I am writing in reference to the public notice for your Water Permit No. 5500-3. This permit appropriates 0.25 cubic feet of water per second from the James River into a storage dam and the subsequent irrigation of 17.7 acres.

As part of the water permitting process you were responsible for publication of your notice of hearing and making payment for the notice. The notice of hearing was published on April 4 and 11, 1991 in the Woonsocket News. It has come to my attention that payment for the publication has not, to date, been made to the newspaper.

The Division of Water Rights works closely with newspapers throughout the state to ensure that applicants for water permits get their noticed published correctly in a timely and efficient manner. Failure of the applicant to make prompt payment of publication costs erodes the system we currently utilize for processing water permit applications.

I would ask that you make proper payment to the Woonsocket News for the publication of the notice of hearing for your water permit. If you have any questions regarding your legal responsibilities for publication of the notice of hearing, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

blind copy: Gerald W. Klaas, Woonsocket News, Box 218, Woonsocket, SD



June 3, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

5500-3

TO: LENNIE J JARABEK
3408 COLVIN ST
RAPID CITY, SD 57701

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

SUBJECT: Shut Off Order to All James River Water Right Holders
With Diversion Points Between the Third Street Dam in
Huron and I-90 near Mitchell, Effective Immediately.

The flows in the James River are listed below:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
6/2/92	45	0	---	0	5.3	22
6/3/92	0	0	---	0	5	18

To protect remaining water supplies for domestic use (livestock watering), effective immediately, no pumping of water from the James River between the Third Street Dam in Huron and I-90 near Mitchell is authorized until January 1, 1993 or until further notice. Shut off orders were issued several weeks ago for those water rights above Third Street Dam in Huron.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above I-90. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

5500-3

TO: LENNIE J JARABEK
3408 COLVIN ST
RAPID CITY, SD 57701

FROM: *for* John Hatch, Chief Engineer *Delvin D. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of June 3, 1992 Shutoff Order to
James River Water Right Holders from the
Huron Third Street Dam to I-90 near Mitchell

The present flow conditions on the James River are sufficient to allow for diversions. The Shutoff Order of June 3, 1992 is rescinded, effective immediately, for James River Water Right Holders between the Huron Third Street Dam and I-90 near Mitchell. We will continue to monitor the flows of the James River through the summer. **The present increase in flow may only be temporary.** If the present flow conditions continue, pumping will be allowed until the mandatory August 10 shutoff date. Pumping after the August 10 shutoff date will be handled on request and requires written approval from the Chief Engineer.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: LENNIE J JARABEK
3408 COLVIN ST
RAPID CITY SD 57701

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

RE: Violation of Water Permit No(s) 5500-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 5500-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5500-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5500-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LENNIE J JARABEK
3408 COLVIN ST
RAPID CITY SD 57701

4a. Article Number

P906 560 177

4b. Service Type

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

7. Date of Delivery

1/30

5. Signature (Addressee)

Lennie J Jarabek

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1993

5500-3

Lennie J Jarabek
3408 Colvin St
Rapid City, SD 57701

Dear Mr. Jarabek:

I am writing to acknowledge receipt of the information for your 1992 irrigation questionnaire. You indicated in our telephone conversation that you did not irrigate in 1992. A questionnaire has been completed for you and placed in the file.

You may disregard the January 29, 1993 "Notice of Violation of Water Permit No. 5500-3". Since the information was received prior to the March Water Management Board Meeting, your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: LENNIE J JARABEK, RR 2 BOX 12A, LETCHER, SD 57359

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

SUBJECT: Violation of Water Permit No(s) 5500-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5500-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5500-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5500-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LENNIE J JARABEK
RR 2 BOX 12A
LETCHER SD 57359

4a. Article Number
Z161 984 046

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
2-9-96

5. Received By: (Print Name)
Lennie Jarabek

6. Signature: (Addressee or Agent)
X Lennie J. Jarabek

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1996

5500-3

Lennie J Jarabek
RR 2 Box 12A
Letcher SD 57359

Dear Mr. Jarabek:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No. 5500-3.**

I completed a questionnaire for you based on our February 26th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1997

Lennie Jarabek
RR 2, Box 12A
Letcher SD 57359

Dear Mr. Jarabek:

Thank you for your phone call concerning the transfer of Water Permit No. 5500-3. Enclosed is a partially completed *Notice of Transfer* form for use in filing an ownership change on Water Permit No. 5500-3. The water permit is currently listed in your name.

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

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

As you requested, enclosed is a copy of the Receipt for payment of the application fee. The receipt indicates you paid an application fee of \$150.00. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 30, 1997

Lennie Jarabek
RR 2, Box 12A
Letcher SD 57359

Dear Mr. Jarabek:

On January 28, 1997, I talked with you regarding the transfer of Water Permit No. 5500-3. At that time, a partially completed *Notice of Transfer* form for use in filing an ownership change was sent to you.

Enclosed is another partially completed *Notice of Transfer* form. This form should be completed, checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

Mr. Jarabek, it is important that our ownership records be kept current. If you would like, we can send the *Notice of Transfer* form directly to new owner. Please take a couple of minutes to let us know the status of this water permit. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: LENNIE J JARABEK, RR 2 BOX 12A, LETCHER, SD 57359

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5500-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5500-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5500-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LENNIE J JARABEK
RR 2 BOX 12A
LETCHER SD 57359

4a. Article Number

119 141 235

4b. Service Type

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

7. Date of Delivery

1-14-98

5. Received By: (Print Name)

Lennie J Jarabek

6. Signature: (Addressee or Agent)

X *Lennie J Jarabek*

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

5500-3

Lennie Jarabek
RR 2 Box 12A
Letcher, SD 57359

Dear Mr. Jarabek:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 5500-3.

I completed a questionnaire for you based on your January 16th telephone conversation with Ron Duvall. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1998

5500-3

Andy Beedle
322 N Indiana
Sioux Falls, SD 57103

Dear Mr. Beedle:

Thank you for contacting me about ownership of land described in Water Permit No. 5500-3. Enclosed, for your records, is a copy of the water permit and map.

Also enclosed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the water permit. Please review the form for accuracy and make any necessary corrections. You will need to fill in the portion titled "*be transferred to: (name & address)*". Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

During our telephone conversation, you indicated you purchased the property 1½ years ago and have not irrigated. Please keep in mind that water must be placed to beneficial use at least once every three years in order to maintain your water permit. This three year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

You indicated the storage dam is not present, however the underground sprinkler system had been installed to irrigate the trees, prior to your ownership of the property. Since the construction period expired in May, 1996, you would be entitled to utilize whatever was developed prior to May, 1996. Any new construction would require a new permit.

If you have any questions concerning the enclosed permit or completion of the transfer form, please contact me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

SECOND NOTICE
Permit No. 5500-3

Andy Beedle
322 N. Indiana
Sioux Falls, SD 57103

Dear Mr. Beedle:

On February 5, 1998, notice was sent to you concerning the transfer of Water Permit No. 5500-3 in the name of Lennie J. Jarabeck. To date, we have not heard from you on this matter.

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

If you have any questions, please contact Cheryl Frost, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Andy Beedle
322 N. Indiana
Sioux Falls, SD 57103

5500-3

4a. Article Number

Z 119 141 534

4b. Service Type

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

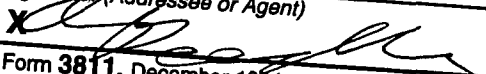
7. Date of Delivery

5-21-98

5. Received By: (Print Name)

T

6. Signature (Addressee or Agent)



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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 1998

5500-3

Andy Beedle
322 N Indiana
Sioux Falls, SD 57103

Dear Mr. Beedle:

I am writing in follow-up to our October 6th telephone conversation regarding the transfer of ownership for Water Permit No. 5500-3. You indicated you had mailed the form into us soon after my February, 1998, letter to you. I reviewed the file again and did not find the form or the filing fee.

Enclosed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the water permit. Please review the form for accuracy and make any necessary corrections. You will need to fill in the portion titled "*be transferred to: (name & address)*". Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

It seems I misunderstood our original conversation about the extent of development of the project. You indicated today that the holding pond/storage dam was constructed and the pipeline is in place to the sprinkler system. It is my understanding that you have not irrigated yet due to adequate natural moisture. The Water Management Board views this type of situation legal excuse for not irrigating. You will not lose the permit if legal excuse exists for the non-use of water.

As soon as the signed transfer form and filing fee are received in our office, the water permit will be transferred to your name. If you have record of the cancelled check which you submitted with the original transfer form, let me know. I apologize for any inconvenience all this has caused. If you have any questions, please let me know.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 5, 1999

5500-3

Andy Beedle
322 N Indiana
Sioux Falls, SD 57103

Dear Mr. Beedle:

I am once again contacting you in regard to filing an ownership change with Water Permit No. 5500-3. The water permit, currently listed in the name of Lennie Jarabeck, authorizes diversion of water from the James River and from runoff to irrigate 17.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T106N, R60W.

Transfer forms were mailed to you February 5th, May 20th and October 6th, 1998. To date, we have not heard from you regarding this matter.

If you no longer wish to maintain the water permit, let me know and I can schedule it for cancellation consideration. Please respond by April 30, 1999, and let me know what your intentions are towards Water Permit No. 5500-3.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: ANDY BEEDLE, RENTER, 322 N INDIANA, SIOUX FALLS, SD 57103

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5500-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5500-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5500-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

5500-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-20-01</u>	
1. Article Addressed to: ANDY BEEDLE, RENTER 322 N INDIANA SIOUX FALLS SD 57103		C. Signature <u>X</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) <u>7000 0600 0026 9814 2690</u>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2001

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Andy Beedle, 322 N Indiana, Sioux Falls, SD 57103

FROM: Garland Erbele Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 5500-3

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

That Water Permit No. 5500-3 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaire.

Suspension of a water permit means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 18, 2004

5500-3

Andy Beedle
1200 South Dale Dr.
Sioux Falls SD 57110

Dear Mr. Beedle:

Enclosed, as you requested, is a partially completed Notice of Transfer of Ownership form for filing an ownership change with Water Permit No. 5500-3. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a copy of the water permit and a map that was submitted with the original application. You will note that the permit authorizes 17.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T106N, R60W. A red cross-hatched area is shown on the map outlining the acreage.

In your email to me this morning, I note that you would like to set up an inspection with Eric. This can and should be done soon. Please call Eric to line up the inspection. He can be reached at (605) 773-3352.

One thing to keep in mind is that with the numerous years of non-use, there is sufficient question concerning the status of the water permit. At the very least, you should petition the Water Management Board for a ruling on the legal status. If the board finds the water permit to be valid, the holder will be protected from future challenges concerning these years of non-use. Simply having a water permit on file, transferring it to your name and submitting the annual irrigation questionnaire does not keep the permit from being subject to cancellation consideration.

If you have any questions concerning the permit, completion of the transfer form or the process to bring the matter to the Board for review, please contact me.

Sincerely,

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

enclosures

5500-3

Query - Microsoft Visual FoxPro														
File Edit View Tools Program Table Window Help														
Query														
Year	Permit	Belmont County	Frame	Lname	Conts/CorpAdd	Address2	City	State	Zip	Water	Not	iring	Not	Prmt
1991	5500.3	JR	SA	LENNIE J	JARABEK	3408 COLVIN ST	RAPID CITY	SD	57701		X			25
1992	5500.3	JR	SA	LENNIE J	JARABEK	3408 COLVIN ST	RAPID CITY	SD	57701		X			25
1993	5500.3	JR	SA	LENNIE J	JARABEK	RR 2 BOX 12A	LETCHER	SD	57369		X			25
1994	5500.3	T		LENNIE J	JARABEK	RR 2 BOX 12A	LETCHER	SD	57369		X			
1995	5500.3	T		LENNIE J	JARABEK						X			
1996	5500.3	T		LENNIE J	JARABEK	RR 2 BOX 12A	LETCHER	SD	57369		X			
1997	5500.3	T		LENNIE J	JARABEK	RR 2 BOX 12A	LETCHER	SD	57369		X			
1998	5500.3	T		LENNIE J	JARABEK	RR 2 BOX 12A	LETCHER	SD	57369		X			
1999	5500.3	T		ANDY	BEEDELE RENIER	322 N INDIANA	SIoux FALLS	SD	57103		X			
2000	5500.3	T		ANDY	BEEDELE RENIER	322 N INDIANA	SIoux FALLS	SD	57103		X			
2001	5500.3	T		ANDY	BEEDELE RENIER	322 N INDIANA	SIoux FALLS	SD	57103		X			
2002	5500.3	T		ANDY	BEEDELE RENIER	1200 S DALE DR	SIoux FALLS	SD	57110		X			
2003	5500.3	T		ANDY	BEEDELE RENIER	1200 S DALE DR	SIoux FALLS	SD	57110		X			



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2004

5500-3

Andy Beedle
1200 S Dale Dr
Sioux Falls SD 57110

Dear Mr. Beedle:

I am writing in regard to Water Permit No. 5500-3 held in the name of Lennie Jarabeck. The water permit authorizes diversion of water from the James River into a 20 acre-feet storage dam to irrigate 17.7 acres. All construction of the system was to have been completed by May 1, 1996 with water applied to beneficial use by May 1, 2000.

A review of our records shows the land has not been irrigated since the permit was issued in 1991 and up until last year, the annual irrigation questionnaires reflected no system had been constructed. We have contacted you in the past to have the water permit transferred to your name and also to meet with a staff engineer for inspection of the water use system for licensing purposes. You have not responded to those requests.

The years of non-use suggest irrigation may have been abandoned or the irrigation system may never have been constructed. Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order to maintain the water right. Enclosed are excerpts of our water laws and Water Management Board rules dealing with these issues.

There is sufficient question concerning the status of the water permit to bring this before the Water Management Board for a ruling on the legal status of the permit. If the board finds the permit to be valid, the water permit holder will be protected from future challenges concerning these years of nonuse. Simply having a permit on file and submitting the annual irrigation questionnaires does not keep the permit from being subject to cancellation for non-use.

Based on the information we have available, the Water Rights Program believes that this water permit is subject to cancellation. However, the Water Management Board is the entity who makes the determination on the status of a water permit. I am contacting you to provide you an opportunity to explain the status of your irrigation project.

If I do not hear from you by August 20, 2004, we intend to schedule an October 6th hearing before the Water Management Board. You will be provided notice of this hearing and have an opportunity to discuss the water permit with the Board. Please remember that cancellation of a water permit does not prevent you from reapplying for a permit to irrigate in the future.

Page 2
August 3, 2004
Andy Beedle

Please review the enclosure and get in touch with us by August 20, 2004. Thank you in advance for your help.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure

McMath, Genny

From: beedle [beedle@sio.midco.net]
Sent: Tuesday, August 17, 2004 5:37 PM
To: genny.mcmath@state.sd.us
Subject: Water Permit 5500-3

Andy Beedle
1200 South Dale Dr.
Sioux Falls SD 57110

August 17th, 2004

Genny McMath
Environmental Scientist-Water Rights Program
Department of Environment and Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3182

Dear Ms. McMath

I am writing in regards to the letter I recieved, our phone conversation and the subsequent conversation with the engineer from your department.

The information indicated in your letter is incorrect because a storage dam was constucted and is in place. The actual irrigation system is a portable system designed to lay on the ground and be moved with a tractor. This system can be erected in 1 day and taken back down in another and is currently on a transport rack in the farm yard.

I understand the South Dakota Water Law requirement of beneficial use at least once every 3 years. And I also understand the legal exemption that the water usage under existing climatic conditions would result in the waste of water.

We have had favorable climatic conditions in our township area for the 8 years I have owned this property. This year is the same except that we had too much rain and the seventeen acres could not be planted until late june because the ground was too wet! The other 200 acres I farm has 8 foot tall corn that is going to yeild 80-100 bushel and soybeans that are going to yield 25 - 35 bushels thanks to a recent 3 inch rain.

I have acted responsibly in my decision not to irrigate during this time period especially considering the low water conditions down stream in the Missouri River.

Please send me the application form for the transfer of the rights and the cost. And contact me to set up a time for a visual inspection of the retention pond and irrigation equipment.

Sincerely,

Andrew P. Beedle

8/18/2004

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5500-3

Date:

8/21/04

I/We request that Water Permit No. 5500-3

formerly owned by: Lennie Jarabek

be transferred to: (name & address)

Andrew P or Darla K
Beedle
1200 S. Dale Dr. Sioux Falls, SD 57110 Telephone No. 605-339-2690

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

NW ¼ NW ¼ Section 33, T106N, R60W

I/We understand that the validity of Water Permit No. 5500-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Andy/Darla Beedle, 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.

RECEIVED

AUG 23 2004

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 23, 2004

RECEIVED OF Andrew P Beedle, 1200 S Dale Dr, Sioux Falls SD 57110

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5500-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 006008

By

Sarland Erbele

Chief Engineer

Dr.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 2004

5500-3

Andrew P & Darla K Beedle
1200 S Dale Dr
Sioux Falls SD 57110

Dear Mr. & Mrs. Beedle:

The transfer of Water Permit No. 5500-3 has been completed. The permit formerly held by Lennie Jarabek is now listed in your names.

Enclosed is your Receipt No. 001399 in the amount of \$2.50. Please keep this for your records.

Sincerely,

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

enclosure

Permit No. 5500-3
James River - Water District

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

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

I have this day, August 23, 2004, made a thorough examination of the water use system constructed by Andrew and Darla Beedle, of 1200 S Dale Drive, Sioux Falls SD 57110 holder of Permit No. 5500-3, bearing the priority of March 6, 1991 authorizing the diversion of 0.25 cu. ft. per second and/or the storage of 20 acre-feet of the waters of James River for irrigation purposes, in Sanborn County.

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

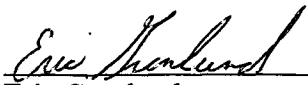
- A. Works used to divert the water:
Allis Chamber Tractor to power a 3 inch Berkley pump
- B. Works used to transport water to place of use:
6" aluminum pipe
- C. Works used to apply water to beneficial use:
Gated pipe used to flood irrigate the field

The system is in the following condition good. The point of diversion is located Diversion point from James River -- SE 1/4 SW 1/4 Section 28, T106N, R60W (1970 feet east and 85 feet north of SW corner Section 28) Dam -- NW 1/4 NW 1/4 Section 33, T106N, R60W (1162 feet east and 360 feet south of NW corner of Section 33). The works are capable of diverting and conveying to the place of use 0.25 cu. ft. per second of water and storing 7 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW 1/4 NW 1/4 Section 33, T106N, R60W -- 17.7 acres

comprising a total of 17.7 acres of land and the license should be issued for 0.25 cfs and/or 7 acre-feet of storage. Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: Date Report Completed: October 18, 2004


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO.

DATE OF INVESTIGATION:	August 23, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Andrew and Darla Beedle 1200 S Dale Dr Sioux Falls SD 57110
NAME & ADDRESS OF PERMIT HOLDER	same
DIVERSION POINT LEGAL LOCATION	<u>Diversion point from James River -- SE 1/4 SW 1/4 Section 28, T106N, R60W (1970 feet east and 85 feet north of SW corner Section 28)</u> <u>Dam -- NW 1/4 NW 1/4 Section 33, T106N, R60W (1162 feet east and 360 feet south of NW corner of Section 33).</u>

Other permit(s) associated with the project: none

Pump:

- 1) Make Berkley
- 2) Model No ID plate on pump
- 3) Size 3"
- 4) Capacity 120+ GPM
- 5)

Motor:

- 1) Make Allis Chamber tractor
- 2) Model No. D17
- 3) Horsepower rating ? hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
 - 2) Size 6 inches
 - 3) Length 30 feet
- Mr. Beedle had 70 pieces of pipe on hand. Thirty pieces stacked and another 40 pieces on the bottom ground

SYSTEM TYPE: Flood Irrigated using gated pipe

DAM INFORMATION:

- 1) Height to crest approx. 15 feet
- 2) Height to primary spillway none
- 3) Height to secondary spillway 12 ft
- 4) Crest width 15 feet
- 5) Crest length 150 feet
- 6) Spillway length feet
- 7) Spillway width 20 +/- feet
- 8) Approx. storage 6 ac-ft (maximum)
- 9) Approx. storage to crest 7 ac-ft
- 10) Date constructed: unknown

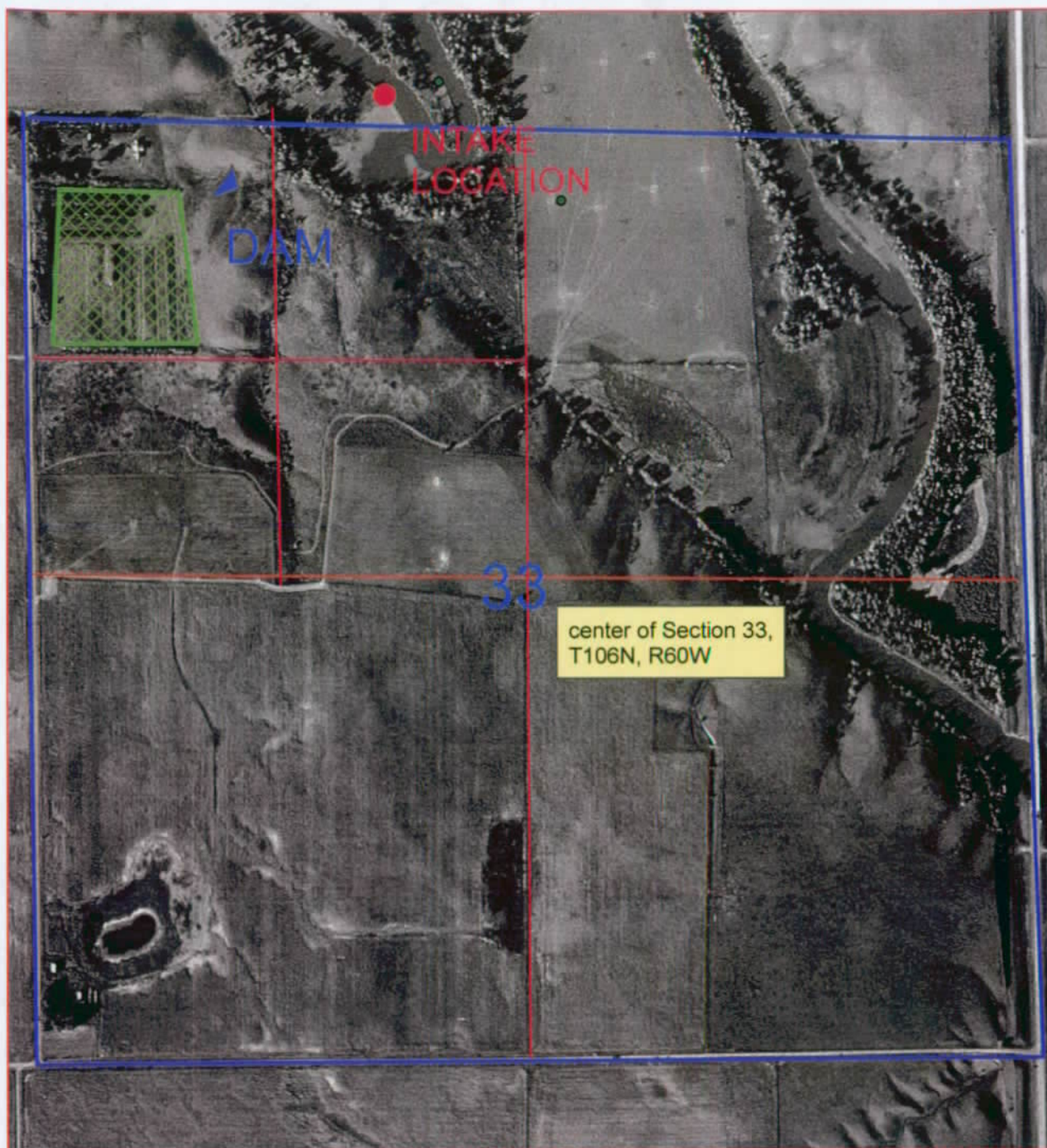
CHEMIGATION EQUIPMENT: None

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y/N
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period see comment below

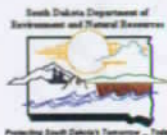
COMMENTS: Mr. Beedle had not irrigated since acquiring the land. He is unsure of the irrigation history by Mr. Jarabek. Based on the review of the annual irrigation questionnaire the land has not been irrigated. The time to complete works was May 1, 1996 and the time to place water to beneficial use was May 1, 2000. Mr. Beedle contends that the works were in place and capable of diverting water and that the last years in his area have been extremely wet which would make irrigating a waste of water. The Water Rights Program did not pursue cancellation, however, Mr. Beedle was made fully aware that someone could bring up the matter of nonuse of water in the future.

Water Permit No. 5500-3, Andrew and Darla Beedle



0 500 1,000 2,000 3,000 4,000 Feet

Diversion point from James River – SE 1/4 SW 1/4 Section 28,
T106N, R60W (1970 feet east and 85 feet north of SW corner Section 28)
Dam – NW 1/4 NW 1/4 Section 33, T106N, R60W (1162 feet
east and 360 feet south of NW corner of Section 33)
Irrigated acreage – NW 1/4 NW 1/4 Section 33, T106N, R60W



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - August 23, 2004



Tractor with pump driven by PTO



Aluminum pipe (on site)



Dam (empty at time of licensing investigation)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2004

5500-3

Andrew P or Darla K Beedle
1200 S Dale Dr.
Sioux Falls SD 57110

Dear Mr. & Mrs. Beedle:

On August 23, 2004 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5500-3, was completed. Your final water right document, the water license, can now be issued.

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

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 30, 2005 ⁰⁴

RECEIVED OF State Home Care Services Inc., 900 East 20th St, Suite 221, Sioux Falls SD57105

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5500-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 011571

By

Darlene Ebele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 19 2005

5500-3

Andrew P or Darla K Beedle
1200 S Dale Dr
Sioux Falls SD 57110

Dear Mr. & Mrs. Beedle:

Enclosed is Water License No. 5500-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001571 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5500-3

(1) Lennie J Jarabek, Mitchell SD made Application No. 5500-3, August 16, 1983 for a water permit to divert 0.25 cubic feet of water per second and the storage of 20 acre-feet of water from the James River, Sanborn County, South Dakota for irrigation purposes. Permit No. 5500-3, with a priority date of March 6, 1991 was approved May 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 1996 and for the application to beneficial use of water on or before May 1, 2000.

On August 23, 2004, Water Permit No. 5500-3 was transferred to Andrew P or Darla K Beedle, 1200 S Dale Dr, Sioux Falls SD 57110.

(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 holders and/or owners of Water Right No. 5500-3 are issued a license, bearing a priority date of March 6, 1991 to appropriate 0.25 cubic feet of water per second and 7 acre-feet of water from the James River to irrigate 17.7 acres.

The diversion points are located: James River – 1,970 feet east and 85 feet north of southwest corner (SE ¼ SW ¼) Section 28-T106N-R60W; Dam – 1,162 feet east and 360 feet south of northwest corner (NW ¼ NW ¼) Section 33-T106N-R60W. The acres authorized for irrigation are as follows:

NW ¼ NW ¼ Section 33-T106N-R60W – 17.7 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5500-3 including the following now applicable qualifications:

- This permit does not authorize diversion of water from the James River after August 10 of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written order issued by Chief Engineer.
- Low flows as needed for downstream domestic use, including livestock water and prior water right must be by-passed.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

APR 19 2005
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: ANDREW P OR DARLA K BEEDLE
1200 S DALE DR
SIOUX FALLS SD 57110

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 5500-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



August 6, 2012

5500-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 5500-3**

To: ANDREW P OR DARLA K BEEDLE
1200 S DALE DR
SIOUX FALLS SD 57110

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

Subject: James River Qualification Reminder for Permit No(s). 5500-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.



DENR
SOUTH DAKOTA

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

November 2, 2020

5500-3

Andrew & Darla Beedle
40809 237th St
Letcher SD 57359-6000

Dear Mr. & Mrs. Beedle:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaire.

The notice was originally mailed to Sioux Falls, SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath". The signature is written in black ink and is positioned above the printed name and contact information.

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program