

Considered: _____

WATER PERMIT NO. 5513-3

Phone: 605 589-3747

Name of Applicant: Richard Hajek

Post Office Address: RR 1, Box 78, Tyndall SD 57066

Amount of Water Claimed: 1.92 Total Acres: 135

Source of Water Supply: groundwater

Water to be used for: irrigation County: Bon Homme

About 3 miles south, 2 west of Tyndall

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-4-91 Fee: \$250.00 Remarks _____

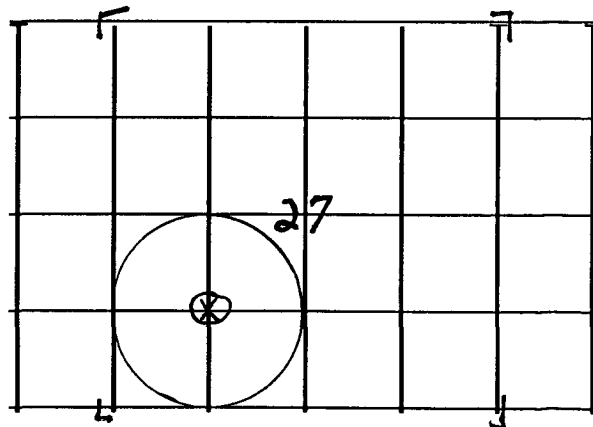
Corrected Application Received _____ Period of Annual Use May 1 - September 30

WATER QUALITY APPROVAL RECEIVED 3-5-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center of SW 1/4 Sec 27-94-60

Land to be Irrigated: SW 1/4 Sec 27-94-60



Well Log: Driller: AAA Well Co. Licensed YES _____ NO _____

Depth of Well: 250' REMARKS well log submitted is from neighbors well

located about 1/2 mile away

Type of Map: aerial PREPARED BY: Steve Sutera, Ext. Agent Reviewed and the Number

Assigned on 3-5-91 By Karen Schlaak

Mailed to: **Water Rights Div.**
525 E. Capitol
Pierre, SD 57501
605 773-3332

(See instructions)

No. 5513-3 Hydrographic Unit 10170101
Basin Missouri River
Newspaper Tyndall Tribune & Register, Box 520

(Wed)



Application For Soil/Water Compatibility Permit and Permit To Appropriate

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Richard Hajek Phone No. 605 5893747
 Post Office Address RR1 Box 78 Tyndall State SD Zip Code 57066
Street, RR or Box City
 2. Amount of water claimed (c.f.s.) XXXXX 1.92 Total acres irrigated 135
 3. Source of Water supply well
 4. Location of point of diversion approximate center of SW 1/4 Section 27 T94N R60W
 County Bon Homme
 5. Counties where water will be used Bon Homme
 6. Annual period during which water is to be used May 1 to Sept. 30
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>middle 135</u>	
<u>acres of 1/4</u>	
<u>SW 1/4 Sec 27-94-60</u>	<u>135</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

Center pivot system

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

STATE OF SOUTH DAKOTA
 County of Bon Homme, SS

I, Richard Hajek, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Richard Hajek

Subscribed and sworn to before me this 1st day of Feb 1991

[Signature]
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5513-3 FOR IRRIGATION**

Date of first receipt of application February 4, 1991.
Date Soil/Water Compatibility Permit received March 5, 1991.
Date of return to applicant for corrections, amendments or changes
February 7, 1991.
Date of receipt of corrected application February 13, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5513-3 to Richard Hajek, RR 1, Box 78, Tyndall SD 57066 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. 5513-3 appropriates 1.92 cubic feet of water per second from one well (Choteau Tyndall Aquifer) 250 feet deep to be located in the approximate center of SW 1/4 Section 27-T94N-R60W, to irrigate 135 acres to be located in the SW 1/4 Section 27-T94N-R60W.
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: May 1 - September 30.
3. The date from which applicant may claim right is February 4, 1991.
4. The date of approval of Permit No. 5513-3 is June 12, 1991.
5. One-fifth of the construction is to be completed on or before December 12, 1993.
6. All construction is to be completed on or before June 12, 1996.
7. Water is to be put to beneficial use on or before June 12, 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. The well authorized by Permit No. 5513-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.

(continued)

2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *John Hubberts*

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

JUL 29 1991

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 250'
- b) Casing Type plastic Diameter 18 Thickness 38
- c) Screen Type stainless steel Diameter 18 Thickness 14
- d) Gravel Pack Thickness 12" Length of Gravel Pack 250
- e) Depth to Top of Water Bearing Material 170'
- f) Depth to Water (ground surface to water level) 70
- g) Distance to nearest existing domestic well: 2400'
- On applicants property no On property owned by others yes

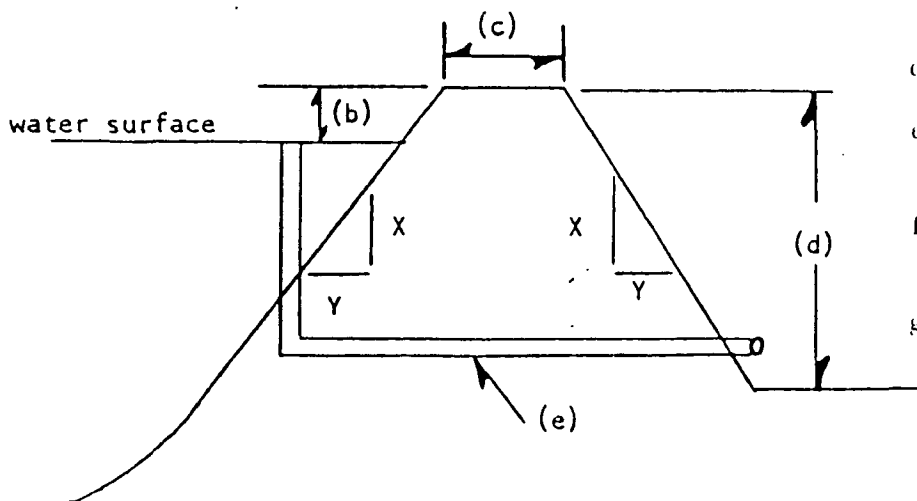
2. Dugout Information Estimates

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

3. Water Storage Dams

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

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



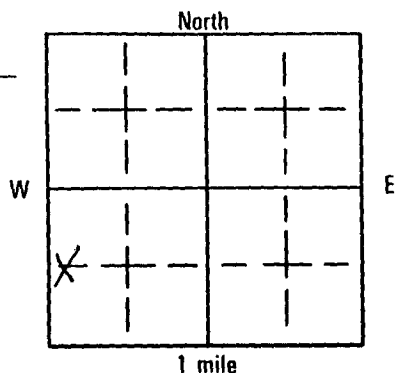
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If Pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ acre feet
- Drainage area above dam _____

Signature of Applicant

5513-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 27 Twp 94 Rg 60County Ben HommePlease mark well
location with
an "X"Well Completion Date 5-28-91

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16</u> IN	<u>0</u> FT	<u>225</u> FT	<u>24</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 180 FEETWhat is grouting material? Cemented BeniteIf cement, number of sacks? 60

Describe grouting procedure _____

line to 186 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 20 FEETMaterial B.V.C.Slot Size .057 Set From 205 Feet To 225 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

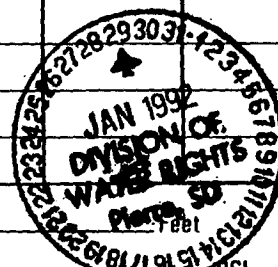
Laboratory sent to _____

Well Owner:

Name Dick HajekAddress RR1 Tyndall, SD 57066

Well Log: _____ Depth _____

Formation	From	To
Yellow Clay	0	55
Fine Sand Rock 45'	55	60
Fine Brown Sand	60	134
Medium to fine Sand	134	160
Fine Sand	160	200
Med to Coarse Sand	200	220
upper 4' of chalk	2	
Med. to Coarse Sand	220	227
Fine Sand (coll)	227	240

TD 225STATIC WATER LEVEL 89

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Turbine☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

112 ft. After 4 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative: _____

R. E. Fiedel

Signature of Well Owner: _____

Date 1-27-92

11

middle?

Range.

(Nemo)

Depth to top of water producing aquifer _____ ft.

Depth to static water level _____ ft.

Name of producing aquifer (if known) _____

Total depth of drill hole _____ ft.

Depth to bottom of casing _____ ft.

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

If a flowing well, flow of completed well _____ G.P.M.

AAA Well Co # 370
Name of Drilling Contractor

Name of Pump Installation Contractor _____

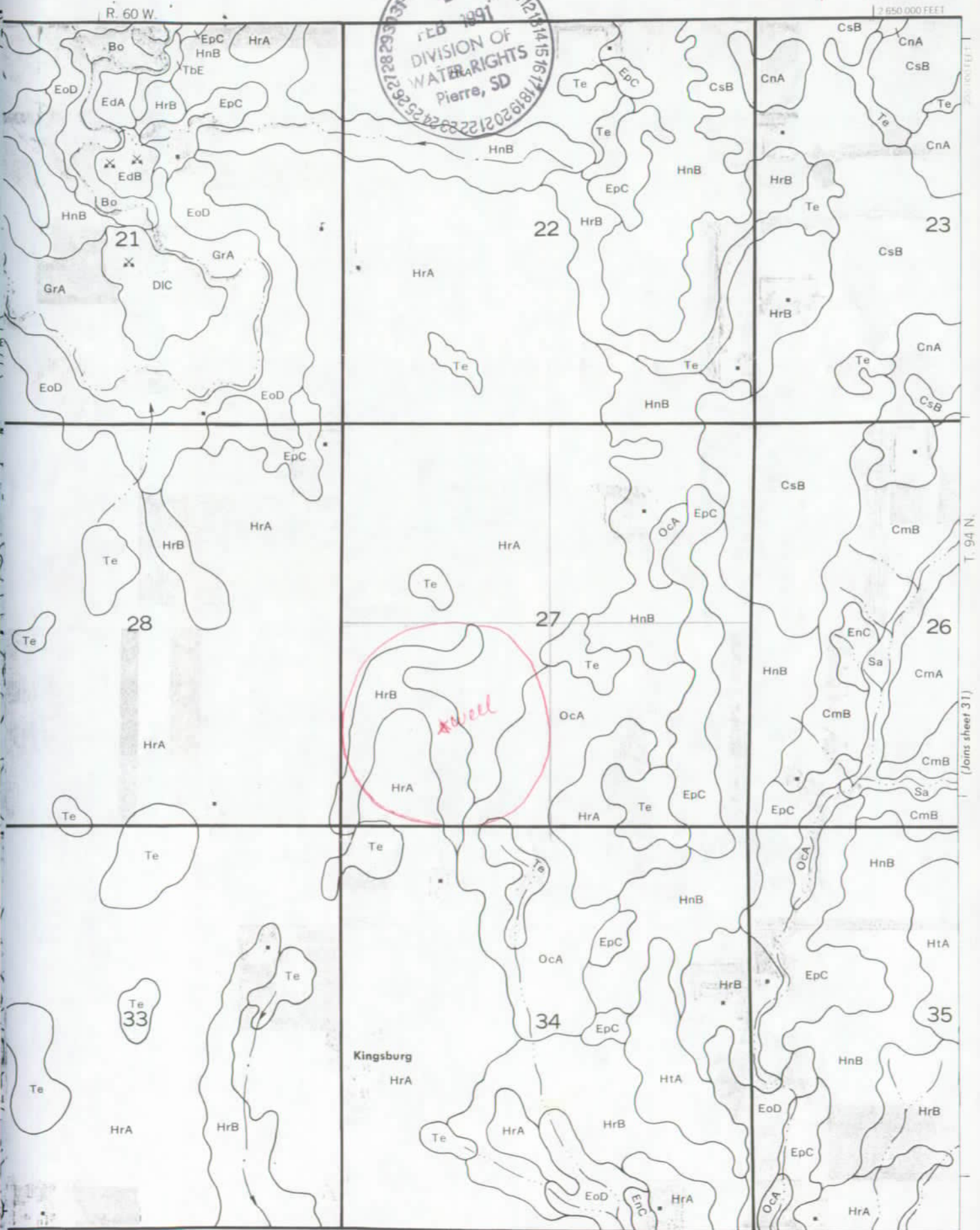
On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Appl. No. 5513-3

NOT TO SCALE





RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412528

Pierre, February 6, 19 91

RECEIVED OF Richard Hajek, RR #1 Box 78, Tyndall SD 57066

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

Fee for Application for Permit No. <u>55/3-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By John H. H. H. H.
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 7, 1991

Richard Hajek
RR 1, Box 78
Tyndall SD 57066

Dear Mr. Hajek:

In regard to your water permit application received on February 4, 1991, it will be necessary for you to submit a well log or driller's test log signed by a South Dakota licensed well driller.

On the application, Item No. 2 you indicated the amount of water claimed to be 3.0 cfs. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 1.92 cfs for the 135 acres to be irrigated. Please let us know if you concur with this change.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

*The 1.92 CFS for the 135 acres
is OK*

Richard Hajek



Conversation or File Documentation

NAME OF PERSON OR FILE: Richard HajekADDRESS: RR1 Box 78 COUNTY _____DATE: 2/11/91 TELEPHONE _____RE: Pending Permit Appl. for the SW¹/₄ Sect 27-T94N-R60W.

COMMENTS:

Mr. Hajek called in regarding the well log we requested as part of his application. He asked if his neighbors well log from about 1/2 mile away would be ok. I said for our purposes if his proposed well was to be the same depth and constructed the same it would probably be okay. I did, however, mention that for the SW Permit that he ~~note~~ may need to have a sample from a well within 2000'. He said he'd already sent a sample in to WRT.

Mr. Hajek stated changing the 3.0 cfs to 1.92 cfs would be fine

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 Hunkeler

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4565

WR#

OWNERS NAME: RICHARD HAJEK

OWNERS ADDRESS: RR 1 BOX 78

TYNDALL SD 57066

COUNTY LAND LOCATED IN: BON HOMME PHONE: 589-3747

LEGAL DESCRIPTION:

1. LOCATION: SW 1/4 27-T94N-R60W

Depth: _____

☒ Well

☐ Surface



Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 27-T94N-R60W</u>	<u>135</u>		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, ALFALFA, OATS, BARLEY

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0038 7. ADJUSTED (SAR): 1.67
5. SALINITY (EC X 10⁶): 900 8. PERCENT SODIUM: 13.48
6. SODIUM (SAR): 0.71

Requirements:

The area mapped as Onita-Chancellor silty clay loams, (Oca) is subject to wetness and seasonal high water tables. This area shall be restricted to permanent vegetation. On the long-term, artificial drainage may be necessary; i.e., tile drains. This drainage shall be installed, as deemed necessary.

Please be advised, we do not consider the Swampbuster provision in undertaking our recommendations. Contact your local SCS or ASCS office before undertaking any drainage project.

Director, Division of Conservation

February 13, 1991

Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

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

WATER PERMIT APPLICATION NO. 5513-3
RICHARD HAJEK
MAY 1, 1991

Water Permit Application No. 5513-3 proposes to irrigate 135 acres of land in the SW1/4 section 27 T94N R60W with 1.92 cubic feet of water being withdrawn from a well located in the center of the SW1/4 section 27 T94N R60W.

Aquifer: assumed to be Choteau Tyndall aquifer (CH:T)

The water source is assumed to be the Choteau Tyndall aquifer. Mr. Hajek has not drilled a test well for this application. A well log was submitted for a well that Leslie Bohnmann of Tyndall owns. There is not a legal location on the log and the log is not signed. The submitted well log would indicate that the well will be approximately 220 feet deep. Form 2A Supplemental Information sheet that is required for all applications indicate that the well will be 250 feet deep. There is no indication that a test well exists from which a water sample could have been taken to satisfy the requirements of the the Soil/Water Compatibility Permit.

The Choteau Tyndall aquifer is a sand and gravel aquifer that is under both water table and artesian conditions. The CH:T underlies 31,300 acres of land and has an estimated 140,850 acre feet of recoverable water in BonHomme county. Presently there are 22 permits to appropriated water from the CH:T. These 22 permits appropriate 9,470 acre feet of water and in 1989 reported pumping 2,174 acre feet of water.

The Division of Water Rights monitors 7 observation wells in the CH:T aquifer. These wells show the affects of pumping and from seasonal variations on the water levels. There is no indication that the aquifer is being harmed by the existing pumping.

When a production well is drilled for the proposed project the South Dakota Well Construction Standards must be met.

Conclusions:

1. Unappropriated water is available from the Choteau Tyndall aquifer for Water Permit Application No. 5513-3.
2. The Choteau Tyndall aquifer is the assumed source for application no. 5513-3.
3. Observation wells exist to monitor the withdrawal of water from the Choteau Tyndall aquifer.

4. There has not been a test well drilled for this proposed project so the availability of water at the proposed site is not known.

Gale N. Selken

Gale N. Selken

Natural Resources Engr. IV

References

Hedges, L.S., and others 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.

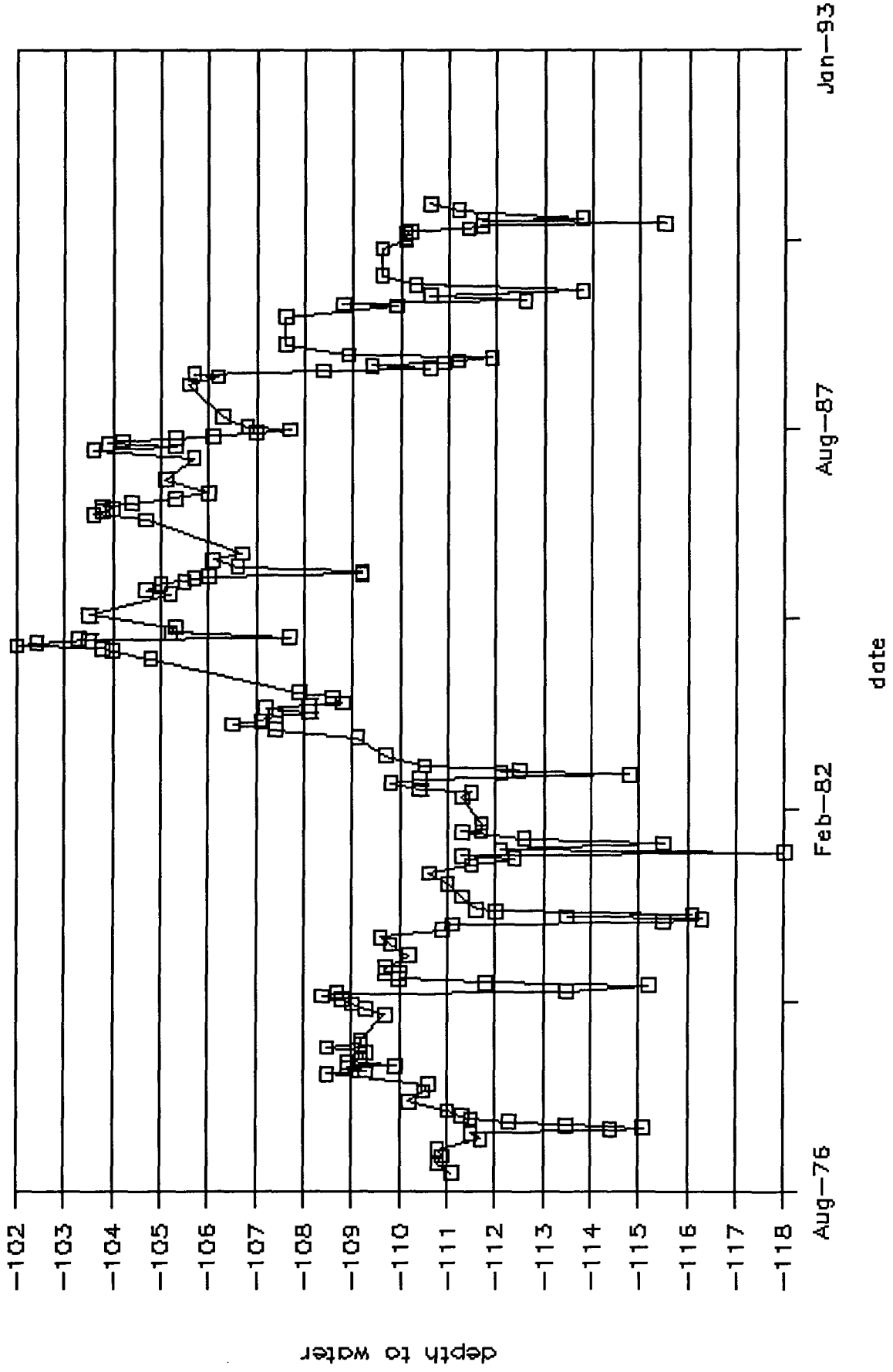
Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.

Division of Water Rights, 1991, Observation Well Files, DENR,
Division of Water Rights, Joe Foss Building, Pierre, SD

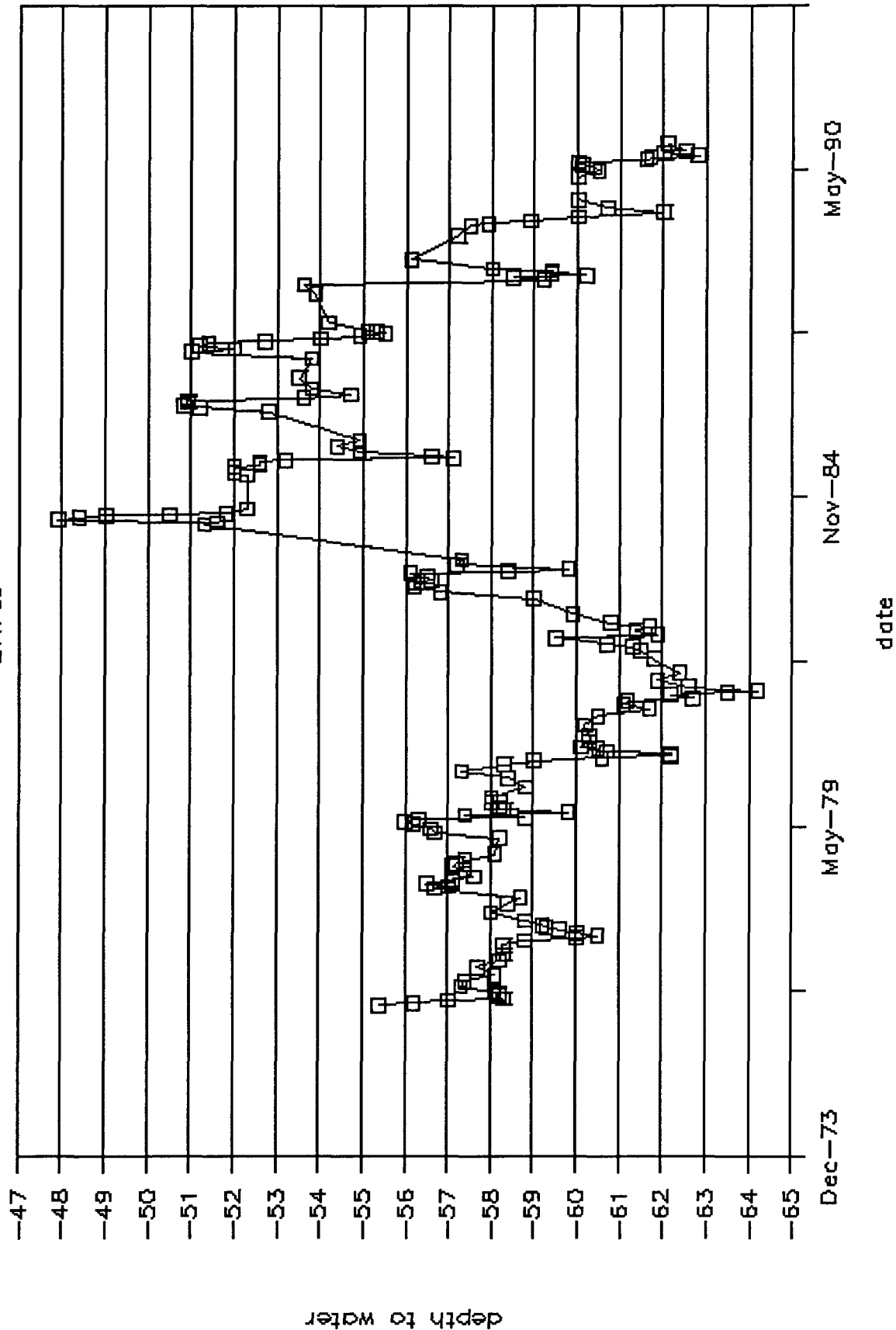
Division of Water Rights, 1989, Irrigation Report by Aquifer,
DENR, Division of Water Rights, Joe Foss Building, Pierre,
SD

BonHomme County Wells

BH76A



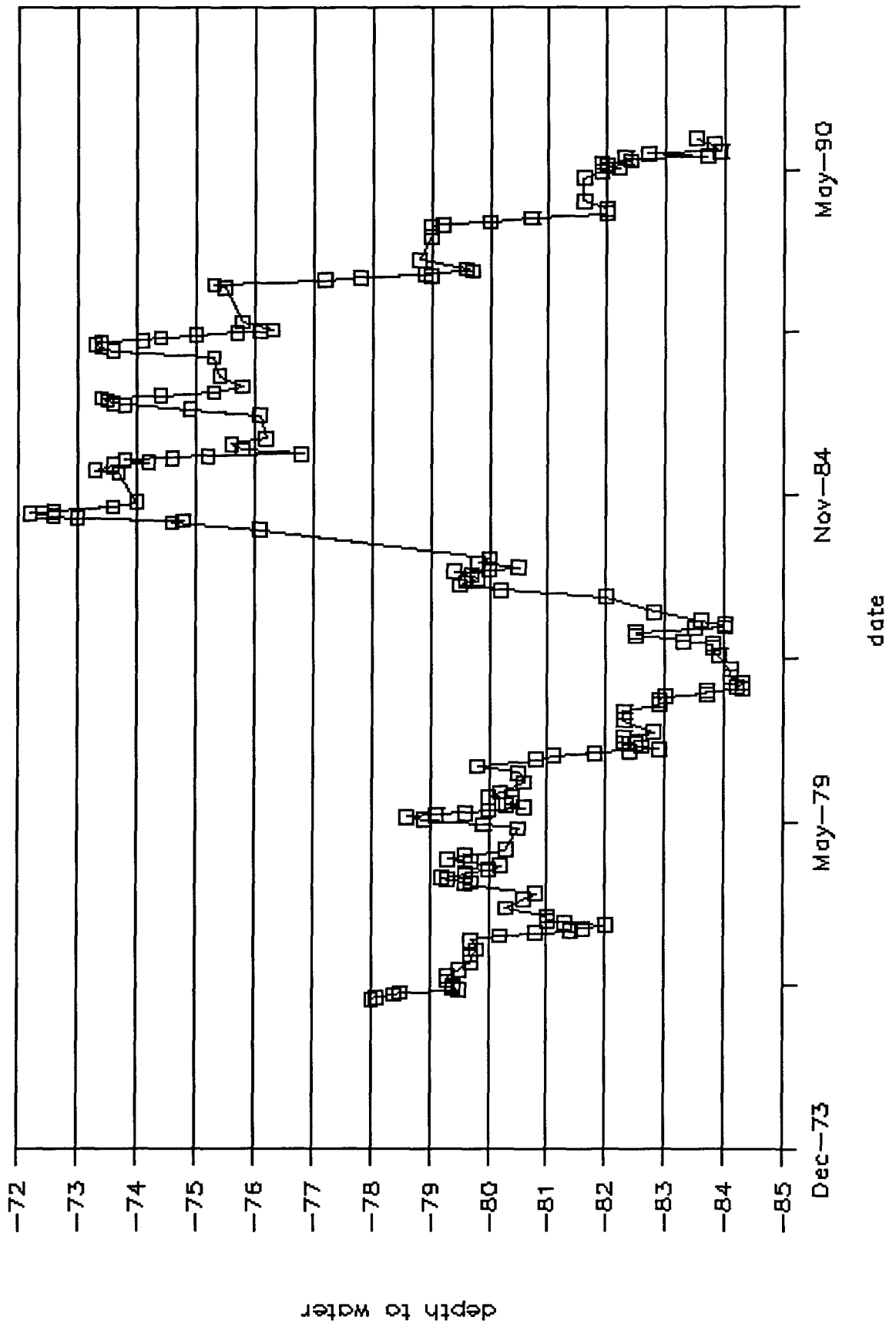
BonHomme County Wells BH76b



CH: 7

BonHomme County Wells

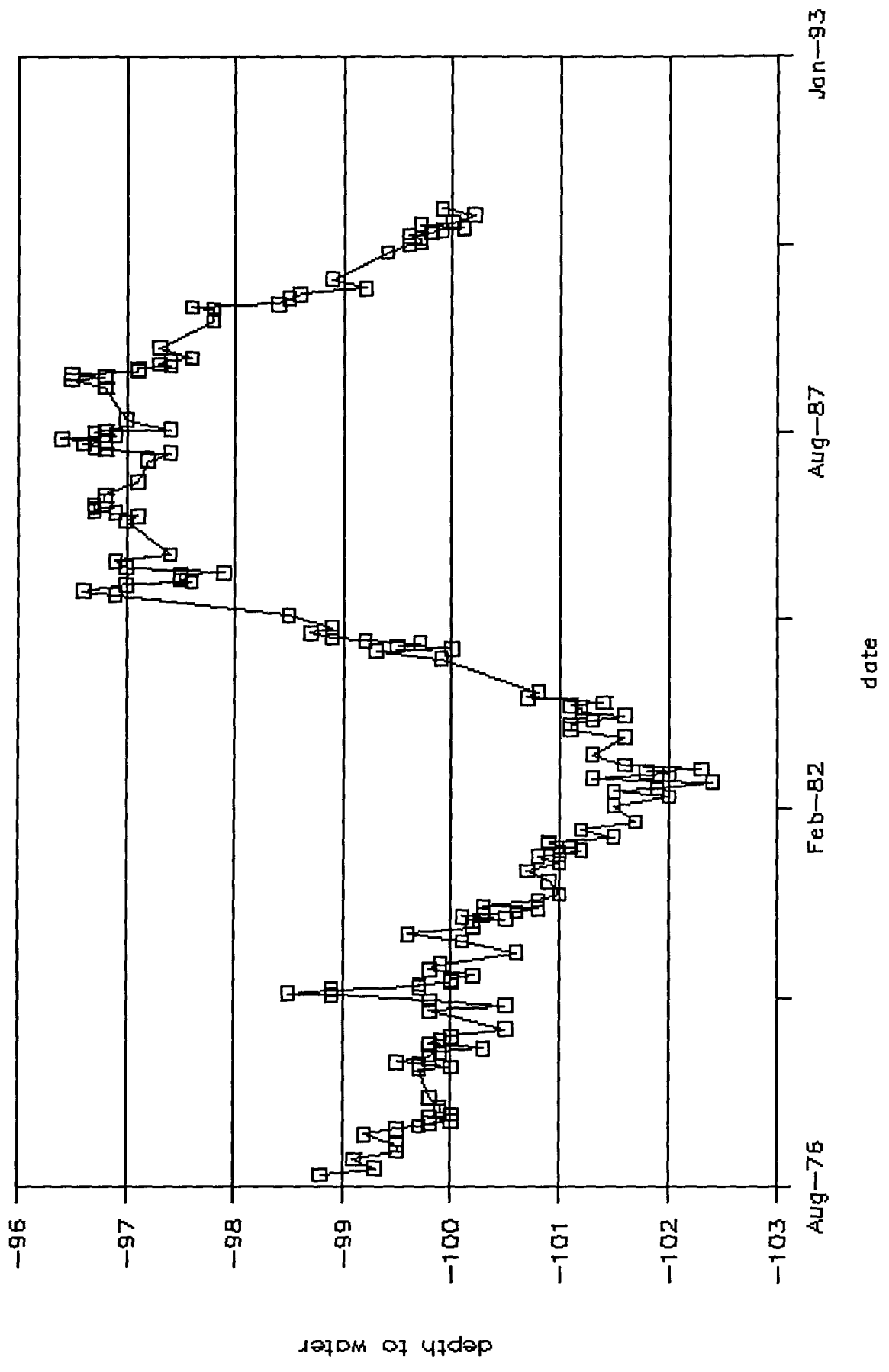
BH76C



CH:7

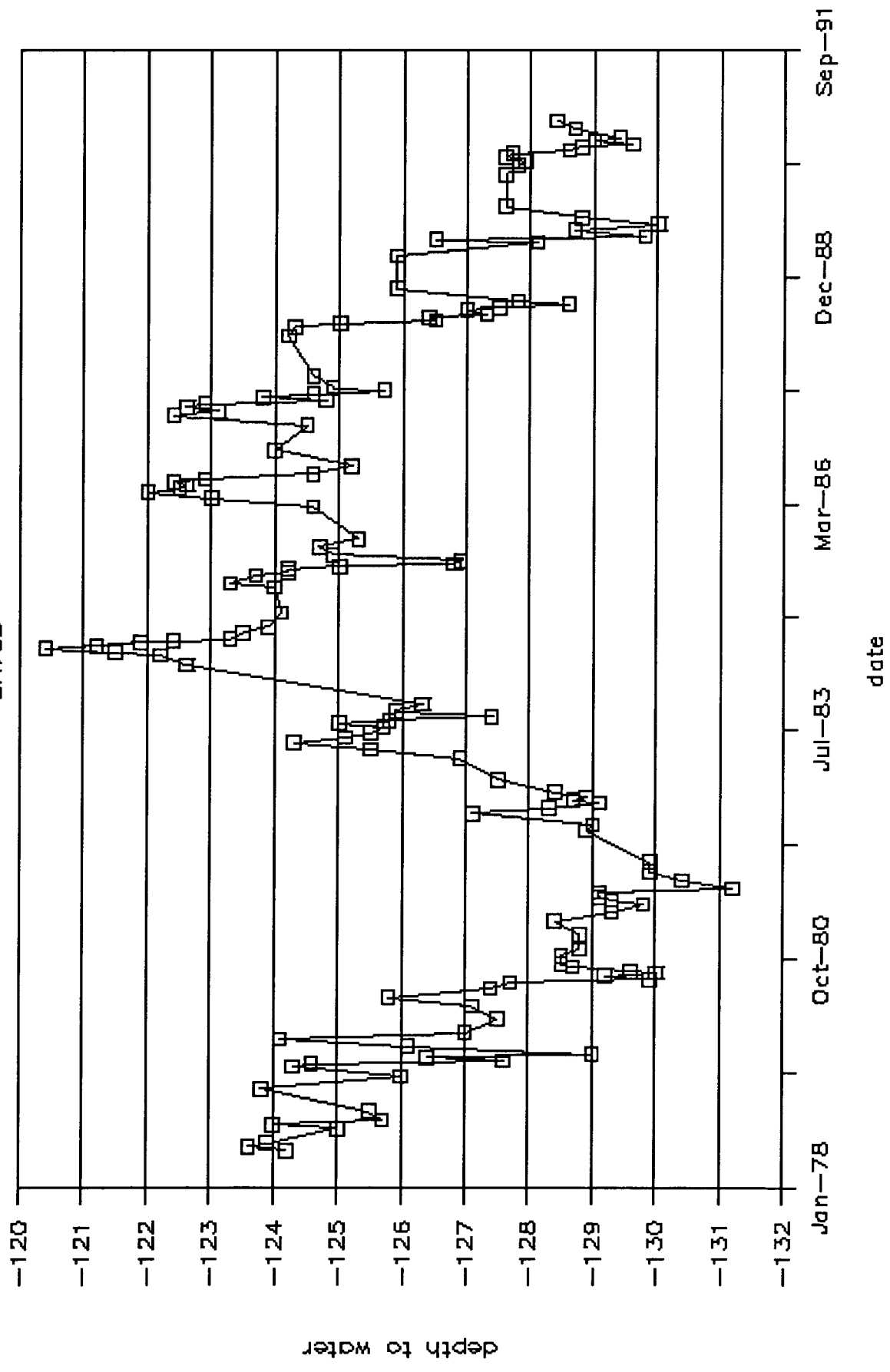
BonHomme County Wells

BH76D



BonHomme County Wells

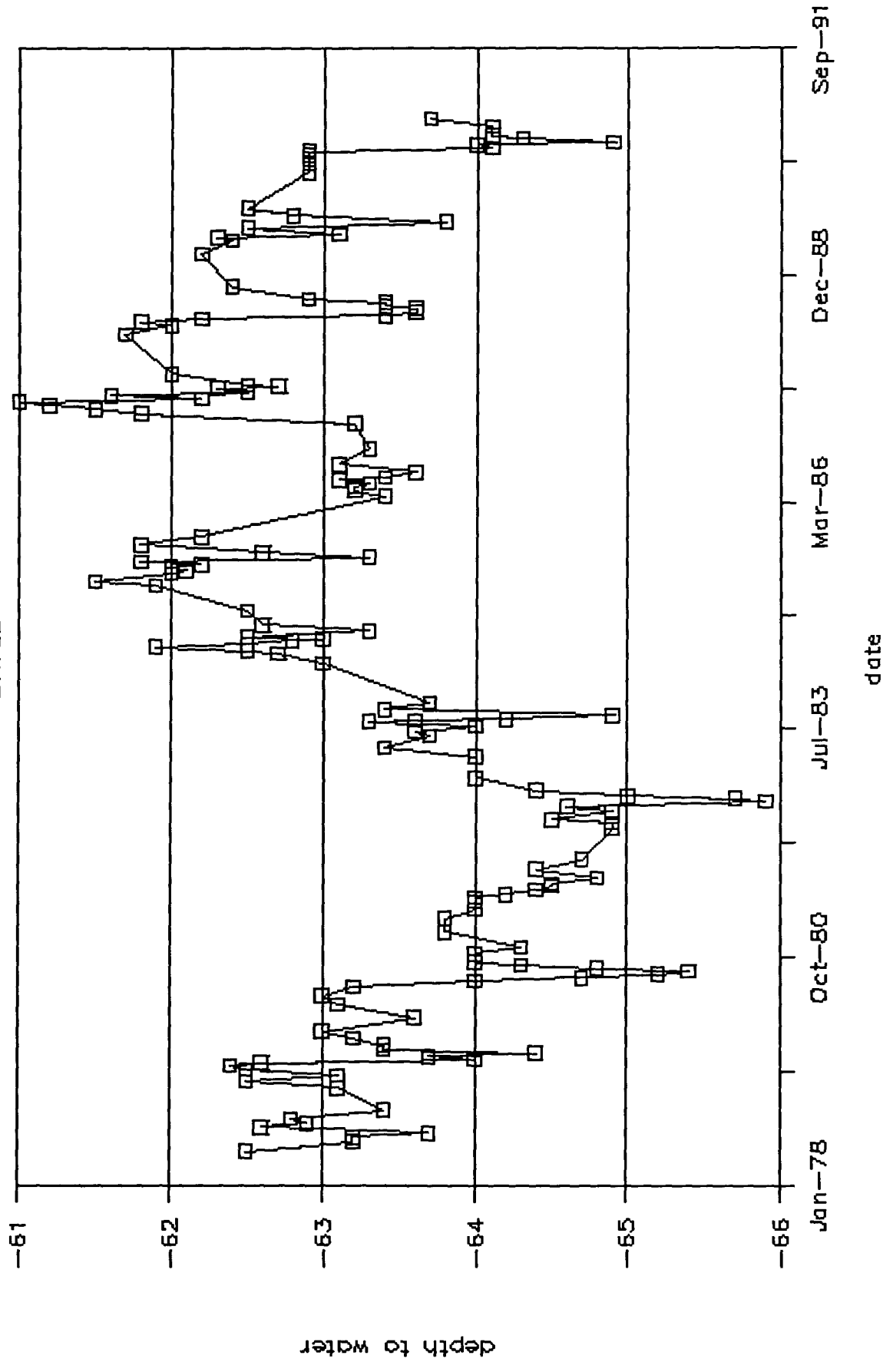
BH78B



C.H.: 97

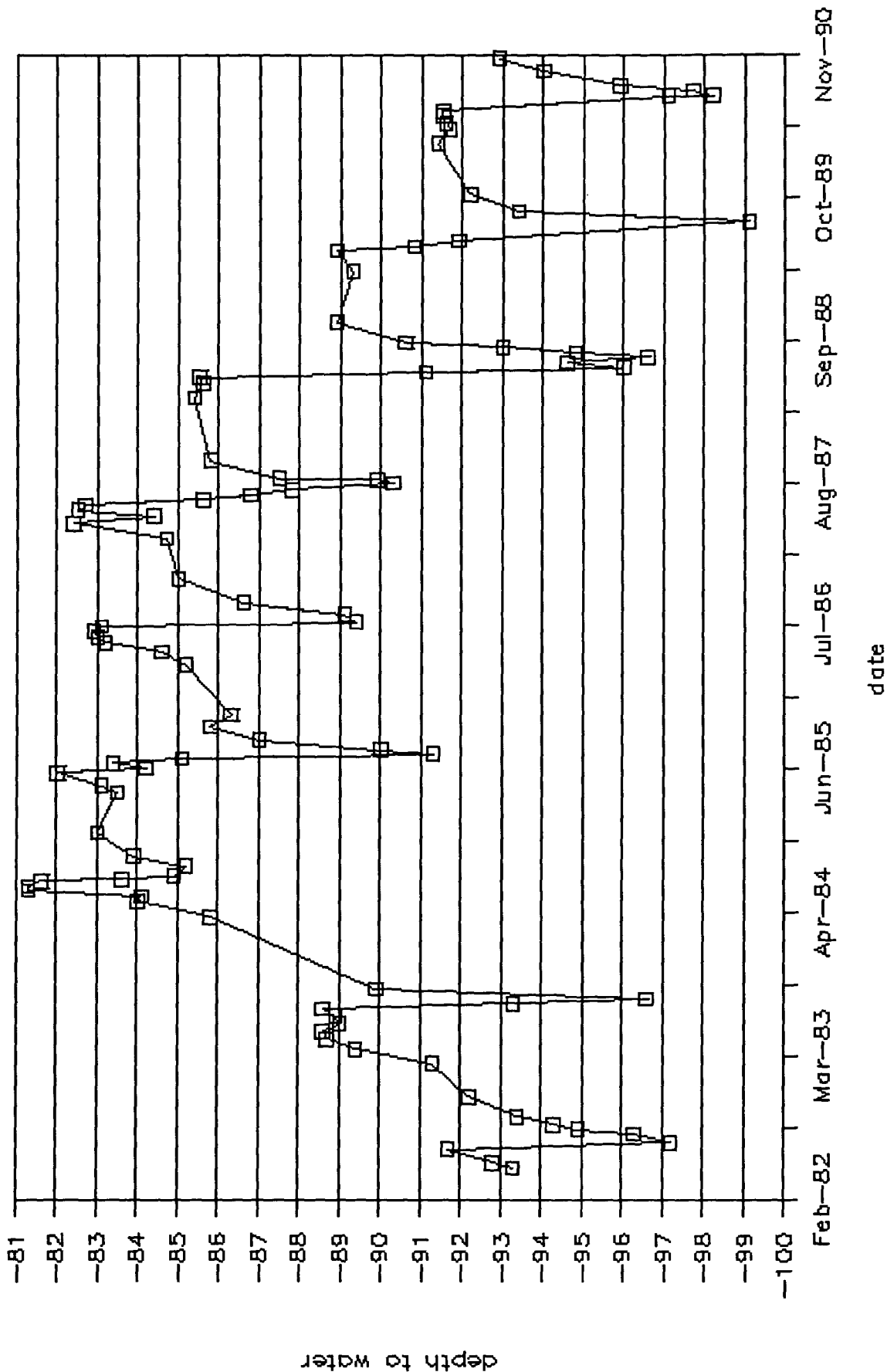
BonHomme County Wells

BH78E



BonHomme County Wells

BH82B



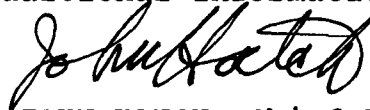
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5513-3, Richard Hajek

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. 5513-3, Richard Hajek, RR 1, Box 78, Tyndall, SD 57066.

The Chief Engineer is recommending APPROVAL of Application No. 5513-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5513-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 2, 1991

NOTE: Since the well log submitted with this application is for a neighbor's well, even though there is unappropriated water available from the Choteau Tyndall aquifer, there is no guarantee that sufficient aquifer thickness exists at the proposed well site to provide the water that will be authorized with approval of Permit No. 5513-3. A test hole should be drilled prior to construction and completion of the production well.

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and 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.

April 10, 1991

Richard Hajek
RR 1 Box 78
Tyndall, SD 57066

Dear Mr. Hajek:

Water Permit Application No. 5513-3 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 Tyndall Tribune & Register printed at Tyndall, 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.

South Dakota



GREAT FACES. GREAT PLACES.

April 10, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Tyndall Tribune & Register
Box 520
Tyndall, SD 57066

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5513-3 to be published twice. Please publish the first notice on May 15, 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 Richard Hajek, RR 1, Box 78, Tyndall, SD 57066.

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

FROM: John Hatch



TO: Gale Selken
Jim Goodman
Ron Duvall

DATE: 05-09-91
TIME: 09:13

CC: Eric Gronlund
John Hatch

SUBJECT: Well Log Hajek Application No. 5513-3

PRIORITY:

ATTACHMENTS:

Since we have accepted the well log for this application even though there is no legal description on it, we do not know the distance from the proposed well and the log is not signed, we will not undo the acceptance of the log or logs accepted for pending applications. However, in the future, lets keep in mind that the purpose of a well log is to provide geologic information in the area of a proposed well that will allow a determination to be made on the availability of sufficient aquifer sands and gravel thickness to provide the water requested by an application, and NOT TO SATISFY A BOARD RULE. The extent and thickness of many of the shallower aquifers located above the Greenhorn can vary from section to section.

I believe I recall in this area for example, that one or more permits have been issued without a test log and the applicant could not find water. The problem can be serious when the applicant believes that the permit means that the water is automatically available and orders his center pivot before the well is drilled and ends up with no water or insufficient water. Unfortunately, this sort of event did happen on a few occasions in the late 1970's, when permits were issued without test drilling logs or written reports.

Instruction to Newspaper - Publish first Notice on May 15, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5513-3 to Appropriate Water

Notice is given that Richard Hajek, RR 1, Box 78, Tyndall SD 57066 has filed an application for a water permit to appropriate 1.92 cubic feet of water per second from one well (Choteau Tyndall Aquifer) 250 feet deep to be located in the approximate center of the SW 1/4 Section 27-T94N-R60W. The land to be irrigated is located in the SW 1/4 Section 27-T94N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5513-3 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 June 3, 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. 5513-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 12, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 12, 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 June 12, 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 June 3, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication



State of South Dakota }
County of Bon Homme } ss

Wayne L. Bertrand Being first duly sworn says that the Tyndall Tribune and Register is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice to Appropriate Water 2wks
118@ 28.2 + 80% x 1

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks, upon the following dates:

<u>May 15</u>	<u>1991</u>		<u>19</u>	
<u>May 22</u>	<u>1991</u>		<u>19</u>	
.....	<u>19</u>		<u>19</u>	
.....	<u>19</u>		<u>19</u>	

That the full amount of the fee charged for the publication of said notice, \$9.88, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Wayne L. Bertrand
Subscribed and sworn to before me this

22nd day of May 1991

May J. Bertrand
Notary Public, South Dakota

NOTICE OF HEARING
on Application No. 5513-3
to Appropriate Water
Notice is given that Richard Hajek, RR 1 Box 78, Tyndall, SD 57066 has filed an application for a water permit to appropriate 1.92 cubic feet of water per second from one well (Choteau Tyndall Aquifer) 250 feet deep to be located in the approximate center of the SW1/4 Section 27-T94N-R60W. The land to be irrigated is located in the SW1/4 Section 27-T94N-R60W.
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 5513-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a

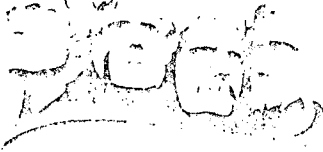
beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer 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 June 3, 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. 5513-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 12, 1991 at 9 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD.

and take part in this year
ideas for helping to promote it
the Ballerka Kary and
Ken 228-8091-5
Aye: Kostal, Muelenberg
Aye: Van Gerpen and Nammunga
amendment no. 2
to. 4 and no. 5 and to vote no.
SDHSA Amendments no. 1, no. 3
by Muelenberg to vote yes on
Motion by Nammunga, seconded
Item #228-8091-5
Aye: Kostal, Muelenberg,
Aye: Van Gerpen and Nammunga.
Control.
his Shurt for SDHSA Board of
Muelenberg to cast a vote for Den-
Motion by Kostal, seconded by
Item #227-8091-5
tal Outlay plans.
Discussion was held on the Cap-
Blama, Van Gerpen and Nammunga.
Aye: Kostal, Muelenberg,
1991-92.
Redlinger Student Insurance for
ended by Kostal to approve Doug
Motion by Van Gerpen, sec-
Item #227-8091-5

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1991

Richard Hajek
RR 1 Box 78
Tyndall, SD 57066

Dear Mr. Hajek:

Enclosed is Water Permit No. 5513-3 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.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 8-9-91

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Richard Hajek RR1 Box 78 Tyndall, SD 57066
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5513-3.

Water Permit No. 5513-3 states that the diversion system is to be constructed by 12-12-93, and that the water it put to beneficial use by June 12 2000.

The diversion system was completed on 7-4-91.
Applying the water to beneficial use was completed on 7-4-91.

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

Richard Hajek
signature

Permit No. 5513-3
Missouri River - Water District

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

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

On this day, June 8, 1994, I made a thorough examination of the water use system constructed by Richard Hajek of RR1 Box 78, Tyndall, SD 57066 holder of Permit No. 5513-3, bearing the priority of February 4, 1991 authorizing a diversion of 1.92 cu. ft. of water per second from groundwater for irrigation purposes, in Bon Homme County.

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

- A. Works used to divert the water:
A 75 HP US Electrical Motor with an 800 GPM Western Land Roller Pump.
- B. Works used to transport water to place of use:
1320 feet of 8" PVC pipe.
- C. Works used to apply water to beneficial use:
An 800 GPM Zimmatic 7 tower Center pivot.

The system is in the following condition: good. The point of diversion is located 1320 feet S from the W quarter corner of Section 27; T94N R60W (SW1/4 SW1/4). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>T94N R60W</u>	<u>SECTION 27</u>	<u>NW1/4 SW1/4</u>	<u>33 acres</u>
		<u>NE1/4 SW1/4</u>	<u>33 acres</u>
		<u>SW1/4 SW1/4</u>	<u>33 acres</u>
		<u>SE1/4 SW1/4</u>	<u>33 acres</u>

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs.

****NOTE:** See note in file from John Hatch about well log.

Permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: June 8, 1994


Barry A. McLaury

Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5513-3

DATE OF INSPECTION: June 8, 1994

Other permit(s) associated with the project: None

Name of inspection contact: Richard Hajek

Contact relationship to permit holder: Owner

Name/address of permit holder: Richard Hajek, RR1 Box 78, Tyndall, SD 57066

DIVERSION POINT LEGAL LOCATION: 1320 feet S from the W quarter corner of Section 27; T94N R60W (SW1/4 SW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

3) Depth(s) 240 feet

2) No. of Wells 1

4) Well log is available Y

Casing:

1) Diameter 16 inches

2) Length 225 feet

3) Type PVC

Screen:

1) Type Stainless Steel

2) Length 20 feet

3) Static water level 89 feet

Pump:

1) Make Western Land Roller

2) Serial No. 9106549

3) Capacity 800 GPM

Motor:

1) Make US Electrical

2) Frame No. 365TP WI

3) Horsepower rating 75 HP

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 1320 feet

SYSTEM TYPE:

Center pivot:

1) Make Zimmatic

- 2) Overall length 1290 feet
- 3) Number of towers 7
- 4) End gun NOY
- 5) High or low pressure High
- 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

****NOTE:** See note in file from John Hatch about well log.

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

DATE: **July 26, 1995**

RE: **Change in location of diversion point for Water Permit No. 5513-3, Richard Hajek.**

An inspection of Permit No. **5513-3** found the diversion point in a location not authorized by the permit. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. **5513-3**, approved in **1991**, appropriates **1.92** cubic feet of water per second (cfs) from **groundwater** to irrigate **135** acres. The diversion point was to be located in the **center of the SW1/4** of Section **27**; T94N R60W. The acres to be irrigated are located in the **SW1/4**. An inspection of Water Permit No. **5513-3** found the works capable of diverting **1.78** cfs from one well (**Choteau Tyndall Aquifer**) located **1320 feet West of the center of the SW1/4** of Section **27** to irrigate **132** acres located in the **SW1/4** of Section **27**; all in T94N R60W.

A review of existing diversions within a one mile radius of Section **27** as conducted based on Water Rights Program records. This review indicates that this well location change does not change the impact potential to existing diversions from the Choteau Tyndall Aquifer. The diversion point has been in operation at the described

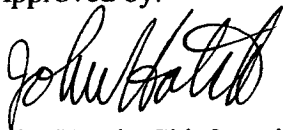
location for several years with no known complaint.



Barry A. McLaury
Environmental Scientist
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding “does not increase the potential for interference” is interpreted to mean potential for adverse interference. Water Permit No. 5513-3 may be licensed without requiring an application or publication of a notice of hearing pursuant to SDCL 46-2A-4 for a change of diversion point.

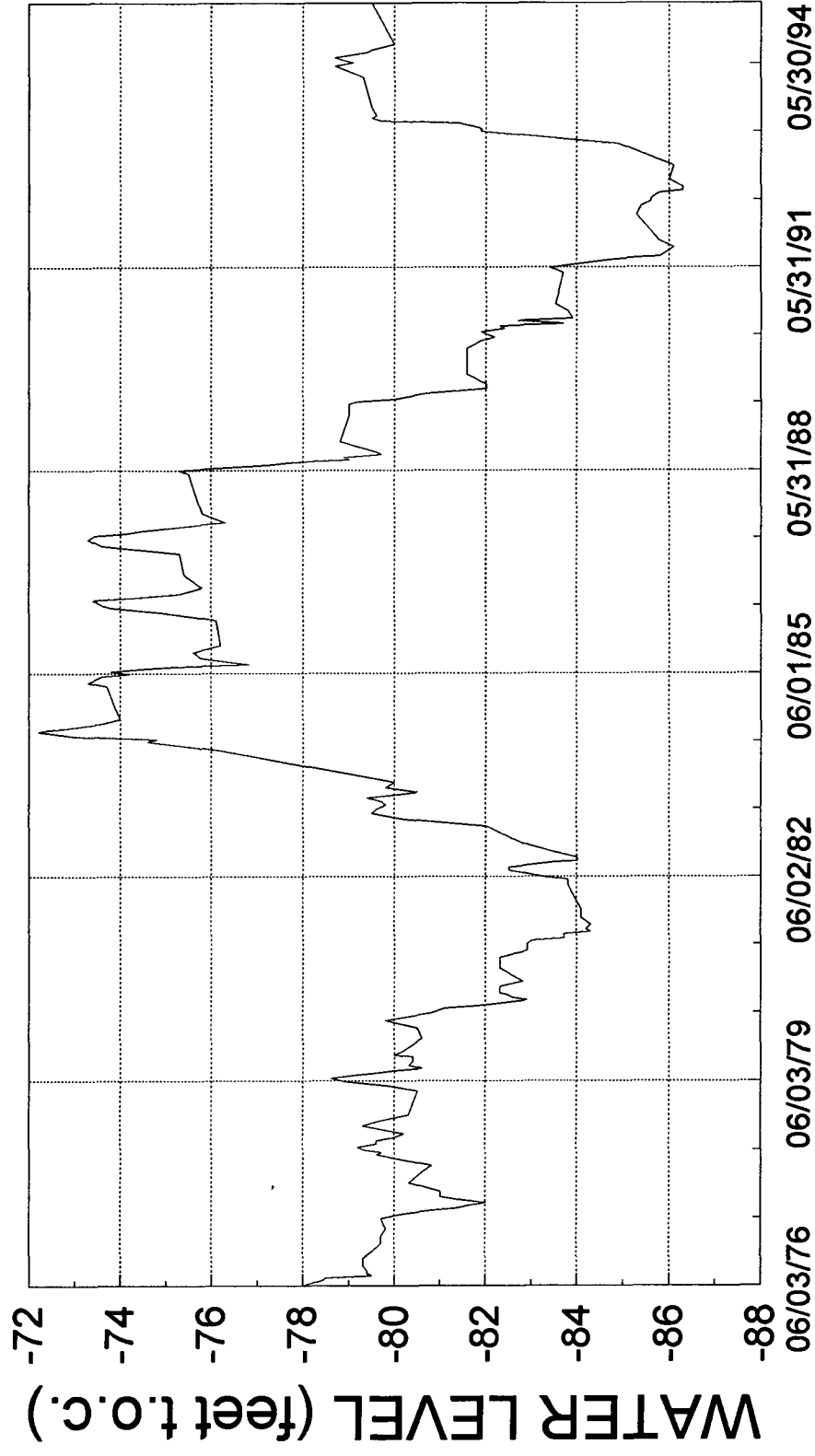
Approved by:



John Hatch, Chief Engineer
Water Rights Program

WATER RIGHTS OBSERVATION WELL

BH-76C

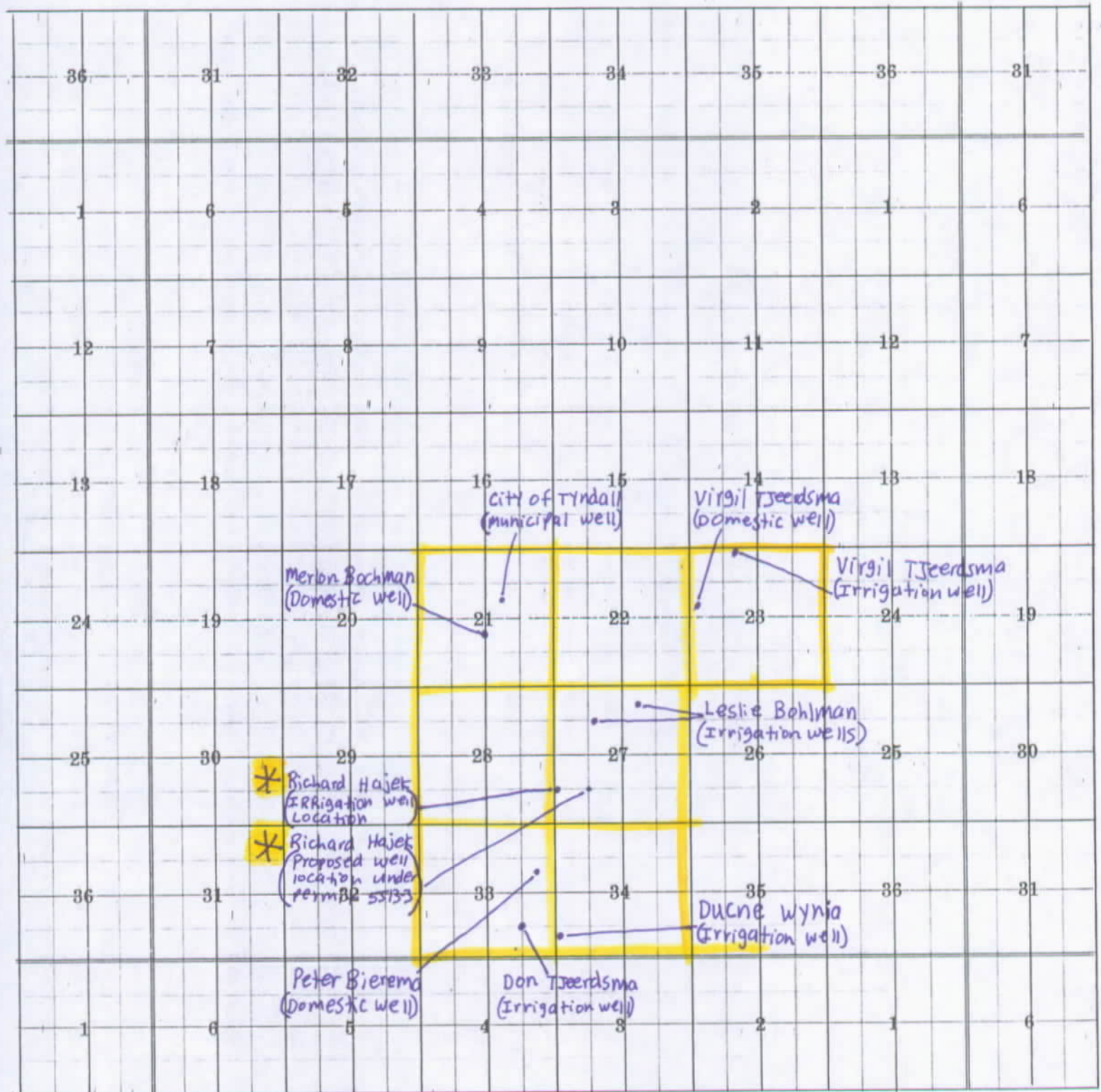


Gregory

COUNTY, SOUTH DAKOTA

TOWNSHIP No. 94 N RANGE No. 60 W

(With surrounding tier of sections of adjacent townships)



NOT TO SCALE



Barry McLaury
 Environmental Scientist
 Division of Water Rights
 Date 2-6-95

Barry McLaury

5513-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5513-3

(1) Richard Hajek of RR 1, Box 78, Tyndall SD 57066 made Application No. 5513-3, February 4, 1991 for a water permit to appropriate 1.92 cubic feet of water per second from groundwater (one well), Bon Homme County, South Dakota for irrigation purposes. Permit No. 5513-3, with a priority date of February 4, 1991 was approved June 12, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 12, 1996 and for the application to beneficial use of said water on or before June 12, 2000.

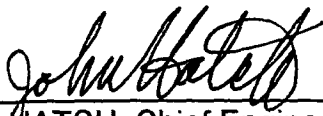
The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on August 14, 1991. The "Notice" stated the diversion system was completed on July 4, 1991 and the water applied to beneficial use on July 4, 1991.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1320 feet south from the west quarter corner of Section 27-T94N-R60W (SW 1/4 SW 1/4).

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

Section 27-T94N-R60W	NW 1/4 SW 1/4	33 acres
	NE 1/4 SW 1/4	33 acres
	SW 1/4 SW 1/4	33 acres
	SE 1/4 SW 1/4	33 acres
	Total	132 acres

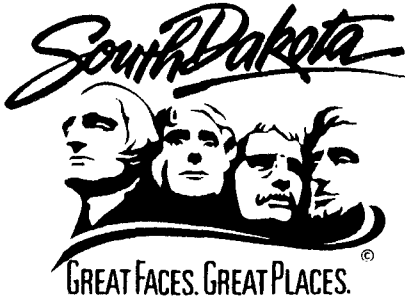
(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Hajek of RR 1, Box 78, Tyndall SD 57066 the holder and/or owner of Water Permit No. 5513-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of February 4, 1991 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5513-3 and subject to South Dakota State Law.



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

MAR 29 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1995

5513-3

Richard Hajek
RR 1, Box 78
Tyndall, SD 57066

Dear Mr. Hajek:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5513-3, has been completed. Your final water right document, the Water License, can now be issued.

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

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181**

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 1995

5513-3

Richard Hajek
RR 1, Box 78
Tyndall, SD 57066

Dear Mr. Hajek:

Enclosed is Water License No. 5513-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414402 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5513-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures

RECEIPT

414402

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 14 95

RECEIVED OF Rita Hajek, RR 1 Box 78, Tyndall, SD 57066

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>5515-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer

McMath, Genny

From: Cary & Dorothy Hajek <chajek@hcinet.net>
Sent: Monday, December 03, 2012 8:01 AM
To: McMath, Genny
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Hi Genny,

Yes, we can transfer 3579-3. It should now be listed as "Cary Hajek and Richard Hajek Family Trust".

The 5513-3 can also be transferred. It should now be listed as "Rita Hajek and Richard Hajek Family Trust".

My brother farms this ground, but I will send in the questionnaire for him today.

I am the trustee for the "Richard Hajek Family Trust", so I can take of these matters.

Thanks for your help,

Cary Hajek
 41329 305th St.
 Tyndall, SD 57066
 605-589-3196 Home
 605-464-1736 Cell
chajek@hcinet.net

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

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
 Sent: Monday, December 03, 2012 7:15 AM
 To: 'Cary & Dorothy Hajek'
 Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Cary,
 Both forms have been received and you are up to date as far as the irrigation questionnaires for another year. One thing though - No. 3579-3 is still listed as held by "Richard and Cary Hajek". I will forward you a transfer form if you are ready to have it transferred to Hajek and Hajek or solely in your name? If you let me know how you want it listed, I can partially complete the transfer form before sending it to you.

I just checked the files - looks like I still need a questionnaire for 5513-3 listed in the name of Richard Hajek. It covers land in the SW 1/4 Section 27, T94N, R60W. Do you own that land?
 Genny
 605 773-5455

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

From: Cary & Dorothy Hajek [<mailto:chajek@hcinet.net>]
 Sent: Saturday, December 01, 2012 10:56 AM
 To: McMath, Genny
 Subject: Atten: G. McMath - Irrigation Questionnaire



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 2012

3579-3
5513-3

Cary Hajek
41329 305th St
Tyndall SD 57066

Dear Mr. Hajek:

I am writing in follow up to our email communication on ownership of land described in Water Right Nos. 3579-3 and 5513-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

DEC 10 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5513-3
Date: 12-7-12

I/We request that Water Right No. 5513-3

formerly owned by: Richard Hajek

be transferred to: (name & address) Rita Hajek and Richard Hajek Family Trust
41329 305th St. Tyndall SD 57066
Telephone No. 605 589 3196

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

132 acres - SW 1/4 Section 27, T94N, R60W

I/We understand that the validity of Water Right No. 5513-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Rita Hajek
Richard Hajek Family Trust, the new owner, certify that the above information is true and correct.

Rita Hajek
(Signed by new owner)
by Mrs. - Trustee for Richard Hajek Family Trust

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/10, 20 12

RECEIVED OF Richard Hakek Family Trust 41329 305th St Tyndall SD 57066

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	50	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 <u>5513-3</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	50 00

No. **05746**

By

Garold Erbeke
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 2, 2013

3579-3
5513-3

Cary Hajek
41329 305th St
Tyndall SD 57066

Dear Mr. Hajek:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Right Nos. 3579-3 and 5513-3. The ownership changes have been completed. The water rights are now listed as follows:

- Water Right No. 3579-3: Cary Hajek and Richard Hajek Family Trust, and
- Water Right No. 5513-3: Rita Hajek and Richard Hajek Family Trust

Enclosed for your records are Receipt Nos. 05746 and 05747 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 5513-3

August 20, 2020

Rita Hajek & Richard Hajek Family Trust
c/o Cary Hajek
41329 305th St
Tyndall SD 57066

Dear Mr. Hajek:

The irrigation season is in full swing. This has led to the Department of Environment and Natural Resources (DENR) fielding inquiries regarding end gun overspray on to roads.

DENR has received an inquiry alleging the irrigation system located in the SW ¼ Section 27-T94N-R60W had irrigation water from the end gun hitting the road. This irrigation system is covered by Water Right No. 5513-3 with you listed as operator.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DENR
605 773-3352

5513-3

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date October 31, 2022

RECEIVED OF Michael/Lori Hajek 413th Ave., Tyndall SD 57066

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>5513-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

RECEIVED

OCT 31 2022

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5513-3

Date: 10-27-2022

I/We request that Water Right/Permit No. 5513-3 formerly owned by:
Rita Hajek & Richard Hajek Family Trust be transferred to:

New Owner Name: Mike Hajek

Address: 30570 413th Ave. mobile: 6054641009

City, State, Zip Tyndall, SD, 57066 email: mhajek@hcinet.net

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

Death in family trust. Trusted executed through warranty deed.

- ☒ I understand that the validity of Water Right/Permit No. 5513-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Mike Hajek, the new owner, certify that the above information is true and correct.

Mike Hajek

Mike Hajek (Oct 27, 2022 08:24 MDT)

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 21, 2022

5513-3

Mike Hajek
30570 413th Ave
Tyndall SD 57066

Dear Mr. Hajek:

Thank you for sending in the transfer form and filing fee for Water Right No. 5513-3.

The ownership change has been completed. Water Right No. 5513-3, formerly listed under Rita Hajek & Richard Hajek Family Trust is now listed under your name.

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

Sincerely,

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

enclosure