

Considered: _____

WATER PERMIT NO. 4246A-3

Phone: 267-2426

Name of Applicant: Don Druin

Post Office Address: RR 1, Volin SD 57072

Amount of Water Claimed: no add'l Total Acres: no add'l 58 Acres

Source of Water Supply: groundwater

Water to be used for: irrigation County: Clay

About 6 miles east of Gayville

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-20-90 Fee: \$50.00 Remarks correct

location of irrigated acreage on 4246-3

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

WATER QUALITY APPROVAL RECEIVED 12-6-90 APPROVED/CONDITIONAL (Circle one)

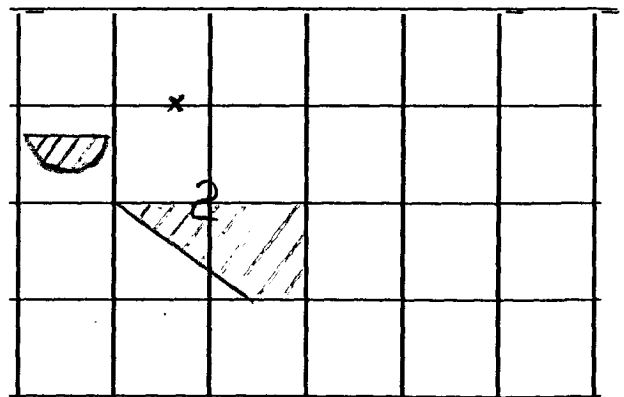
WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: NE 1/4 NW 1/4 2-93-53

Land to be Irrigated: NE 1/4 SW 1/4 2-93-53

SW 1/4 NW 1/4 2-93-53

NW 1/4 SE 1/4 2-93-53



Well Log: Driller: Wetmore Drilling Licensed YES _____ NO _____

Depth of Well: 80' REMARKS _____

Type of Map: aerial PREPARED BY: David Brown Reviewed and the Number

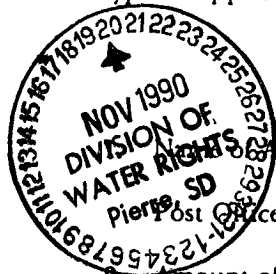
Assigned on 12-11-90 By Karen Schlaak

(See instructions)

No. 5524-3 Hydrologic Unit 1070102
Basin Vermillion River
Newspaper Vermillion Plain Talk, Box 256 (Thurs)

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

Type of Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 4246-3
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____
 Applicant Don Druin Phone No. 267-2426
 Post Office Address RR 1 Volin State SD 57072
 (Street, RR or Box) (City) Zip Code



2. Amount of water claimed (c.f.s) no additional Total acres irrigated no additional
 3. Source of Water supply existing ground water well
 4. Location of point of diversion at a point 1320 feet north and 390 feet west of the center
of Section 2, T93N R53W (NE 1/4 NW 1/4)
 _____ County Clay
 5. Counties where water will be used Clay
 6. Annual period during which water is to be used May 1 - Oct 31
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
All in T93N R53W

Land Description	No. Acres Irr.
NE 1/4 SW 1/4 of Section 2	12
SW 1/4 NW 1/4 of Section 2	13
NW 1/4 SE 1/4 of Section 2	33

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ towah Gun: _____ (Specify) pipe
 9. Crops to be Irrigated: _____
 10. Give a description of proposed project. (Attach sheet if more-space is needed)

Existing irrigation system under Water Permit NO. 4246-3. A field inspection of the water permit found that 58 acres were being irrigated which were not covered under Water Permit NO. 4246-3.

Pursuant to SDCL 46-2A-12, General Rules Chapter 74:02:01:14.01, this application is to retain the original priority date of March 6, 1978, for the change in acreage locations.

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 Yankton)^{ss}

I, Don Druin, 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 Don W. Druin

Subscribed and sworn to before me this 19th day of Nov. 1990

Kay Nickles
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5524-3 FOR IRRIGATION**

Date of first receipt of application November 20, 1990.

Date Soil/Water Compatibility Permit received December 6, 1990.

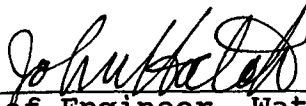
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5524-3 to Don Druin, RR 1, Volin SD 57072 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5524-3 is to irrigate additional acres. Water Permit No. 4246-3 authorizes irrigation of 208 acres located in portions of the SE 1/4, Section 34; SW 1/4, Section 35; and N 1/2, Section 2 from one well located in the NE 1/4 NW 1/4 of Section 2; all in T93N-R53W. An inspection of Permit No. 4246-3 found 1 well constructed and supplying 2.12 cfs irrigating 254 acres. This permit will add 58 additional acres to the 196 acres authorized by Water Permit No. 4246-3. The location of the 58 acres is the NE 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 SE 1/4 Section 2-T93N-R53W. No increase in the diversion rate is authorized by this permit.
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 - October 31.
3. The date from which applicant may claim right is November 20, 1990.
4. The date of approval of Permit No. 5524-3 is May 1, 1991.
5. 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 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.
2. 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 28 1991

date

Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed construction~~ Existing well (see Water Permit No. 4246-3), well log attached.
- a) Drill Hole Diameter 24 inch Depth 80 feet
- b) Casing Type PVC Diameter 16 inch Thickness
- c) Screen Type PVC Diameter 16 inch Thickness
- d) Gravel Pack Thickness 8 inches Length of Gravel Pack unknown
- e) Depth to Top of Water Bearing Material 30 feet
- f) Depth of Water (ground surface to water level) 18 feet
- g) Distance to nearest existing domestic well:

On applicants property No Domestic well On property owned by others 3 1/2 miles

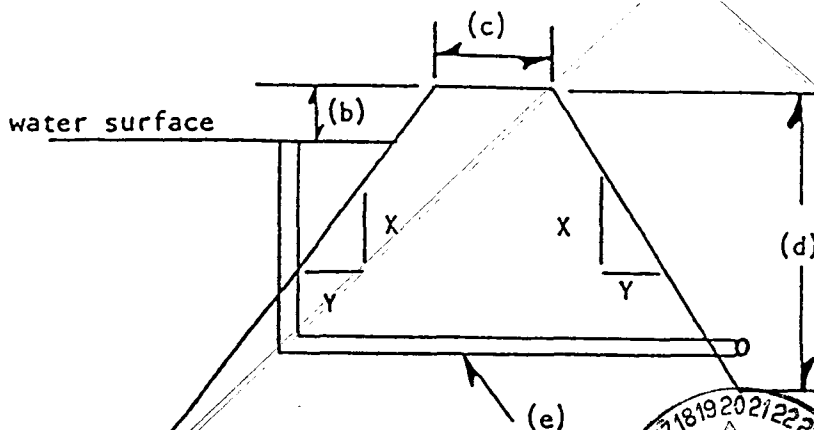
2. Dugout Information Estimates

- 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.

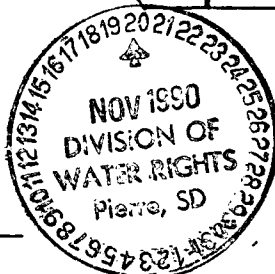
- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address



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

Don W. Drue

Signature of Applicant



PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

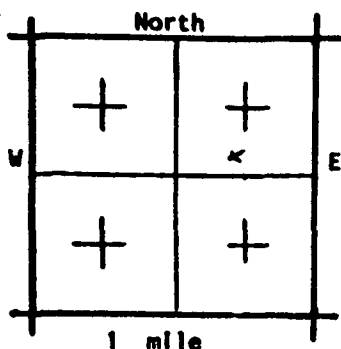
Well Owner:

Name Don Drusin

Address Kolin

Well Location:

Mark location
with an "X"



County C/44
s 1/4 Sec. 2 Twp. 93 Rg. 53

Proposed Use:

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

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 24
Depth 80
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open yes
Was a well screen installed yes
Describe Well Screen
Diameter 16 Material PVC
Slot size 120
Was well gravel packed yes
Was well grouted yes
Was water sample taken yes

Water Level Information:

Static water level 18 below land surface
If flowing: closed in pressure _____ PSI
rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☒ Other

If other; specify _____

Well Test Data:

☒ Pumped 1200 GPM
☐ Bailed Describe: _____
☐ Other _____

Pumping Level Below Land Surface

23 ft. After 2 Hrs. pumped 1200 GPM
" " " " " "
" " " " " "

Well Log:

Formation	Depth	
	From	To
top soil	0	2
clay	2	30
fine sand	30	56
coarse sand & gravel	56	80

(Use Back If Necessary)

Date Completed: 8-24-81

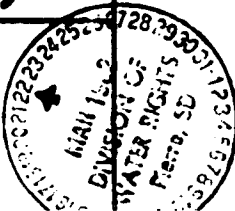
Driller:

Watson 341
Driller's or Firm's Name License NO.

Elk Point
Address

James Watson 1-10-81
Signed By Date

Remarks:



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Don Drvin 1988-CL
ADDRESS RR 1 Volin, South Dakota 57072
COUNTY Clay

LEGAL DESCRIPTION

1. WELL LOCATION 105 rods and 32 degrees SE of NW corner of Sec 2-93-53
2. LOCATION OF AREA TO BE IRRIGATED SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34-94-53, NW $\frac{1}{4}$ 2-93-53, SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2-93-53
S $\frac{2}{3}$ S $\frac{2}{3}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35-94-53 = 10 acres
S $\frac{2}{3}$ S $\frac{2}{3}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2-93-53 = 5 acres
2-93-53 W/R # 4246-3
-12-1-83
TYPE OF IRRIGATION
3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN X
4. CROPS TO BE IRRIGATED corn, beans, alfalfa

WATER QUALITY

5. SAMPLE NUMBER 27-290
6. SALINITY (EC X 10⁶) 1346 (high)
7. SODIUM (SAR) 0.54 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University, and; the soils information has been acquired from Clay County Soil Conservation District, County Extension office or Soil Conservation Service.
and;
that the legal description for the location of the well and land to be irrigated is true and correct.

Don W. Drvin
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
16 DAY OF July 19 88.

Paul J. P. Petersen
(TITLE OR SEAL)

Albert J. Hoff
APPROVED/DESIGNED

(SOILS INFORMATION ON REVERSE SIDE)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412432

Pierre, November 20, 19 90

RECEIVED OF Don Druin, RR #1 Box 177, Valin SD 57072

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

Fee for Application for Permit No. <u>5524-3</u> to Appropriate Water, to construct works 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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch (Mrs)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4544

WR#

OWNERS NAME: DON DRUIN OWNERS ADDRESS: RURAL ROUTE 1
VOLIN, SD 57072

COUNTY LAND LOCATED IN: CLAY PHONE: 267-2426

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION S8ection 2-T93N-R53W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 SW 1/4 2-T93N-R53W</u>	<u>12</u>		
<u>SW 1/4 NW 1/4 2-T93N-R53W</u>	<u>13</u>		
<u>NW 1/4 SE 1/4 2-T93N-R53W</u>	<u>33</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ (Towable) CENTER PIVOT: X GUN: _____ OTHER: (Specify) Gated Pipe

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 77-290

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 1346

8. PERCENT SODIUM: 8.57

6. SODIUM (SAR): 0.54



Requirements:

The area mapped as Luton-Solomon silty clays, 0-1 percent slope, (104) are somewhat poorly drained and subject to wetness from runoff from adjacent lands and seasonal high water table. Under irrigation, the wetness and period of the water table being perched may be enhanced; resulting in adverse effects on crops and soils.

For this reason, adequate drainage shall be required as deemed necessary; including the artificial drainage systems; i.e., tile drainage.

Please be advised, we do not consider the Swampbuster provision in developing our recommendations. Before undertaking any drainage project, contact your local SCS and ASCS offices.

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Director, Division of Conservation

November 30, 1990

Date

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

REPORT ON APPLICATION NO. 5524-3
for Don Druin
January 8, 1991

This application proposes to add an additional 58 acres to Water Permit No. 4246-3 which authorizes irrigation of 208 acres located in portions of SE 1/4 of section 34 and the SW 1/4 of section 35, T94N R53W and the N 1/2 of section 2, T93N R53W from one well located in the NE 1/4 NW 1/4 of section 2, T93N R53W. An inspection of Permit No. 4246-3 found one well constructed and supplying 2.12 cfs to irrigate 196 acres. This application is add 58 acres of additional lands in the NE 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 SE 1/4 of section 2, T93N R53W in Clay County. No increase in diversion rate is authorized by this application.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried outwash and alluvium (sand and gravel) under artesian conditions at this site. The LJM aquifer underlies 5400 acres and contains 81,000 acre feet of recoverable water in Clay County (Hedges, 1982). The LJM aquifer is hydraulically connected to the much larger Missouri Elk Point aquifer and for all practical purposes could be considered the same system. The driller's log submitted with the application indicates sand and gravel from 30 to 80 feet below land surface with a static water level of 18 feet below land surface. The well as completed is capable of producing 1200 gpm.

The Division of Water Rights monitors one observation well (CL-80A) in this area (located about 2 miles southeast of this application). Water levels for this observation well do fluctuate in response to climatic conditions, that is, rising during wet years (recharge) and declining during dry years. There is little effect upon the water levels due to pumping and annual changes amount to a few feet per year and the record indicates precipitation or lack of affects the ground water levels more than any existing diversions (Water Rights, 1991).

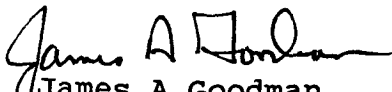
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no nearby water permits/rights which would be affected by this application. Interference should not be a problem.

CONCLUSIONS

1. Water is available from the LJM aquifer.
2. The aquifer is under artesian conditions and fluctuations due to pumping can be expected. However, there are no nearby users and the observation well record indicates pumping does not significantly affect water levels.

3. This application was made as a result of an inspection and reflects the system as constructed. The permit can now be licensed for 2.12 cfs and 254 acres.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWNR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for Clay County, SD DWNR, Div. of Water Rights, Pierre, SD, 57501.

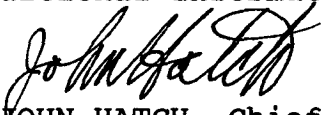
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5524-3, Don Druin

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. 5524-3, Don Druin, RR 1, Volin, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5524-3 because 1) existing rights will not be unlawfully impaired, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. 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.
2. 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
January 14, 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 22, 1991

Don Druin
RR 1
Volin, SD 57072

Dear Mr. Druin:

Water Permit Application No. 5524-3 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 Vermillion Plain Talk printed at Vermillion, 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 22, 1991

Vermillion Plain Talk
Box 256
Vermillion, SD 57069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5524-3 to be published twice. Please publish the first notice on March 28, 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 Don Druin, RR 1, Volin, SD 57072.

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
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 March 28, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5524-3 to Appropriate Water
and to Amend Water Permit No. 4246-3

Notice is given that Don Druin, RR 1, Volin, SD 57072 has filed an application for a water permit to irrigate additional acreage. Water Permit No. 4246-3 authorizes irrigation of 208 acres located in portions of SE 1/4, Section 34; SW 1/4, Section 35; and N 1/2, Section 2, from one well located in the NE 1/4 NW 1/4 of Section 2; all in T93N, R53W. An inspection of Permit No. 4246-3 found 1 well constructed and supplying 2.12 cfs irrigating 254 acres. This application is to add 58 additional acres to the 196 acres authorized by Water Permit No. 4246-3. The location of the 58 acres is NE 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 SE 1/4 Section 2, T93N, R53W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5524-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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. 5524-3 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; 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Clay)

I, Michele Moore

certify that the attached printed Notice was taken
 from the Plain Talk

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 Vermillion

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

March 28, 1991 - April 4, 1991

Michele Moore
 (Signature)

Secretary
 (Title)

April 4, 1991
 (Date Signed)

Cost of Printing: Fifty-six dollars and .54
56.54

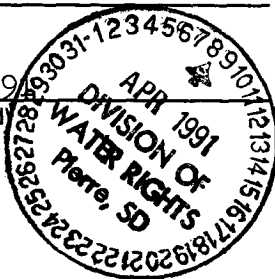
NOTICE OF HEARING
 on Application No. 5524-3 to
 Appropriate Water and to Amend
 Water Permit No. 4246-3

Notice is given that Don Druin, RR 1, Volin, SD 57072 has filed an application for a water permit to irrigate additional acreage. Water Permit No. 4246-3 authorizes irrigation of 208 acres located in portions of SE 1/4, Section 34; SW 1/4, Section 35; and N 1/2, Section 2, from one well located in the NE 1/4 NW 1/4 of Section 2; all in T93N, R53W. An inspection of Permit No. 4246-3 found 1 well constructed and supplying 2.12 cfs irrigating 254 acres. This application is to add 58 additional acres to the 196 acres authorized by Water Permit No. 4246-3. The location of the 58 acres is NE 1/4 SW 1/4, SW 1/4, NW 1/4, NW 1/4 SE 1/4 Section 2, T93N, R53W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5524-3 because (1) existing rights will not be unlawfully impaired, (2) it is a beneficial use of water, and (3) 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 or 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. 5524-3 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 of 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 the 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.
Publish: March 28 & April 4, 1991



Department of Water & Natural Resources

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

October 24, 1990

Don Druin
RR 1,
Volin, SD 57072

Dear Mr. Druin:

I am writing you concerning Water Permit No. 4246-3. On September 28, 1990, I conducted a routine field inspection of your irrigation system for licensing purposes. Water Permit No. 4246-3 allows you to irrigate the following lands in Clay County from one well using 3.0 cubic feet per second (cfs) of ground water (1,347 gallons per minute):

34 acres in the SE1/4 SE1/4 Section 34, T94N R53W
10 acres in the S1/2 S1/2 SW1/4 SW1/4 Section 35, T94N R53W
39 acres in the NW1/4 NW1/4 Section 2, T93N R53W
10 acres in the N1/2 N1/2 SW1/4 NW1/4 Section 2, T93N R53W
28 acres in the NE1/4 NW1/4 Section 2, T93N R53W
8 acres in the S1/2 S1/2 NW1/4 NE1/4 Section 2, T93N R53W
39 acres in the SE1/4 NW1/4 Section 2, T93N R53W
40 acres in the SW1/4 NE1/4 Section 2, T93N R53W

The September 28, 1990 field inspection found that you are irrigating the following lands in Clay County:

34 acres in the SE1/4 SE1/4 Section 34, T94N R53W
4 acres in the SW1/4 SW1/4 Section 35, T94N R53W
36 acres in the NW1/4 NW1/4 Section 2, T93N R53W
10 acres in the SW1/4 NW1/4 Section 2, T93N R53W
23 acres in the NE1/4 NW1/4 Section 2, T93N R53W
6 acres in the NW1/4 NE1/4 Section 2, T93N R53W
40 acres in the SE1/4 NW1/4 Section 2, T93N R53W
40 acres in the SW1/4 NE1/4 Section 2, T93N R53W
*12 acres in the NE1/4 SW1/4 Section 2, T93N R53W
*13 acres in the SW1/4 NW1/4 Section 2, T93N R53W
*33 acres in the NW1/4 SE1/4 Section 2, T93N R53W

Note: Asterisk (*) denotes irrigated land (total of 58 acres) not permitted under Water Permit No. 4246-3.

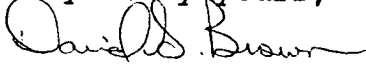
South Dakota water law requires that you obtain an amendment to Water Permit No. 4246-3 for the 58 acres (denoted above) that are not permitted. Enclosed are the partially completed application forms for obtaining an amendment to Water Permit No. 4246-3. Please fill out the application forms following the instruction

sheet and return the application to this office. As required by statute, a \$50 fee must accompany the application.

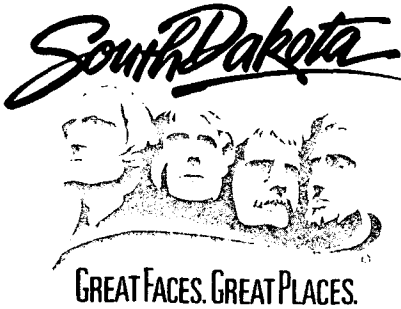
A Water License will be issued to you for amended Water Permit No. 4246-3 following the Water Management Board's approval of the amendment.

If you have any questions, please feel free to give me a call.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David S. Brown".

David S. Brown
Natural Resource Engineer II
DWNR, Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 28 1991

Don Druin
RR 1
Volin, SD 57072

Dear Mr. Druin:

Enclosed is Water Permit No. 5524-3 authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412931

Pierre, November 25, 1991

RECEIVED OF Don or Leona Druin, RR 1, Box 177, Volin, SD 57072

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5524-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By Jahw Hatch
Chief Engineer

Vermillion Water District**Report Of Examination Of Works And/OR Application of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Don Druin of RR 1, Volin, SD 57072 holder of Permit No. 4246-3, bearing the priority of March 6, 1978 authorizing the diversion of 3.0 cu. ft. per second of the waters of ground water for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

One well - total depth of 80 feet, 16 inch PVC casing with 20 feet PVC Johnson screen
Fairbanks Morse pump - size 11M, 4 stages, 7.67 Impeller diameter, Serial No.

N3H281417, Figure 700, 950 GPM

International propane V8 engine, PTO, Armarillo Right Angle Gear Head, Serial # S100
99367, 1760 RPM, 100 HP

Two propane tanks, 1000 and 500 gallons respectively

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

3,130 feet of 8 inch gated PVC pipe

2,900 feet of 8 inch steel pipe

C. Works used to apply water to beneficial use:

one Electrogator Center Pivot - towable to 5 sites, 4 towers, 600 feet long with end
gun, 950 GPM

The system is in the following condition good. The point of diversion is located at a point 1320 feet north and 390 feet west of the center of Section 2, T93N R53W. The works are capable of diverting and conveying to the place of use 2.12 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: T93N R53W

<u>36 acres in the NW1/4 NW1/4 of Section 2</u>	<u>6 acres in the NW1/4 NE1/4 of Section 2</u>
<u>23 acres in the NE1/4 NW1/4 of Section 2</u>	<u>40 acres in the SW1/4 NE1/4 of Section 2</u>
<u>40 acres in the SE1/4 NW1/4 of Section 2</u>	<u>3 acres in the NW1/4 SE1/4 of Section 2</u>
<u>10 acres in the SW1/4 NW1/4 of Section 2</u>	<u>*13 acres in the SW1/4 NW1/4 of Section 2</u>
<u>*12 acres in the NE1/4 SW1/4 of Section 2</u>	<u>*33 acres in the NW1/4 SE1/4 of Section 2</u>
<u>34 acres in the SE1/4 SE1/4 of Section 34, T94N R53W</u>	
<u>4 acres in the SW1/4 SW1/4 of Section 35, T94N R53W</u>	

comprising a total of 150 acres of land and the license should be issued for 2.12 cfs.Application permit qualifications have been complied with 254 Yes X NoExceptions to compliance are: *additional lands being irrigated Date September 28, 1990

David S. Brown
Natural Resources Engineer II
DWNR, Water Rights Division

LICENSE FOR PERMIT NUMBER 4246-3

1. Legal location of wells: at a point 1,320 Feet north and 390 Feet west of the center of Section 2, T93N R53W

dams & structures: _____

2. Well Information: Well Drilling Firm Wetmore Drilling, Elk Point SD

Completion Report Yes X No _____ No. of Wells 2 Depth 80 Feet

Casing a) diameter 16 Screen a) type PVC

b) length unknown b) length unknown

c) type PVC Static Water Level _____

Pump a) make Fairbanks Morse Motor a) make V8 International propane engine

b) model Serial #N3#281417 b) model No. PTO

c) size 11M c) horsepower rating unknown

d) capacity 950 gpm Armarillo Right Angle Gear Head

e) turbine pump - no. of stages 4 Serial #S100 99367, 100 HP

f) operating PSI _____ 1760 RPM

Figure 700
Impeller Diamo 7.67

Also: Two propane tanks, 1000 and 500 Gallons respectively

3. Distribution lines or canals

a) size 8" & 8

b) type Steel & PVC

c) length 2,900' & 3,130'

4. Dam Information:

a) height to crest _____

m) Outlet tubes:

b) height to primary spillway _____

1) diameter _____

c) height to secondary spillway _____

2) type _____

d) crest width _____

3) valved (Y/N) _____

e) crest length _____

4) valve type _____

f) spillway length _____

5) location on structure _____

g) spillway width _____

h) approx. storage _____

n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

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

c) gun

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

e) gated pipe

- 1) length 3,130'
- 2) diameter 8"
- 3) spacing of gates _____

f) portable boom

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

b) towline:

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

d) center pivot

- 1) make Electrogator
- 2) number of towers 4
- 3) distance between towers 150 feet
- 4) overall length 600 feet, no overhang
- 5) end gun (Y/N) Yes
- 6) high or low pressure high
- 7) ~~make & size of nozzles~~
towable to 5 locations
- 8) capacity (GPM) 950

g) siphons

- 1) size _____
- 2) number _____

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

Indicate any other permit(s) which are associated with project _____

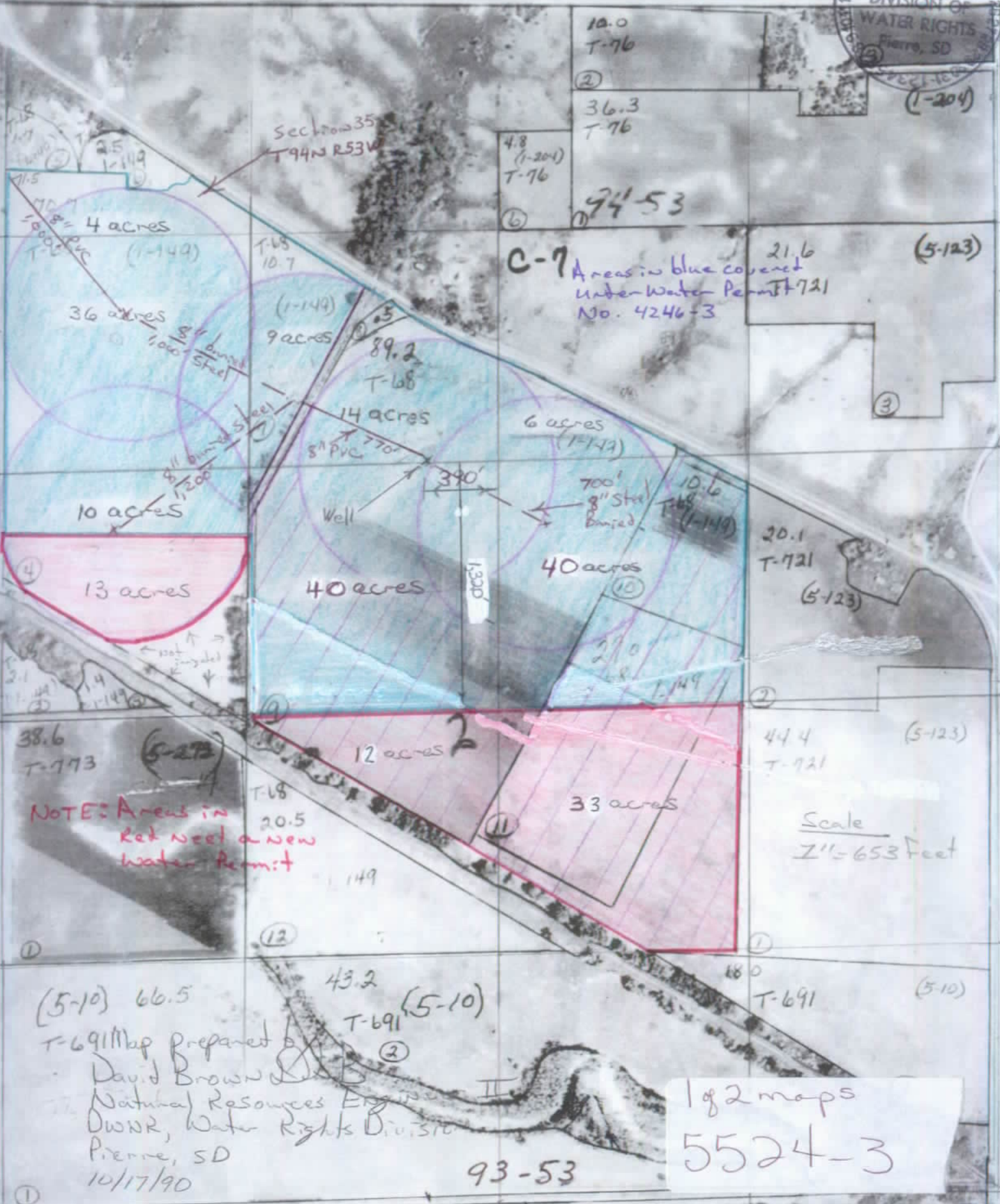
Yes No Check Items

- | | | |
|-------------------------------------|-------------------------------------|---|
| --- | ☒ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| ☒ | --- | 2. Special qualifications to permit being abided by? |
| ☒ | --- | 3. All structures, wells and lands on map? |
| ☒ | --- | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| --- | ☒ | 5. Is chemigation used? |
| <u>NA</u> | --- | 6. If yes, does equipment comply with chemigation rules? |

REMARKS:

Appl. No 5524-3

NOT TO SCALE







January 29, 1993

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

 TO: DON DRUIN
 RR 1 BOX 177
 VOLIN SD 57072

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

RE: Violation of Water Permit No(s) 4246-3, 5524-3 and 1992 Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4246-3, 5524-3. The request for the Questionnaires 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 be to determine if Permit No(s) 4246-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5524-3 qualification:

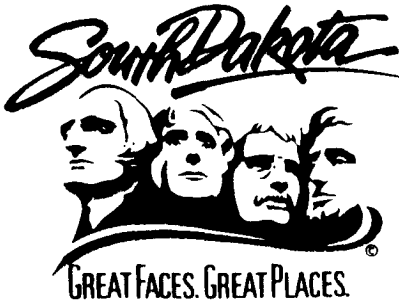
"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 3, 1993, at 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) 5524-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4246-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1993

4246-3
5524-3

Don Druin
RR #1 Box 177
Volin, SD 57072

Dear Mr. Druin:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, **Notice of Violation of Water Permit Nos. 4246-3, 5524-3 and 1992 Irrigation Questionnaire Requirements.**

The questionnaires were received in our office prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

Permit No. 4246-3/5524-3
Vermillion River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Don Druin of RR #1, Volin, SD 57072 holder of Permit Nos. 4246-3/5524-3, bearing priority dates of March 6, 1978/November 20, 1990 authorizing the diversion of 3.00 cu. ft. per second from groundwater (one well) for irrigation purposes, in Clay County.

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

- A. Works used to divert the water:
One well - 80 feet deep, 16 inch PVC casing with 20 feet PVC Johnson Screen, Fairbanks Morse pump - size 11M, 4 stages, 7.67 impeller diameter, serial no. N3H281417, figure 700, 950 gallons per minute International propane V8 engine, PTO, Armarillo Right Angle Gear Head, Serial #S100 99367, 1760 RPM, 100 HP. Two propane tanks, 1000 & 500 gallons respectively
- B. Works used to transport water to place of use:
3,130 feet of 8 inch gated PVC pipe; 2,900 ft of 8 inch Steel pipe
- C. Works used to apply water to beneficial use:
one Electrogator Center pivot, towable to 5 sites, 4 towers, 600 feet long with end gun, 950 gallons per minute

The system is in the following condition good. The point of diversion is located 1320 feet north and 390 feet west of the center of Sec 2, T93N, R53W. The works are capable of diverting and conveying to the place of use 2.12 cu. ft. per second 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 36 acres; NE 1/4 NW 1/4 23 acres; SE 1/4 NW 1/4 40 acres; SW 1/4 NW 1/4 23 acres; NE 1/4 SW 1/4 12 acres; NW 1/4 SE 1/4 36 acres; NW 1/4 NE 1/4 6 acres; SW 1/4 NE 1/4 40 acres all in Section 2, T93N, R53W; SE 1/4 SE 1/4 34 acres Section 34; SW 1/4 SW 1/4 4 acres Section 35, T94N, R53W

comprising a total of 254 acres of land and the license should be issued for 2.12 cfs.

The applicable permit qualifications have been complied with. Priority dates: November 20, 1990 for 12 acres in NE 1/4 SW 1/4 Sec 2, 13 acres in SW 1/4 NW 1/4 Sec 2, and 33 acres in NW 1/4 SE 1/4 Sec 2, T93N, R53W. Remaining acreage retains a priority date of March 6, 1978.

Irrigation system was inspected by David Brown on September 28, 1990.

Inspection report was reviewed by: Gale N. Selken 3 June 93
Gale N Selken, Natural Resources Eng IV

REPORT ON INSPECTION OF PERMIT NO. 4246-3

DATE: Inspected by David Brown September 28, 1990.

Other permit associated with the project: 5524-3

DIVERSION POINT LOCATED: 1,320 ft N & 390 ft W of the center of Section 2, T93N, R53W

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling, Elk Point, SD (license #341)
- 2) No. of Wells one
- 3) Depth 80 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length unknown feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length unknown feet
- 3) Diameter 16 inches
- 4) Static water level 18 feet

Pump:

- 1) Make Fairbanks Morse
- 2) Model - serial number: N3H281417
- 3) Size 11M
- 4) Capacity 950 GPM

Motor:

- 1) Make V8 International propane engine
- 2) Model No. PTO
- 3) Horsepower rating unknown hp
- 4) Armarillo Right Angle Gearhead Serial #S100 99367, 100 HP, 1760 rpm
also two propane tanks, 1000 and 500 gallons respectively

DISTRIBUTION LINES OR CANALS:

- 1) Type steel/PVC 2) Size 8/8 inches 3) Length 2900/3130 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Electrogator
2) Overall length 600 feet, no overhang
3) Number of towers 4
4) Distance between towers 150 feet
5) End gun yes
6) High or low pressure high
7) Capacity 950 GPM
8) Towable to 5 locations

Gated Pipe:

- 1) Length 3,130 feet
2) Diameter 8 inches

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

COMMENTS: An inspection of the irrigation system developed under No. 4246-3 found an additional 58 acres of land had been developed. Water Permit No. 5524-3 was obtained to cover the additional acreage utilizing the existing well. No additional diversion rate was authorized.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit yes
2) Special qualifications to permit being abided by yes
3) All structures, wells and lands on map yes
4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5524-3

(1) Don Druin of RR #1 Box 177, Volin, SD 57072 made Application No. 5524-3, November 20, 1990 for a water permit to appropriate no additional cubic feet of water per second (cfs) from groundwater (one well), Clay County, South Dakota for irrigation purposes. Permit No. 5524-3, with a priority date of November 20, 1990 was approved May 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5524-3 authorizes irrigation of the 58 additional acres developed, but not permitted under Permit No. 4246-3. Permit No. 5524-3 did not authorize an increase in the developed diversion rate. The applicable portions of Water Permit No. 4246-3 have been incorporated into this Water License No. 5524-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.12 cubic feet of water per second for beneficial use. The location of the diversion point is 1320 feet north and 390 feet west of the center of Section 2, T93N, R53W.

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

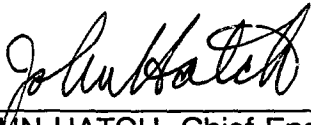
T93N, R53W	Section 2	NW 1/4 NW 1/4	36 acres
		NE 1/4 NW 1/4	23 acres
		SE 1/4 NW 1/4	40 acres
		SW 1/4 NW 1/4	23 acres*
		NE 1/4 SW 1/4	12 acres*
		NW 1/4 SE 1/4	36 acres*
		NW 1/4 NE 1/4	6 acres
		SW 1/4 NE 1/4	40 acres
T94N, R53W	Section 34	SE 1/4 SE 1/4	34 acres
	Section 35	SW 1/4 SW 1/4	4 acres
		Total	254 acres

*Priority date - **November 20, 1990**: 12 acres in NE 1/4 SW 1/4 Section 2, 13 acres in SW 1/4 NW 1/4 Section 2 & 33 acres in NW 1/4 SE 1/4 Section 2, T93N, R53W

Remaining acreage carries a priority date of **March 6, 1978**

WATER LICENSE NO. 5524-3
DON DRUIN
PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Don Druin of RR #1 Box 177, Volin, SD 57072 the holder(s) and/or owner of Incorporated Water Permit No. 5524-3 is issued a license to appropriate water, the right to use 2.12 cubic feet of water per second from groundwater (one well) with priority dates of March 6, 1978 and November 20, 1990 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 Incorporated Water Permit No. 5524-3 and subject to South Dakota State Law.



JUN 11 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

5524-3

Don Druin
RR 1, Box 177
Volin, SD 57072

Dear Mr. Druin:

Enclosed is Water License No. 5524-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412931 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. 5524-3, 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

NOTE: The applicable portions of Water Permit No. 4246-3 have been incorporated into this Water License No. 5524-3.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DON DRUIN
RR #1 BOX 177
VOLIN SD 57072 9525

NOTICE

RE: Violation of Water Permit No 5524-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 5524-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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 5524-3 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 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 5524-3 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1995

5524-3

Don Druin
RR #1 Box 177
Volin, SD 57072-9525

Dear Mr. Druin:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 5524-3.**

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

If you have any questions, please contact me.

Sincerely,

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: DON DRUIN, RR 1 BOX 177, VOLIN, SD 57072 9525

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

SUBJECT: Violation of Water Permit No(s). 5524-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 5524-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 5524-3 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 28, 1997, 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:

DON DRUIN
RR 1 BOX 177
VOLIN SD 57072 9525

4a. Article Number

P378 081 427

4b. Service Type

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

7. Date of Delivery

2-5-99

5. Received By: (Print Name)

DON W DRUIN

6. Signature: (Addressee or Agent)

X Don W. Druin

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

PS Form 3811, December 1994

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

February 13, 1997

5524-3

Don Druin
RR 1 Box 177
Volin, SD 57072

Dear Mr. Druin:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 5524-3.**

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1998

5524-3

Wade & Todd Druin
30936 Bluff Rd
Volin, SD 57072

Dear Sirs:

Thank you for returning the 1998 irrigation questionnaire for Water Right No. 5524-3. It is my understanding from the notation you made on the form that you wish to have the water right transferred to your names.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the Water Right. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right 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
www.state.sd.us/denr

April 6, 1999

5524-3

Wade & Todd Druin
30936 Bluff Rd
Volin, SD 57072

Dear Sirs:

I am contacting you in regard to ownership of Water Right No. 5524-3, currently listed in the name of Don Druin. On December 8, 1998, I forwarded a "Notice of Transfer of Ownership" form to you for transferring the water right to your names. To date, I have not received the form back from you.

In the event you no longer have the original form, I am sending you another one. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

If I have misunderstood and you only wish to have the address for mailing the yearly irrigation questionnaires changed and do not wish to have the ownership changed, please let me know. Thank you in advance for your help. If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,


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

encl

\$ 2.50

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5524-3

Date: 4/14/99

I/We request that Water Right No. 5524-3

formerly owned by: Don Druin, 30906 Bluff Rd, Volin, SD 57072

be transferred to: (name & address) Wade & Todd Druin, 30936 Bluff Rd, Volin, SD 57072

Telephone No. 605 267-3144

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

NW ¼, NE ¼ SW ¼, NW ¼ SE ¼, W ½ NE ¼ Sec. 2, T93N, R53W and SE ¼ SE ¼ Sec. 34, SW ¼ SW ¼ Sec. 35, T94N, R53W

I/We understand that the validity of Water Right No. 5524-3 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.

STATE OF SOUTH DAKOTA)

County of Clay)

I/We Wade & Todd Druin being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 14th day of April, 19 99.

[Signature]
(Notary Public)

My commission expires May 27, 2003.

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

NE 416100

Pierre, _____ April 16, 1999

RECEIVED OF Wade & Todd Druin, 30936 Bluff Rd., Volin, SD 57072
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>Water Right No. 5524-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 1999

5524-3

Wade & Todd Druin
30936 Bluff Rd
Volin, SD 57072

Dear Sirs:

Thank you for returning the transfer form and filing fee for transferring Water Right No. 5524-3. The transfer has been completed and the water right is now listed in your names.

Enclosed is your Receipt No. 416100 in the amount of \$2.50. You may keep this for your records.

If you have any questions concerning the water right, please let me know.

Sincerely,

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

enclosure



5524-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: WADE & TODD DRUIN, 30906 BLUFF RD, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 5524-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

5524-3

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 6616**
Status: **Delivered**

Your item was delivered at 2:25 PM on January 27, 2009 in VOLIN, SD 57072. The item was signed for by A DRUIN.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#) [Return to USPS.com Home >](#)

Notification Options

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Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

mailing.

WADE & TODD DRUIN
30906 BLUFF RD
VOLIN SD 57072

Signature Confirmation Number: 2303 2160 0000 0802 6616

Waiver of Signature ☐ YES ☐ NO

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail[™] Service
☐ First-Class Mail[®] parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2009

5524-3

Wade & Todd Druin
30906 Bluff Rd
Volin SD 57072

Dear Sirs:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 5524-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: WADE & TODD DRUIN, 30906 BLUFF RD, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 5524-3 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 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8733

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 2:57 PM on January 23, 2010 in VOLIN, SD 57072. The item was signed for by C DRUIN.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 2:57 pm, VOLIN, SD 57072
- Out for Delivery or Available at PO Box, January 23, 2010, 9:18 am, WAKONDA, SD 57073
- Sorting Complete, January 23, 2010, 8:48 am, WAKONDA, SD 57073
- Arrival at Post Office, January 23, 2010, 7:59 am, WAKONDA, SD 57073

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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Proof of Delivery

Verify who signed for your item by email, fax, or mail.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
EE3 2090 0000 04T2 EDE2
2303 2160 0000 0802 8733

WADE & TODD DRUIN
30906 BLUFF RD
VOLIN SD 57072

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

- ☐ Priority Mail™ Service
- ☐ First-Class Mail® parcel
- ☐ Package Services parcel



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2010

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Wade & Todd Druin, 30906 Bluff Rd, Volin SD 57072
FROM: Garland Erbele Chief Engineer *Garland Erbele*
Water Rights Program
SUBJECT: One Year Suspension of Water Right No. 5524-3

On March 10, 2010, the Water Management Board ordered:

Effective April 10, 2010, Water Right No. 5524-3 be suspended for the 2010 irrigation season for failure to submit the 2009 irrigation questionnaire.

If the 2009 irrigation questionnaire is received prior to April 10, 2010 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2010 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2010 unless the irrigation questionnaire is submitted by April 10th.

After April 10th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2009 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5, 2010 in Pierre, SD. The letter should include your reasons for not completing the 2009 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

CERTIFICATION

I hereby certify that on March 11, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 11, 2010 regarding failure to submit irrigation questionnaires addressed as stated below:

One Year Suspension:

1828-1	Danny Adams, 2010 Avalon Pkwy Ste 400, McDonough GA 30253-3011
1769-1	Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701
3224-3	Steven Ching, 46577 188 th St, Castlewood SD 57223-5705
5524-3	Wade & Todd Druin, 30906 Bluff Rd, Volin SD 57072
1055-1	Emily P Stadheim Revocable Trust, 504 11 th Ave N, Hettinger ND 58639
1350-3 6042-3	Raymond D Jensen, 24348 478 th Ave, Dell Rapids SD 57022
5339-3	Douglas Swenson, 23358 396 th Ave, Woonsocket SD 57385

Three Year Suspension:

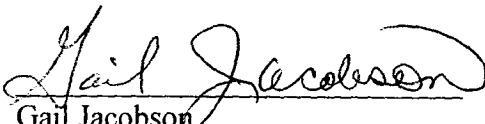
1755-1	John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150
2696-3A 4414-3	Donald Schmidt, 19053 427 th Ave, Willow Lake SD 57278-6205

Cancellation:

1275-2	Donald, Herbert & Rebecca Kaiser, 15745 SD Hwy 40, Hermosa SD 57744
2480A-3	Dennis H & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117-1937

Amendment:

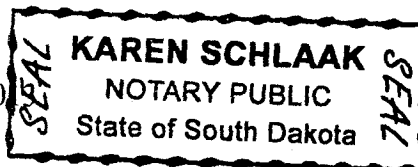
3805-3	Richard Horton, 45446 285 th St, Hurley SD 57036
3293-3	Michael L Schmidt, 47640 242 nd St, Dell Rapids SD 57022


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 20 10.


Karen Schlaak
Notary Public
My Commission expires April 1, 20





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2010

5524-3

Wade Druin
30906 Bluff Rd
Volin SD 57072

Dear Mr. Druin:

On March 10th, the Water Management Board ordered Water Right No. 5524-3 to be suspended if the 2009 irrigation questionnaire was not received prior to April 10, 2010. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2010 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2010

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072-6322

Dear Sirs:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 30906 Bluff Rd, Volin. 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,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 5524-3 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 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

5524-3

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Label/Receipt Number: **2303 2160 0000 0803 0231**Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:47 pm on January 22, 2011 in VOLIN, SD 57072. The item was signed for by C DRUIN.

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- Delivered, January 22, 2011, 1:47 pm, VOLIN, SD 57072
- Out for Delivery, January 22, 2011, 9:12 am, WAKONDA, SD 57073
- Sorting Complete, January 22, 2011, 9:02 am, WAKONDA, SD 57073
- Arrival at Post Office, January 22, 2011, 7:51 am, WAKONDA, SD 57073
- Processed through Sort Facility, January 22, 2011, 3:54 am, SIOUX FALLS, SD 57104

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0803 0231

WADE & TODD DRUIN
30911 457th AVE
VOLIN SD 57072 6322

ing.

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2011

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072 6322

Dear Sirs:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 5524-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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



5524-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 5524-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2013

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072 6322

Dear Sirs:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 5524-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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



5524-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 5524-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 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 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2014

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072 6322

Dear Sirs:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 5524-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



5524-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 5524-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



5524-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 25, 2016

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072 6322

Dear Sirs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 5524-3. - The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5524-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 5524-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5524-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 8, 2017

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072 6322

Dear Sirs:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 5524-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5524-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 5524-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

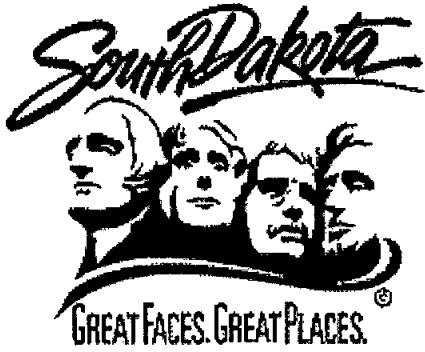
1. Suspend or cancel Permit No(s) 5524-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

5524-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072-6322

Dear Sirs:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5524-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: WADE & TODD DRUIN, 30911 457th AVE, VOLIN, SD 57072 6322

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5524-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 5524-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5524-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: QFJJNT**

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.

5524-3

USPS Tracking®

FAQs >

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Your item was delivered to the front desk, reception area, or mail room at 8:09 am on January 28, 2021 in IRENE, SD 57037.

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January 28, 2021 at 8:09 am
Delivered, Front Desk/Reception/Mail Room
IRENE, SD 57037

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☐ Adult Signature Restricted Delivery \$		

WADE & TODD DRUIN
30911 457th AVE
VOLIN SD 57072 6322

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

See Less ^



DENR
SOUTH DAKOTA

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

March 4, 2021

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Wade & Todd Druin, 30911 457th Ave, Volin SD 57072-6322

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 5524-3

On March 3, 2021, the Water Management Board ordered:

Effective April 3, 2021, Water Right No. 5524-3 be suspended for the 2021 irrigation season for failure to submit the 2020 irrigation questionnaire.

If the 2020 irrigation questionnaire is received prior to April 3, 2021, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2021 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2021 unless the 2020 irrigation questionnaire is submitted by April 3, 2021.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2020 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 5-6, 2021 in Pierre, SD. The letter should include your reasons for not completing the 2020 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

Certification

I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2021 regarding Water Management Board action taken March 3, 2021 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536
No. 4332-3: Kash Van Dyke, 22071 486th Ave, Elkton SD 57026

One Year Suspensions:

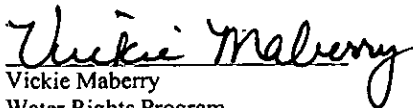
No. 515-3: Bruce D Peterson, 3600 S Slaten Park Dr, Sioux Falls SD 57103
Daniel Benson, 45586 US Hwy 18, Hurley SD 57036
No. 577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758
No. 5524-3: Wade & Todd Druin, 30911 457th Ave, Volin SD 57072-6322
No. 1554A-1: Franklin Dyck, 313 Pierre St, Vale SD 57788
No. 1935-1: Brian Dyck, 313 Pierre St, Vale SD 57788
No. 2675-3: Beau Gregg, 22289 Mint Rd, Harrold SD 57536
Nos. 6822-3, 8070-3 & 8071-3: Roger Hansen, Hansen Properties, PO Box B, Centerville SD 57014
No. 1150-2: O M Iwan & Sons, 24912 Rocky Ford Rd, Midland SD 57552
Nos. 4678-3 & 6960-3: Craig Jepsen, Jepsen Farms, 505 Larson St SW, Hutchinson MN 55350-2108
Nos. 5566-3, 7615-3 & 7616-3: Wayne Reiersen, 30048 Reiersen Pl, Pollock SD 57648
No. 2350-3: Bill Boyer, River View Farms, PO Box 486, Alcester SD 57001-0486
No. 2497-2: Marty Vanderploeg, 22958 293rd St., Martin SD 57551

Three Year Suspensions:

No. 4472-3: Darrel Biddle, 37461 287th St, Geddes SD 57342
No. 7970-3: David Hoops, PO Box 462, Huron SD 57350-0462

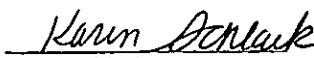
Suspend/Amend

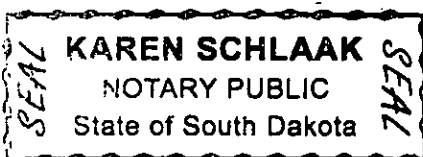
Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 7003-3, 7383-3, 7693-3, 7994-3, 974-3 & 1813-3:
• Roger Hansen, Hansen Ventures LLC, 700 W Broadway, Centerville SD 57014
Nos. 4705-3, 7924-3, 3803-3 & 4448-3A
• Brandon Ritter, 30489 115th St, Mound City SD 57646
• Iverson Farms, A Ltd Partnership, 30856 119th St, Mound City SD 57646


Vickie Maberry
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 2021.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 19, 2021

5524-3

Wade & Todd Druin
30911 457th Ave
Volin SD 57072 6322

Dear Sirs:

Thank you for sending in your 2020 irrigation questionnaire. The form was received in today's mail.

On March 3, 2021, the Board ordered Water Right No. 5524-3 to be suspended for the 2021 irrigation season. The order took effect on April 3, 2021. The submission of the questionnaire after April 3rd does not remove the suspension the Board placed on the water right.

If you would like to irrigate in 2021, you will need to petition the Water Management Board to rescind the suspension. To do this, send us a letter requesting time on the next Board meeting agenda and include reasons for not completing the questionnaire when it was originally due.

The Board meets again July 7-8, 2021. Upon receipt of your letter, the item will be placed on the agenda. If you have any questions, please let me know.

Sincerely,

Ron Duvall,
Natural Resources Permitting Administrator
DANR, Water Rights Program
605 773-3352

2020 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 4, 2020**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or submit your form(s) electronically over the internet at <https://denr.sd.gov/iq> Your temporary password is **QFJJNT**

Permit No. 5524-3

WADE & TODD DRUIN
30911 457th AVE
VOLIN SD 57072 6322

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2020? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 5524-3

sufficient moisture ☒ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

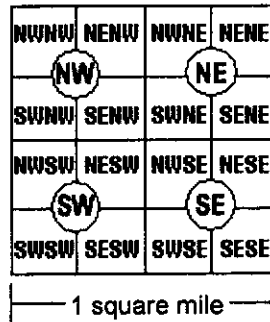
Comment Box

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2020? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.



Office use only

RECEIVED

MAY 19 2021

**WATER RIGHTS
PROGRAM**

Acreage permitted for irrigation under No. 5524-3

(see above section map for help reading legal descriptions)

sec 02-T093N-R53W, NW1/4NW1/4 - 36.00 acres
sec 02-T093N-R53W, NE1/4NW1/4 - 23.00 acres
sec 02-T093N-R53W, SE1/4NW1/4 - 40.00 acres
sec 02-T093N-R53W, SW1/4NW1/4 - 23.00 acres
sec 02-T093N-R53W, NE1/4SW1/4 - 12.00 acres
sec 02-T093N-R53W, NW1/4SE1/4 - 36.00 acres
sec 02-T093N-R53W, NW1/4NE1/4 - 6.00 acres
sec 02-T093N-R53W, SW1/4NE1/4 - 40.00 acres
sec 34-T094N-R53W, SE1/4SE1/4 - 34.00 acres
sec 35-T094N-R53W, SW1/4SW1/4 - 4.00 acres

Please provide your 2020 water use to irrigate the above acreage on the REVERSE side of this form.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Wade & Todd Druin, 30911 457th Ave., Volin SD 57072

DATE: August 4, 2021

RE: Suspended water right

COMMENTS:

On March 3, 2021, the Water Management Board suspended Water Right No. 5524-3 for one year for failure to return the 2020 irrigation questionnaire. The order took effect on April 3, 2021.

The questionnaire was submitted on May 19th. A letter was written to the Druin's asking if they wanted to petition the WMB to rescind the suspension so they could irrigate in 2021. No response was received.

On July 1st and August 4th, 2021, a staff engineer drove by the acreage covered under the water right. The irrigation system was not running and did not look like it had been used in several years.

A review of irrigation questionnaires found the land has not been irrigated since 2014. The water right holders marked "sufficient moisture" on questionnaires submitted from 2015-2020.



Genny McMath
Program Assistant
Water Rights Program