

WATER PERMIT NO. 5558A-3

Name of Applicant: Larry Olson

Address: 4505 Magnolia Ave S, Sioux Falls SD 57103

Phone: 605 371-0204

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Moody

Type of Waste Disposal System: NA

Location: 8 miles north and 5 miles east of Flandreau

PRIORITY Date Received: 9-16-96

Fee: \$50

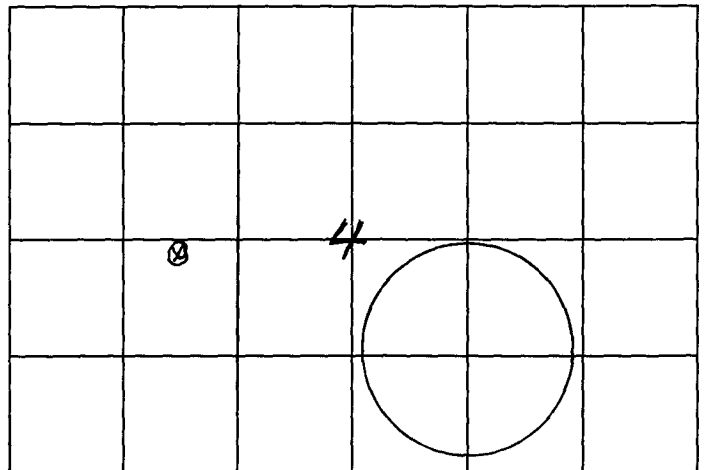
Corrected Application Received:

Period of Annual Use: April 1 - October 31

Remarks: Extension of time request and to change the location of the diversion point to existing well authorized by Permit No. 4877-3

Diversion Point: NW 1/4 SW 1/4 Sec 4-T108N-R47W

Land to be Irrigated: SE 1/4 Sec 4-T108N-R47W



Depth of Well: 55 feet deep

Well Driller: Grimshaw Drilling Co.

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 9-18-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>5558A-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Big Sioux River</u>	
	Newspaper <u>Moody Co. Enterprise, Flandreau, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 5558-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

This application is for an extension of time to complete construction of works authorized by No. 5558-3 and to change the location of the diversion point to the existing well authorized by Permit No. 4877-3.

- Name of Applicant Larry Olson Phone 605 371-0204
(check one) X Owner Tenant/lessee
Mailing Address 4505 Magnolia Ave South, Sioux Falls State SD 57103
(Street, RR. or Box) (Zip Code)
- Amount of water claimed no add'l *CFS or **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water -- one existing well authorized by Permit No. 4877-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW1/4SW1/4 section 4-T108N-47W
County Moody
- County or counties where water will be used Moody
- Annual period during which water is to be used April 1 to October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE1/4SE1/4	35	All in section 4-T108N-R47W	
NW1/4SE1/4	35	Same acreage as described on No. 5558-3	
SW1/4SE1/4	35		
SE1/4SE1/4	35	Total acreage: 140 acres	

- (8) Give a description of the project. (Attach sheet if more space is needed)

Completion of the irrigation project was delayed due to several wet years. Portions of the property have poor drainage. Construction of the irrigation project is to be completed by June 15, 1997.

STATE OF SOUTH DAKOTA) SS
County of Brookings

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Larry Olson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed [Signature]
Subscribed and sworn to before me this 12th day of September, 1996

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5558A-3**

Date of first receipt of application September 16, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5558A-3 to Larry Olson, 4505 Magnolia Ave S, Sioux Falls SD 57103 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. 5558A-3 extends the length of time allowed for construction of project works authorized by Permit No. 5558-3. Permit No. 5558-3 appropriates 1.8 cubic feet of water per second from one well (Big Sioux:Aurora Aquifer) located in the NE 1/4 SW 1/4 Section 4 to irrigate 140 acres located in the SE 1/4 Section 4; all in T108N-R47W. The permit was approved October 1, 1991, and the project was to be completed by October 1, 1996, with the water being put to beneficial use by October 1, 2000. Application No. 5558A-3 is to extend the length of time allowed for construction of the project works from October 1, 1996 to June 15, 1997. This permit changes the location of the diversion point to an existing well located in the NW 1/4 SW 1/4 Section 4-T108N-R47W which is authorized by Water Permit No. 4877-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is May 31, 1991.
4. The date of approval of Permit No. 5558A-3 is November 15, 1996.
5. All construction is to be completed on or before June 15, 1997.
6. Water is to be put to beneficial use on or before October 1, 2000.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well 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: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

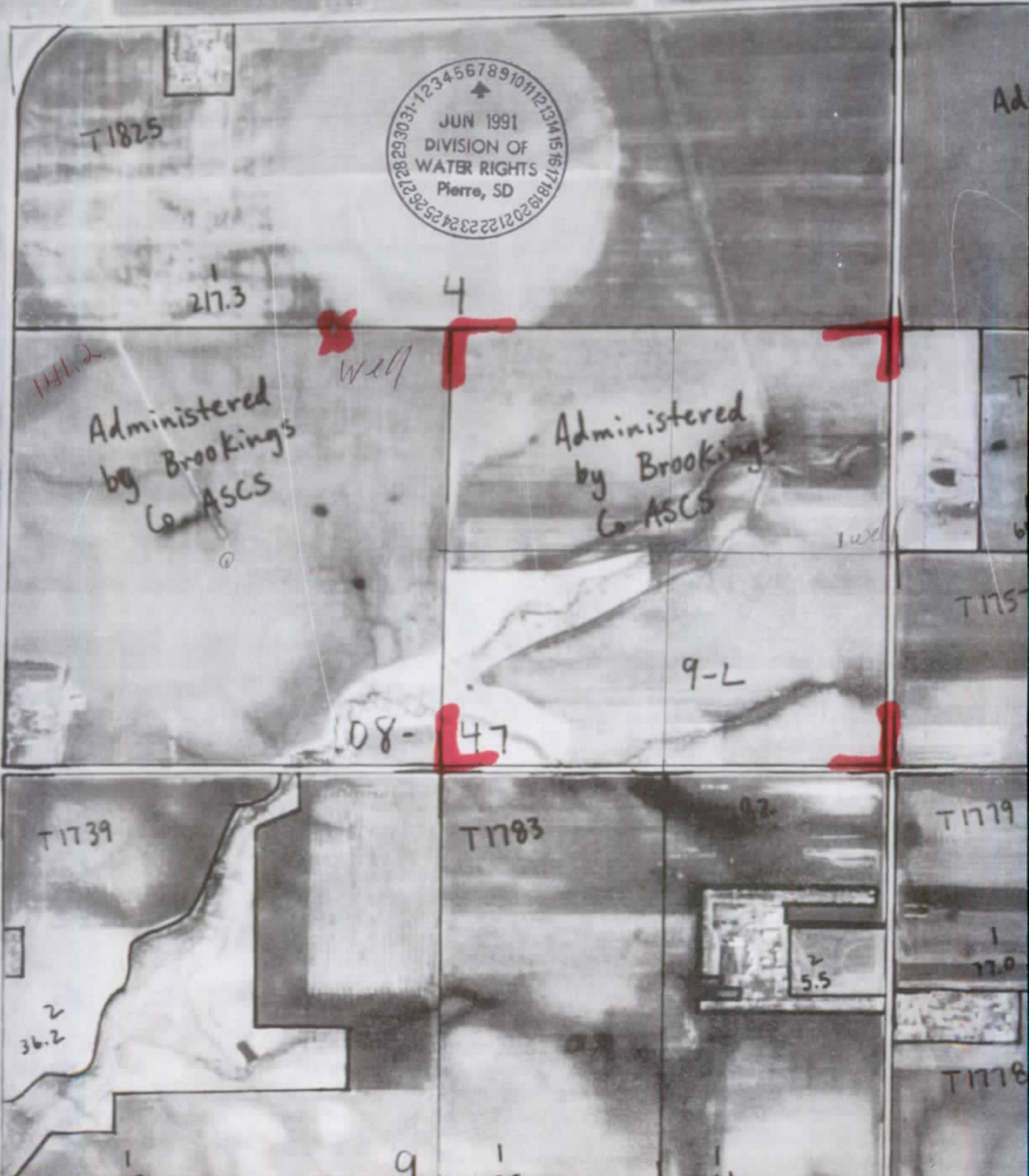
date



Office ASCS Copy

Joe Knipping CED Moody
CO
Appl. No. 5558-3

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 1995

5558-3

Larry Olson
4505 Magnolia Avenue
Sioux Falls, SD 57103

Dear Mr. Olson:

Enclosed, as we discussed, is a set of water permit application forms for filing an extension of time on Water Permit No. 5558-3. The time limit for completion of works, as specified in the permit (copy enclosed) is October 1, 1996.

The same steps need to be followed when filing for an extension as were followed when you applied for the first permit. The only difference would be that you will not have to submit a map or well log because these items are already on file with No. 5558-3. When completing the application, you will need to give reason(s) for applying for the extension and why the project was not constructed within the original time frame. A \$50.00 fee is required for this type of application.

I am including excerpts of the water laws which deal with "extension of time" and "reinstatement". If you are not able to file for an extension of time, you may be able to file for a reinstatement of your permit. The difference between the two is that with an extension of time, you would retain the priority date of May 31, 1991 (established under No. 5558-3) and with a reinstatement, you would have to take a new priority date. Both application fees are the same.

If, after reviewing the water laws, you are unsure as to which type of application to file, please contact Eric Gronlund or myself at (605) 773-3352. Eric handles our permitting process and could answer any questions you may have.

Sincerely,

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

enclosures



August 28, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Larry Olson
4505 Magnolia Ave South
Sioux Falls SD 57103

Dear Mr. Olson:

I am writing in response to our phone conversation on August 27, 1996, concerning licensing of Water Permit Nos. 4877-3 and 5558-3. Licensing of the permits is the final step in obtaining a water right. Thank you taking some time to go over these permits with me.

As we discussed, the time to complete construction of works authorized by Permit No. 5558-3 will expire on October 1, 1996. You indicated that the permit was not developed, but you were planning on putting a pivot on the property (SE¼ section 4-T108N-R47W) this fall after the corn is harvested. However, since the work needs to be completed prior to this October 1, it will be necessary to apply for an extension of time to complete the project. An application for an extension of time needs to be based on delays caused by physical or engineering difficulties, operation of law, or other exigent circumstances identified by the Water Management Board. In your case, you indicated the work was not completed due to several wet years and problems with drainage on portions of the property. I have enclosed a draft application for your review and, as you requested, I am also sending the partially-completed application to Dave Gullickson with Farmers Implement and Irrigation. I also included on the application a provision to change the location of the well from the proposed location on No. 5558-3 to the existing well specified on No. 4877-3. During our discussion you noted that you were no longer planning on constructing a new well.

I enclosed a set of blank applications with the copy sent to Mr. Gullickson in case you decide that changes are needed in the draft application. Essentially, you only need to complete question No. 8, sign and notarize the draft application, and return it with a \$50.00 application fee. **This needs to be completed prior to October 1, 1996.** I will prepare a map to be used with your application.

Finally, I also need to know the pump rate from your existing well. You believed that Mr. Gullickson would be able to provide this information. If you have any questions, please let me know at (605) 773-3352. Thank you again for your assistance.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

c: Dave Gullickson

RECEIPT

415102

Division of Water Rights

South Dakota Department of Environment and Natural Resources

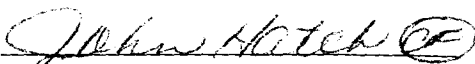
Pierre, _____ September 16, 1996

RECEIVED OF Carol & Larry Olson, 4505 Magnolia Ave. South, Sioux Falls, SD 57103

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

Fee for Application for Permit No. <u>55-38A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5558A-3
for Larry Olson
September 26, 1996

Application No. 5558A-3 proposes to extend the length of time allowed for construction of project works authorized by Permit No. 5558-3. Permit No. 5558-3 authorized 1.8 cfs from one well approximately 63 feet deep located in the NE 1/4 SW 1/4 of Section 4 to irrigate 140 acres located in the SE 1/4 of Section 4; all in T108N-R47W. This application requests an extension of time to complete the project from October 1, 1996 until June 15, 1997 and also proposes to change the diversion point to an existing well located in the NW 1/4 SW 1/4 of Section 4, T108N-R47W which is authorized by Water Permit No. 4877-3.

AQUIFER - BIG SIOUX AURORA (BS-A)

The Big Sioux Aurora is a predominantly unconfined glacial outwash (sand and gravel). The aquifer underlies about 58 square miles and contains an estimated 163,000 acre feet of water in storage in Moody County (Hansen, 1986) and underlies 540 square miles and contains an estimated 2.0 million acre feet of water in storage in Brookings and Kingsbury Counties (Hamilton, 1989). The portion of the Big Sioux Aurora aquifer where this application is located is relatively isolated from the main part of the aquifer and only comprises about 19 square miles in South Dakota. The aquifer does extend into Minnesota and the direction of ground water movement is from north and east to south and west.

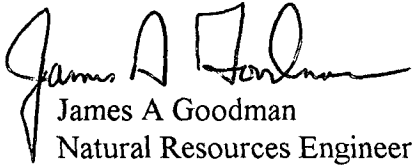
The Water Rights Program does monitor an observation well BG-78H which is completed into the Big Sioux Aurora aquifer and located about one half mile northeast of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four diversion points for water permits/rights located within a one mile radius of the diversion point for this application. These are all existing wells which have been in use for many years with no apparent problems. The nearest existing well is about 1200 feet north and east of the well for this application. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Big Sioux Aurora aquifer.
2. The aquifer is under water table conditions and drawdown created by pumping is not expected to be significant. Interference should not be a problem. The observation well hydrograph reinforces this conclusion.
3. This application should not be allowed to retain the old priority date. Another water permit, No. 5804-3 for a well located about 1200 feet north and east of the well for this application, has been developed and inspected but would be junior in priority to this application.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

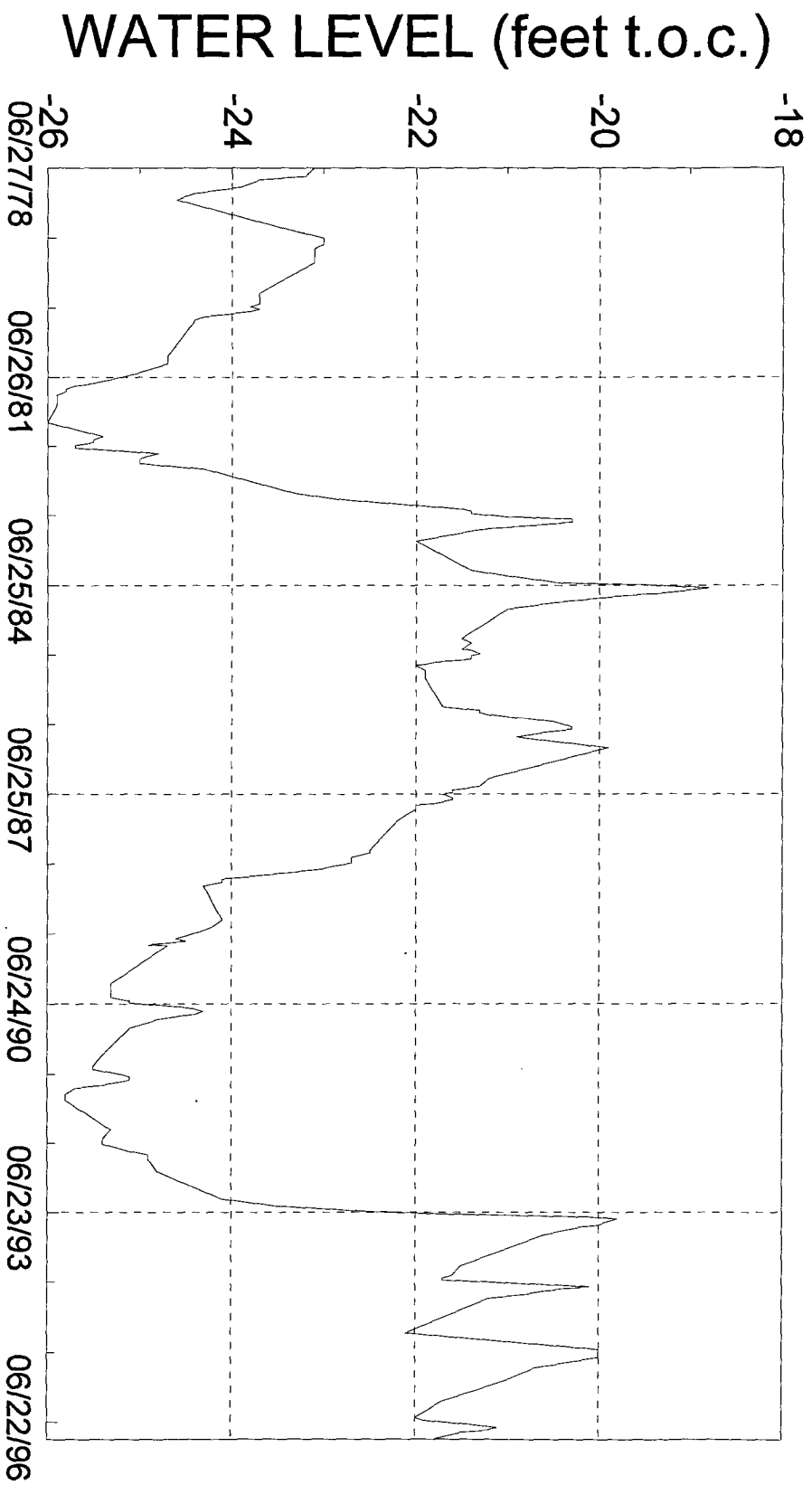
Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, USGS WRI-84-4209, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for Brookings and Moody Counties, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

BG-78H



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5558A-3, Larry Olson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5558A-3, Larry Olson, 4505 Magnolia Ave. South, Sioux Falls, SD 57103.

The Chief Engineer is recommending APPROVAL of Application No. 5558A-3 with a new priority date established because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 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.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 10, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 16, 1996

Larry Olson
4505 Magnolia Ave. S
Sioux Falls, SD 57103

Dear Mr. Olson:

Water Permit Application No. 5558A-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 Moody Co. Enterprise printed at Flandreau, SD (Ph # (605) 997-3725). 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
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 ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 1996

Moody Co. Enterprise
Box 71
Flandreau, SD 57028-0071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5558A-3 to be published twice. Please publish the first notice on October 29, 1996, 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 Larry Olson, 4505 Magnolia Ave. S, Sioux Falls, SD 57103 (Ph # (605) 371-0204).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
Joe Foss Building
Pierre SD 57501-3181

No. 5558A-3

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. 5558A-3 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 October 29, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5558A-3 to Appropriate Water
and to Amend Water Permit No. 5558-3

Notice is given that Larry Olson, 4505 Magnolia Ave. S, Sioux Falls, SD 57103 has filed an application for a water permit to extend the length of time allowed for construction of project works authorized by Permit No. 5558-3. Permit No. 5558-3 appropriates 1.8 cubic feet of water per second from one well (Big Sioux: Aurora Aquifer) located in the NE 1/4 SW 1/4 Section 4 to irrigate 140 acres located in the SE 1/4 Section 4; all in T108N-R47W. The permit was approved October 1, 1991, and the project was to be completed by October 1, 1996, with the water being put to beneficial use by October 1, 2000. Application No. 5558A-3 is to extend the length of time allowed for construction of the project works from October 1, 1996, to June 15, 1997. This application also proposes to change the location of the diversion point to an existing well located in the NW 1/4 SW 1/4 Section 4-T108N-R47W.

Application No. 5558A-3 to amend Permit No. 5558-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This application of an extensions of time is based on several wet years and problems with drainage on portions of the property.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5558A-3 with a new priority date established 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 November 15, 1996.

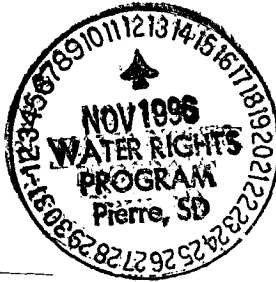
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

1. Angela Nibbelink



certify that the attached printed Notice was

taken from the Moody County
Enterprise

printed and published in Handrean

County of Moody and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

October 30, 1996

November 6, 1996

Cost of Printing: 48.89

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

11-6-96
(Date Signed)

NOTICE OF APPLICATION NO. 5558A-3 to Amend Water Permit No. 5558-3

Notice is given that Larry Olson, 4505 Magnolia Ave. S., Sioux Falls, SD 57103 has filed an application for a water permit to extend the length of time allowed for construction of project works authorized by Permit No. 5558-3. Permit No. 5558-3 appropriates 1.8 cubic feet of water per second from one well (Big Sioux: Aurora Aquifer) located in the NE 1/4 SW 1/4 Section 4 to irrigate 140 acres located in the SE 1/4 Section 4; all in T108N-R47W. The permit was approved October 1, 1991, and the project was to be completed by October 1, 1996, with the water being put to beneficial use by October 1, 2000. Application No. 5558A-3 is to extend the length of time allowed for construction of the project works from October 1, 1996, to June 15, 1997. This application also proposes to change the location of the diversion point to an existing well located in the NW 1/4 SW 1/4 Section 4-T108N-R47W.

Application No. 5558A-3 to amend Permit No. 5558-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This application of an extensions of time is based on several wet years and problems with drainage on portions of the property.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5558A-3 with a new priority date established 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 November 15, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(Oct. 30 & November 6, 1996)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Larry Olson
4505 Magnolia Ave. South
Sioux Falls, SD 57103

Dear Mr. Olson:

Enclosed is Water Permit No. 5558A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1998

Pullman Well Drilling
PO Box 188
Wolsey, SD 57384

Dear Sir :

I am writing to request a completed well log for a well that you constructed for Larry Olson. The location of the well is in the NW1/4 SW1/4 of Section 4 T108N-R47W in Moody County.

If you have any questions, please contact me at phone (605) 773-3352. Thank you for your help.

Sincerely,

Mark D. Rath
Natural Resources Engineer
Water Rights Program

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: *JackKuehl (Pullman Drilling)* **File No.** *5558A-3*
Address: *Wolsey SD* **County:** *Moody County*
Date: *11/3/98*
RE: *Well Log*

Comments:

Mr. Kuehl called in regards to a letter I had sent requesting a well log for Permit No. 5558A-3. He said that he was unable to find a log for this well even though he remembers doing some work for Mr. Olson.

A handwritten signature in black ink, appearing to read 'Mark D Rath', written in a cursive style.

Mark D Rath
Natural Resources Engineer

Permit No. 5558A-3, 5558-3, & 4877-3

Big Sioux River - Water District

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

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

On, August 11, 1998, I made a thorough examination of the water use system constructed by Larry Olson of 4505 Magnolia Ave, Sioux Falls SD holder of Permit No. 4877-3, bearing the priority of February 26, 1982 authorizing the diversion of 2.0 cu. ft. per second and Permit No. 5558A-3, bearing the priority of May 31, 1991 authorizing the diversion of 1.8 cu. ft. per second of the waters of groundwater, Big Sioux Aurora aquifer for irrigation purposes, in Moody County.

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

A. Works used to divert the water:

A Wester Land Roller pump with an 800 gpm capacity

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

4000 ft of 8 inch PVC

C. Works used to apply water to beneficial use:

Two Valley center pivots

The system is in the following condition good. The point of diversion is located : from the SW corner of Sec 4 T108N-R47W: 580 ft East and 2630 ft North. The works are capable of diverting and conveying to the place of use 1.78 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:

All land located in Section 4 T108N-R47W:

NW1/4 SW1/4 - 33.5 NE1/4 SW1/4 - 33.5 ac SW1/4 SW1/4 - 33.5 SE1/4 SW1/4 - 33.5 ac
NW1/4 SE1/4 - 33.5 NE1/4 SE1/4 - 33.5 ac SW1/4 SE1/4 - 33.5 SE1/4 SE1/4 - 33.5 ac

comprising a total of 268 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath

Natural Resources Engineer
DENR, Water Rights Program

11/4/98

Date

REPORT ON INSPECTION OF PERMIT NO. 4877-3, 5558-3 & 5558A-3

DATE OF INSPECTION: 8/11/98

Contact Person & Address: Larry Olson, 4505 Magnolia Ave, Sioux Falls SD 57103

DIVERSION POINT LEGAL LOCATION: from the SW corner of Sec 4 T108N-R47W: 580 ft East and 2630 ft North

WATER SUPPLY Source: groundwater, Big Sioux Aurora

Well Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>Pullman</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>appx 50</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|-----------------------------|-------------------------|
| 1) Diameter <u>?</u> inches | 2) Length <u>?</u> feet |
| 3) Type <u>?</u> | |

Screen:

- | | |
|-------------------------------------|-------------------------|
| 1) Type <u>?</u> | 2) Length <u>?</u> feet |
| 3) Static water level <u>?</u> feet | |

Pump:

- | | |
|------------------------------------|-------------------------|
| 1) Make <u>Western Land Roller</u> | 2) Model <u>8MOL-16</u> |
| 3) Capacity <u>800</u> GPM | |

Motor:

- | | |
|-----------------------------------|----------------------------------|
| 1) Make <u>GE</u> | 2) Model No. <u>5X6252XM502B</u> |
| 3) Horsepower rating <u>30</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>4000</u> feet |
|--------------------|-------------------------|----------------------------|

SYSTEM TYPE:

Center pivot:

- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>800</u> GPM |

Center pivot:

- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>800</u> GPM |

CHEMIGATION EQUIPMENT:

- | | |
|----|--------------------------|
| 1) | Does chemigate <u>no</u> |
|----|--------------------------|

PERMIT QUALIFICATIONS AND REGULATIONS:

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



NOT TO SCALE

Brookings County

T1825

Paul O. Rath
NATURAL RESOURCES ENGINEER
8/24/98

580'
~~2173~~ 215.0
existing well

center of 4-108N-47W



T1739

K-1
T1783

T1782
5558A-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5558A-3

(1) Larry Olson, 4505 Magnolia Ave, Sioux Falls SD 57103 made Application No. 5558A-3, September 16, 1996 to extend the length of time allowed for construction of project works authorized by Permit No. 5558-3 and changed the location of the diversion point to an existing well authorized by Water Permit No. 4877-3 located in Moody County, South Dakota for irrigation purposes. Permit No. 5558A-3, with a priority date of May 31, 1991 was approved November 15, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 15, 1997 and for the application to beneficial use of said water on or before October 1, 2000.

Water Permit No. 4877-3 with a priority date of February 26, 1982, authorizes diversion of 2.0 cubic feet of water per second (cfs) from one well to irrigate the SW $\frac{1}{4}$ Section 4-T108N-R47W.

Water Permit No. 5558-3 with a priority date of May 31, 1991, authorizes diversion of 1.8 cfs from one well to irrigate the SE $\frac{1}{4}$ Section 4-T108N-R47W.

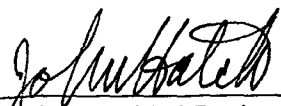
The applicable portions of Water Permit Nos. 4877-3 and 5558-3 have been incorporated into this Water License No. 5558A-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 580 feet east and 2,630 feet north from the southwest corner of Section 4-T108N-R47W (NW $\frac{1}{4}$ SW $\frac{1}{4}$).

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

Section 4-T108N-R47W			
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33.5 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.5 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.5 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33.5 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.5 acres
Total 268 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry Olson, 4505 Magnolia, Sioux Falls SD 57103 the holder and/or owner of Incorporated Water Right No. 5558A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with priority dates of February 26, 1982 (SW $\frac{1}{4}$ Section 4) and May 31, 1991 (SE $\frac{1}{4}$ Section 4) 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 Right No. 5558A-3 and subject to South Dakota State Law.


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

FEB 22 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1998

Permit No. 5558A-3

Larry Olson
4505 Magnolia
Sioux Falls, SD 57104

Dear Mr. Olson:

The investigation of your water use system was conducted on August 11, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 4877-3, 5558-3 and 5558A-3. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 4877-3 and 5558-3 will be incorporated into 5558A-3.

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

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

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415918

Pierre, November 18, 1998

RECEIVED OF Larry Olson, 4505 S. Magnolia Ave., Sioux Falls, SD 57103

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. 5558A-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 22 1999

5558A-3

Larry Olson
4505 Magnolia
Sioux Falls, SD 57103

Dear Mr. Olson:

Enclosed is Water License No. 5558A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415918 in the amount of \$50.00 which you paid for the investigation 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. 5558A-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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit Nos. 4877-3 and 5558-3 have been incorporated into this Water License No. 5558A-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2000

5558A-3

Larry Olson
2315 E Saint George Dr
Sioux Falls, SD 57103-4660

Dear Mr. Olson:

Enclosed is a "Notice" dated October 20, 2000 concerning the 2000 irrigation questionnaire. The notice was originally mailed to 4505 Magnolia Ave S, Sioux Falls, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 22, 2006

5558A-3

Larry Olson
2315 E Saint George Dr
Sioux Falls SD 57103-4660

Dear Mr. Olson:

I am contacting you in regard to your Water Right No. 5558A-3. The water right authorizes irrigation of 268 acres in the S ½ Section 4, T108N, R47W.

On last year's irrigation questionnaire you reported that you have a new renter on the property. Your notation indicated that Stein Brothers from Elkton South Dakota were the new renters. I have been unable to reach them. Do you have a mailing address for them?

The 2006 irrigation questionnaires will be mailed out soon and I wanted to make sure I had correct mailing information. Please give me a call or make a notation on this letter and return it in the envelope provided.

Thank you in advance for your help.

Sincerely,

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

encl

DAVID STEIN
210 CORNELL AVE.
BOX 292
ELKTON, S. DAKOTA
57026

RECEIVED
SEP - 8 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 2006

5558A-3

Dan Stein
PO Box 292
Elkton SD 57026

Dear Mr. Stein:

I am writing in regard to Water Right No. 5558A-3, held by Larry Olson. Mr. Olson has indicated to us that he rents the land described in the water right to you. Enclosed is a copy of the water right for your review.

Each year in October, we mail out irrigation questionnaires to irrigators in South Dakota for them to report how much they irrigated. Mr. Olson requested that we mail the annual irrigation questionnaire directly to you because you would have the records concerning any irrigation that was done.

The information provided by irrigators is very important to us and is one of the tools we use to help manage the water resources of the state. The data supplies us information on how much water is used from a particular water source and develops a history of water use in South Dakota.

The form will be sent to you for completion sometime in mid-October and will be due by December 1st. 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

enclosure



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: DAN STEIN, RENTER, 21753 480TH AVE, ELKTON, SD 57026

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) 5558A-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) 5558A-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) 5558A-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/efrms/secure/efrms/E0455V7-IQ.pdf>

c: LARRY OLSON, 2315 E ST GEORGE DR, SIOUX FALLS SD 57103-4660

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.

6553A-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7460
Status: **Delivered**

Your item was delivered at 11:02 AM on January 24, 2009 in ELKTON, SD 57026. The item was signed for by D STEIN.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7460

DAN STEIN, RENTER
21753 480TH AVE
ELKTON SD 57026

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

6558A-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7477
Status: **Delivered**

Your item was delivered at 9:24 AM on January 24, 2009 in SIOUX FALLS, SD 57104. The item was signed for by L OLSON.

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FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7477	
LARRY OLSON 2315 E ST GEORGE DR SIOUX FALLS SD 57103-4660	
Waiver of Signature ☐ YES ☐ NO	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811
Postmark Here	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2009

5558A-3

Dan Stein
21753 480th Ave
Elkton SD 57026

Dear Mr. Stein:

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. 5558A-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". 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

c: Larry Olson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 17, 2011

5558A-3

Daniel Stein
21730 479th Ave
Elkton SD 57026-7205

Dear Mr. Stein:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to 21753 480th Ave, Elkton, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



5558A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: DAN STEIN, RENTER, 21730 479th AVE, ELKTON, SD 57026 7205
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) 5558A-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) 5558A-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) 5558A-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>

c: LARRY OLSON, 2315 E ST GEORGE DR, SIOUX FALLS SD 57103-4660

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

January 24, 2017

5558A-3

Dan Stein
21730 479th Ave
Elkton SD 57026 7205

Dear Mr. Stein:

I am writing to acknowledge receipt of the 2016 irrigation questionnaire for Water Right No. 5558A-3, listed in the name of Larry Olson.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 5558A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

C: Larry Olson, 2315 E St George Dr, Sioux Falls SD 57103-4660



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2024

5558A-3

Larry Olson
2315 E St George Dr
Sioux Falls SD 57103

Dear Mr. Olson:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of your renters, Dan Stein, that he no longer operates the property covered under Water Right No. 5558A-3 that he'd previously operated and reported on.

Water Right No. 5558A-3 authorizes the irrigation of 268 acres in the S ½ Section 4, T109N, R47W, Moody County.

If you would please check your information and inform our office of any new renter or operator for this property, we would appreciate it. Until we have new information, we will update our records to have next year's Irrigation Questionnaire for this permit sent to you.

Should you decide you wish to discontinue the irrigation on this piece of land, we ask that you let us know.

Please let us know if you have any questions or concerns.

Sincerely,

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

NOTE: Mr. Stein did not report 2024 water use for this Water Right. Please complete the enclosed questionnaire and return it in the pre-paid envelope before December 2, 2024.

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2024

5558A-3

Cash Van Dyke
48549 219th St
Elkton SD 57026

Dear Mr. Van Dyke:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigators that the property they had previously reported under Water Right No. 5558A-3 (copy enclosed), on had been sold to you. For your convenience I have also enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures

5558A-3

PAID

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

DEC 02 2024

Ck# 3013

Rec't#

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

Water Right/Permit No. 5558A-3

Date: 11-15-24

I/We request that Water Right/Permit No. 5558A-3 formerly owned by:
Larry Olson - Sioux Falls SD

be transferred to:

New Owner Name:

Kash + Trish Van Dyke

Address:

48549 219 Street

mobile:

605 695 9373

City, State, Zip

Elkton, SD 57026

email:

Kashm07@hotmail.com

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

268 acres - S 1/2 Section 4, T108N, R47W



I understand that the validity of Water Right/Permit No. 5558A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Kash Van Dyke, the new owner, certify that the above information is true and correct.

Kash Van Dyke

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIVED

DEC 02 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 4th, 2024

RECEIVED OF Kash & Trish Van Dyke 48549 219th St Elkton SD 57026

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 #5558A-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By

Eric Thvalend
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 5, 2024

5558A-3

Kash & Trish Van Dyke
48549 219th St
Elkton SD 57026

Dear Mr. & Ms. Van Dyke:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 5558A-3, previously owned by Larry Olson is now listed under yourselves. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Right No. 5558A-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure



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

January 14, 2025

NOTICE

TO: KASH & TRISH VAN DYKE, 48549 219TH ST, ELKTON, SD 57026

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5558A-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5558A-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5558A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2025

4332-3
5558A-3

Kash Van Dyke
22071 486th Ave
Elkton SD 57026

Dear Mr. Van Dyke:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4332-3 & 5558A-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: KASH & TRISH VAN DYKE, 48549 219TH ST, ELKTON, SD 57026
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4332-3 & 5558A-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4332-3 & 5558A-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4332-3 & 5558A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2026

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

TO: Kash & Trish Van Dyke, 48549 219th St, Elkton SD 57026

FROM: Adam Mathiowetz, PE, Acting Chief Engineer
DANR - Water Rights Program

SUBJECT: One Year Suspension of Water Right Nos. 4332-3 & 5558A-3

On March 4, 2026, the South Dakota Water Management Board ordered:

- Effective April 3, 2026, Water Right Nos. 4332-3 & 5558A-3 suspended for the 2026 irrigation season.

This action was taken by the Board for failure to return the 2025 irrigation questionnaires. If the 2025 irrigation questionnaires are received prior to April 3, 2026, the suspensions will not take effect.

A one-year suspension of Water Right Nos. 4332-3 & 5558A-3 means water may not be pumped during the 2026 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2026 unless the 2025 irrigation questionnaires are submitted prior to April 3, 2026.

After April 3, 2026, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2025 irrigation questionnaires and a letter including your reason for not completing the 2025 irrigation questionnaires within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 6, 2026, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352 with any questions.

NOTE: Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

7021 1970 0000 9489 8278

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☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postmark
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Total

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Sent to

Street

City, State

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF ONE- AND THREE-YEAR SUSPENSION OF WATER RIGHT dated March 6, 2026, via certified mail to the following parties.

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Vernon & Marlys Walkling
29832 267th Ave
Crookston, NE 69212

Vasgaard Properties
28746 462nd Ave
Centerville, SD 57014

Doug & Darla Van Gerpen
40930 305th St
Avon, SD 57315

John & Bryan Uecker
PO Box 573
Wagner, SD 57380

Twisted Land & Cattle Co.
C/O Brad Peterson
19030 391st Ave
Hitchcock, SD 57348

Tilton Ranch Inc.
C/O Janet Burback
2199 Skinner Rd
Belgrade, MT 59714

Dale Sprague
16221 Twilight Rd
Mud Butte, SD 57758

Greg & Evette Rihanek
814 E State St
Plankinton, SD 57368

Wayne Reiersen
30048 Reiersen Pl
Pollock, SD 57648

Charlotte or Phillip Nichols
7497 Rolling Meadow Dr
West Chester, OH 45069

Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

David & Jerry Wieber
PO Box 238
Lidgerwood, ND 58053

Vintage Square Estates
PO Box 594
Ft Pierre, SD 57532

Valley View Farms Inc.
17716 458th Ave
Watertown, SD 57201

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Oscar Inc.
C/O Floyd Peterson
209 27th St NW
Huron, SD 57350

Dan & David Trudeau
33927 478th Ave
Jefferson, SD 57038

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Swan Creek Land Co. Inc
PO Box 435
Akaska, SD 57420

Six Mile Creek Golf Course
20307 483rd Ave
White, SD 57276

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont, SD 57769

GW Evridge
20151 Saddle Ct
Whitewood, SD 57793

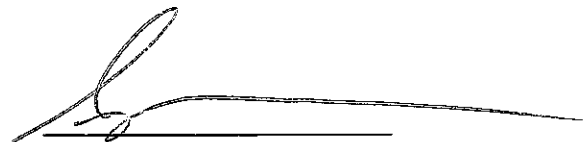
Mark & Melvin Morlock
33820 112th St
Eureka, SD 57437

Laverne Neuharth
33567 109th St
Eureka, SD 57437

Central Valley Golf Club
700 E Hwy 38
Hartford, SD 57033

Dale & Mary Helen Bisson
PO Box 844
Ft Pierre, SD 57532

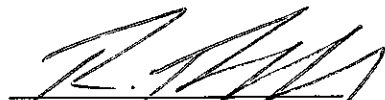
Ryan Edwards
25331 Yellow Eagle Rd
White River, SD 57579



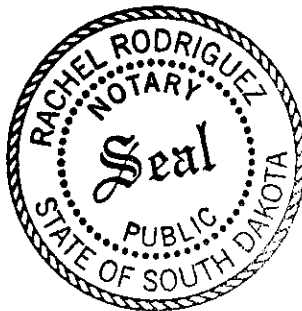
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6 day of March, 2026.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026



9590 9402 6392 0303 3260 96

2. Article Number (Transfer from service label)

7021 1970 0000 9489 8278

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**☐ Agent☐ Addressee**B. Received by (Printed Name)**

Trish Van Dyke

C. Date of Delivery

3-11-26

D. Is delivery address different from item 1?☐ Yes

If YES, enter delivery address below:

☐ No**3. Service Type**

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☒ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



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United States
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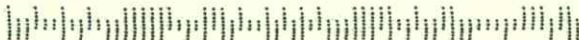
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MAR 19 2026

OFFICE OF
WATER

• Sender: Please print your name, address, and ZIP+4® in this box•

DANR WATER RIGHTS PROGRAM
523 E CAPITOL AVE
PIERRE SD 57501





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2026

4332-3, 5558A-3

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Dear Van Dyke's:

This letter acknowledges receipt of your 2025 irrigation questionnaire that you submitted on March 17, 2026, for Water Right Nos. 4332-3 & 5558A-3.

The Water Management Board moved to suspend the water rights listed above for one year if the required questionnaires were not submitted by April 4, 2026. Since we have now received your information, the prior "Notice of Entry of Order for One Year Suspension" no longer applies and may be disregarded.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us