

Considered: _____

WATER PERMIT NO. 5610-3

Phone: 712-722-1335

Name of Applicant: Kirk and Kelly Hulstein

Post Office Address: Box 159, Sioux Center IA 51250

Amount of Water Claimed: 1.34 (no add'l) Total Acres: 260 (100 add'l)

Source of Water Supply: Pattee Creek

Water to be used for: irrigation County: Lincoln

About 1 miles west of Hudson

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-17-92 Fee: \$225 Remarks Add'l acreage

not covered by Permit No. 4539-3. Also corrects the location of the diversion point

Corrected Application Received _____ Period of Annual Use July 1 - Sept 30

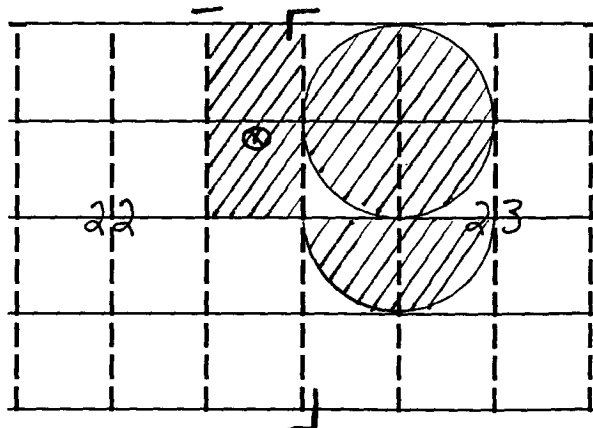
WATER QUALITY APPROVAL RECEIVED 1-27-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 NE 1/4 Sec 22-T96N-R48W

Land to be Irrigated: E 1/2 NE 1/4 Sec 22;

NW 1/4, N 1/2 SW 1/4 Sec 23; T96N-R48W



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Greg Johnston Reviewed and the Number

Assigned on 1-27-92 By Karen Schlaak

(See instructions)

No. 5610-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper The Hudsonite, Box 467, Hudson

57043 (Thurs)



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

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

- Name of Applicant Kirk and Kelly Hulstein Phone No. 712/722-1335
Post Office Address Box 159 Sioux Center, IA 51250 State _____ Zip Code _____
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s) 1.34 (no addl.) Total acres irrigated 98 100 add'l (260 total)
- Source of Water supply Pattee Creek
- Location of point of diversion 650'W and 1500'S of NW corner Section 23-96N-R48W
(SE 1/4 NE 1/4 Sec 22-T96N-R48W)
County Lincoln
- Counties where water will be used Lincoln
- Annual period during which water is to be used July-September 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW1/4 NW1/4 23-96-48	32 32
SW 1/4 NW1/4 23-96-48	32 32
NE1/4 NE1/4 22-96-48	34 34
SE1/4 NE1/4 22-96-48	34 34

Land Description	No. Acres Irr.
NW1/4 SW1/4 23-96-48	32 32
NE1/4 SW1/4 23-96-48	32 32
NE1/4 NW1/4 23-96-48	32
SE1/4 NW1/4 23-96-48	32

Attach sheet if more space is needed

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

Adding additional lands not covered under No. 4539-3. One 1320' 7 tower Lockwood Center Pivot used on two pivot sites and one Agri-Rain Big Gun (each one 600 GPM).

Need to correct location of the point of diversion.

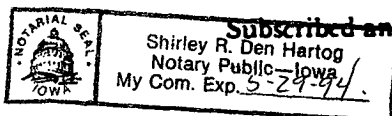
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

IOWA

STATE OF SOUTH DAKOTA)
County of SIoux) ss

I, Kelly Hulstein, 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 Kelly Hulstein
Subscribed and sworn to before me this 14th day of January 19 92
Shirley R. Den Hartog
Notary Public



**SOUTH DAKOTA
WATER PERMIT No. 5610-3 FOR IRRIGATION**

Date of first receipt of application January 17, 1992.

Date Soil/Water Compatibility Permit received January 27, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5610-3 to Kirk and Kelly Hulstein, Box 159, Sioux Center IA 51250 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. 5610-3 authorizes irrigation of 100 additional acres and to correct the location of the point of diversion. Water Permit No. 4539-3 appropriates 1.34 cubic feet of water per second from Pattee Creek located in the SW 1/4 NE 1/4 Section 22 to irrigate 160 acres located in the E 1/2 NE 1/4 Section 22; W 1/2 W 1/2 NW 1/4 and SW 1/4 Section 23; all in T96N-R48W. The correct location of the point of diversion is the SE 1/4 NE 1/4 Section 22-T96N-R48W. The 100 additional acres are located in the E 1/2 NE 1/4 Section 22, NW 1/4, SW 1/4 Section 23; all in T96N-R48W. This permit does not authorize any increase in the developed diversion rate.
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: July 1 - September 30.
3. The date from which applicant may claim right is January 17, 1992.
4. The date of approval of Permit No. 5610-3 is April 29, 1992.
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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

AUG 6 1992

date

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

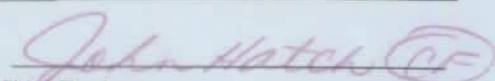
413013

Pierre, January 17, 19 92

RECEIVED OF Kirk, Kelly or Kraig Hulstein, RR, Sioux Center, IA 51250

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

Fee for Application for Permit No. <u>5610-3</u> to Appropriate Water, to construct works and to put water to beneficial use	225	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	225 00

By John Hatch 
Chief Engineer

West Hudson

TRACT NO. _____

OPERATOR _____

71 ELMER VANDERBURE

323-463

6

OP HUDSON S DAK

IN 90

PHOTO NO. _____

2-52

OWNER _____

47 042 671

Farmland _____

Cropland _____

71

LOU MILLER

6

2416 SOUTH FOURTH

ON

SIOUX FALLS S DAK

No. 4539-3 Sec 22

513° Sec 23

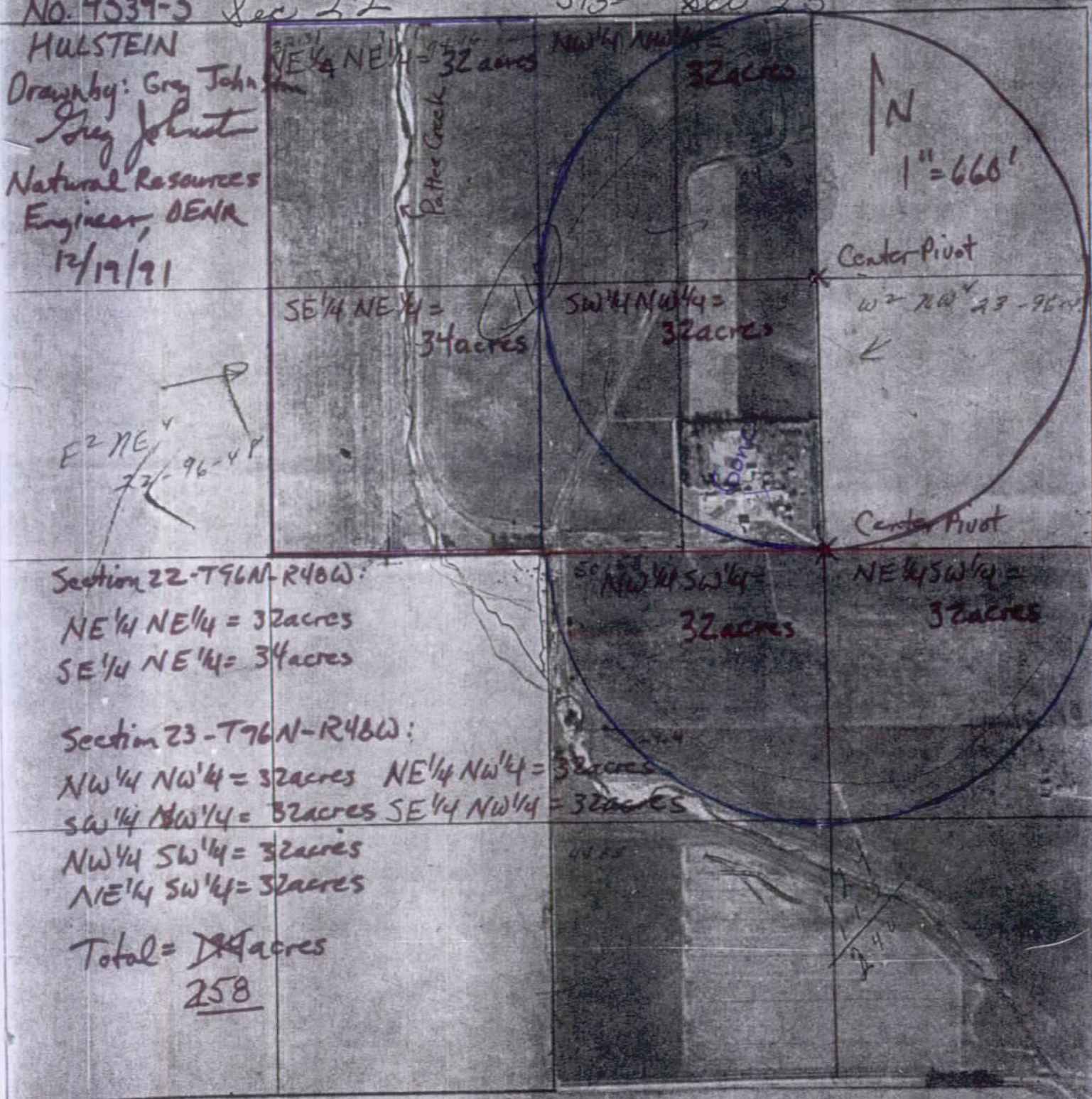
HULSTEIN

Drawn by: Greg John

Greg John

Natural Resources
Engineer, DENR

12/19/91



Section 22-T96N-R46W:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ = 32 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ = 34 acres

Section 23-T96N-R46W:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ = 32 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ = 32 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ = 32 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ = 32 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ = 32 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ = 32 acres

Total = ~~194~~ acres

258

Legal Description _____

Sw 23-96-48



Office Use Only

4669

WR#

OWNERS NAME: HULSTEIN, KIRK & KELLY

OWNERS ADDRESS: BOX 159

SIOUX CENTER, IA 51250

COUNTY LAND LOCATED IN: LINCOLN

PHONE: 712-722-1335

LEGAL DESCRIPTION:

☐ Well

Pattee Creek
☒ Surface

1. LOCATION SE $\frac{1}{4}$ NE $\frac{1}{4}$ 22-T96N-R48W

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T96N-R48W	32	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T96N-R48W	32
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T96N-R48W	32	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T96N-R48W	32
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 22-T96N-R48W	34	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T96N-R48W	32
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 22-T96N-R48W	34	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T96N-R48W	32

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

3. CROPS TO BE IRRIGATED: CORN, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: PATTEE CREEK

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

A buffer strip of permanent vegetation shall be maintained along Pattee Creek. This area shall not be irrigated.

The areas of Lamo silty clay loam (La) Alcester and Lamo silt clay loam (Ah) may be subject to wetness and seasonal water tables. Should the water tables become perched on the long term, artificial drainage may be necessary; tile drainage. Artificial drainage shall be installed, as deemed necessary.

Please be advised, we do not consider the Wetlands drainage issues or regulations in developing our recommendations. Before undertaking any drainage project, consult your local Soil Conservation Service (SCS) and Agricultural Stabilization and Conservation Service Offices (ASCS).

Russell J. Stone

Director, Division of Conservation

JANUARY 24, 1992

Date

XXX APPROVED

 DISAPPROVED

 WAIVER

XXX REQUIREMENTS

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 26, 1991

Kirk Hulstein
Box 159
Sioux Center, IA 51250

Dear Mr. Hulstein:

I inspected irrigated land farmed by your family in Lincoln County, South Dakota last September. I am writing in regards to approximately 34 additional acres not presently covered on Water Permit No. 4539-3. Enclosed is a copy of the license map drawn up following my visit with you, and a copy of Permit No. 4539-3. Please check the map for accuracy and let me know if there are any discrepancies on the acreages being irrigated. According to Permit No. 4539-3, 20 acres in the E1/2 of the W1/2 of the NW1/4 of Section 23, 6 acres in the E1/2 of the NE 1/4 of Section 22, and 8 acres in the SW1/4 of Section 23 all in T96N-R48W, Lincoln County, South Dakota are not covered for irrigation. You must apply for these additional acres.

I am assuming you will not be applying for any more water than you are presently permitted for, which is 600 GPM (1.34 cfs). If you intend to apply for more water, let me know as soon as possible. Enclosed are a partially completed application form and instructions for your amended permit. Please complete the application and send the \$150.00 fee necessary. Once this is completed, we will process the application as quickly as possible and, upon completion, license the amended application.

Your attention on the matter is greatly appreciated, and if you have further questions, please feel free to contact me.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl



January 6, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Kirk and Kelly Hulstein
Box 159
Sioux Center, IA 51250

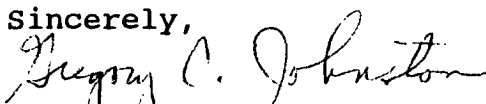
Dear Mr. Hulstein:

This letter is in response to our conversation of January 3, 1992. Kelly indicated to me that you were going to irrigate 64 additional acres in the NE1/4 and SE1/4 of the NW1/4 of Section 23-T96N-R48W. Also, there are 34 additional acres not covered under Water Permit No. 4539-3. They are located in the NE1/4 of Section 22 and the NW1/4 and SW1/4 of Section 23 in T96N-R48W. Kelly also indicated that you were not going to use any more water than the 1.34 cfs (600 GPM) appropriated under Water Permit No. 4539-3.

Ignore the earlier letter, application and map I sent you. Enclosed are a new map with the additional acreages and a partially completed permit application with an instruction sheet. Please submit the completed application and enclose the \$225 filing fee.

Thank you for your time and attention to this matter. Please call me if you have any questions.

Sincerely,


Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl

**Report on Application No. 5610-3
Kirk and Kelly Hulstein
March 9, 1992**

This application proposes to irrigate an additional 100 acres and correct the location of the point of diversion for Water Permit 4539-3. Water Permit No. 4539-3 appropriates 1.34 cubic feet of water per second from Pattee Creek located in the SW1/4 NE1/4 Section 22 to irrigate 160 acres located in the E1/2 NE1/4 Section 22; W1/2 W1/2 NW1/4 and SW1/4 Section 23; all in T96N-R48W. The 100 additional acres are located in the E1/2 NE1/4 Section 22; NW1/4, SW1/4 Section 23-T96N-R48W. The correct location of the point of diversion is SE1/4 NE1/4 Section 22-96N-R48W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pattee Creek

Pattee Creek is a tributary of the Big Sioux River and it begins flow in Section 21-T97N-R49W in Lincoln County, South Dakota. The creek then flows in an easterly direction and drains into Lake Lakota near Newton Hills State Park. Below the lake, the creek flows in a southeasterly direction until it drains into the Big Sioux River approximately 2.5 miles south of Hudson, SD.

Existing Water Rights

The only other permit on Pattee Creek is for the Pattee Creek Detention Dam P-1 (Water Permit No. 1190-3) which impounds Lake Lakota in Section 19-T97N-R48W. This permit is held by the Pattee Creek Watershed and holds a 3/31/65 priority date for 278 acre-feet of storage (Water Rights Division, 1992). Water Permit No. 4539-3 is downstream of the dam and will not interfere with this prior water right. Water Permit No. 4539-3 is required to by-pass water during low flows as needed for downstream domestic use, including livestock watering.

Conclusions

1. Water is available from Pattee Creek.
2. Existing water rights will not be impaired.

3. It is a beneficial use of water.


Gregory C. Johnston
Natural Resources Engineer

Approved by:


for Del Brosz
Natural Resources Engineer, IV

BIBLIOGRAPHY

Water Rights Division, 1992. Lincoln County Permit List, DENR
Division of Water Rights, Joe Foss Building, Pierre, SD
57501.

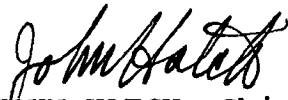
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5610-3, Kirk and Kelly Hulstein

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5610-3, Kirk and Kelly Hulstein, Box 159, Sioux Center, IA 51250.

The Chief Engineer is recommending APPROVAL of Application No. 5610-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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
March 20, 1992



**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.

March 26, 1992

Kirk and Kelly Hulstein
Box 159
Sioux Center, IA 51250

Dear Sirs:

Water Permit Application No. 5610-3 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 Hudsonite printed at Hudson, SD (Ph # 934-2640). 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

March 26, 1992

The Hudsonite
Box 467
Hudson, SD 57043

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5610-3 to be published twice. Please publish the first notice on April 2, 1992, 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 Kirk and Kelly Hulstein, Box 159, Sioux Center, IA 51250 (Ph # (712)722-1335).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5610-3 to Appropriate Water
and Amend Water Permit No. 4539-3

Notice is given that Kirk and Kelly Hulstein, Box 159, Sioux Center IA 51250 have filed an application for a water permit to irrigate 100 additional acres and to correct the location of the point of diversion. Water Permit No. 4539-3 appropriates 1.34 cubic feet of water per second from Pattee Creek located in the SW 1/4 NE 1/4 Section 22 to irrigate 160 acres located in the E 1/2 NE 1/4 Section 22; W 1/2 W 1/2 NW 1/4 and SW 1/4 Section 23; all in T96N-R48W. This application is to irrigate 100 additional acres located in the E 1/2 NE 1/4 Section 22, NW 1/4, SW 1/4 Section 23; all in T96N-R48W. The correct location of the point of diversion is the SE 1/4 NE 1/4 Section 22-T96N-R48W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5610-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 1992. 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.

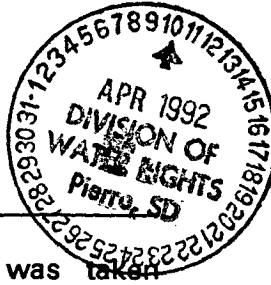
For purposes of publishing 1) the notice of hearing on Application No. 5610-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 April 29, 1992, 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 20, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lincoln) ss.



I, Donald Brose
 certify that the attached printed Notice was taken
 from the Hudsonite

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Hudsonite

_____ of Hudson

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

April 2, 1992
April 9, 1992

Donald K. Brose
 (Signature)

owner
 (Title)

4-9-92
 (Date Signed)

Cost of Printing: 143 lines @ 21.5 = 3075
second run 80% = 2460
total 55.35

Public Notice

NOTICE OF HEARING ON
 APPLICATION NO. 5610-3 TO
 APPROPRIATE WATER AND
 AMEND WATER PERMIT NO.
 4539-3

Notice is given that Kirk and Kelly Hulstein, Box 159, Sioux Center, IA 51250 have filed an application for a water permit to irrigate 100 additional acres and to correct the location of the point of diversion. Water Permit No. 4539-3 appropriates 1.34 cubic feet of water per second from Pattee Creek located in the SW 1/4 NE 1/4 Section 22 to irrigate 160 acres located in the E 1/2 NE 1/4 Section 22; W 1/2 W 1/2 NW 1/4 and SW 1/4 Section 23; all in T96N-R48W. This application is to irrigate 100 additional acres located in the E 1/2 NE 1/4 Section 22, NW 1/4, SW 1/4 Section 23; all in T96N-R48W. The correct location of the point of diversion is the SE 1/4 NE 1/4 Section 22-T96N-R48W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5610-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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

applicant must be filed by April 20, 1992. 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) notice of hearing on Application No. 5610-3 and 2) the Chief Engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992 at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the April 29, 1992 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 April 29, 1992, 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 20, 1992.

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

es

handicapped.

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

Published: April 2 & 9, 1992



AUG 6 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Kirk and Kelly Hulstein
Box 159
Sioux Center, IA 51250

Dear Sirs:

Enclosed is Water Permit No. 5610-3 authorizing your water diversion system and beneficial use of the water, 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

413424

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 14, 19 92

RECEIVED OF Kelly Hulstein, RR Box 159, Sioux Center, IA 51250

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5610-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch/gm
Chief Engineer

Permit No. 5610-3/ 4539-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Kirk and Kelly Hulstein of Box 159 Sioux Center, IA 51250 holder of Permit No. 5610-3/4539-3, bearing the priority of January 17, 1992/August 16, 1980 authorizing the diversion of no addl./1.34 cu. ft. per second of the waters of Pattee Creek for irrigation purposes, in Lincoln County.

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

A. Works used to divert the water:

From Pattee Creek - Berekely Pump, Model No. B4EYMBMCW, 8", 4 stage, 650 GPM @ 30-40 PSI;
Deutz Diesel V-8 Motor, Model No. F8L413, 180 HP

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

3015' of 8" PVC

C. Works used to apply water to beneficial use:

Ag Rain Big Gun, 2" nozzle size, 600 GPM, 660' of 6" hose; Lockwood 7 Tower center Pivot - 1320' long with end gun and Rain Bird Sprinklers, 600 GPM

The system is in the following condition fair. The point of diversion is located 1500' S and 650'W of the NW corner of Section 23-T96N-R48W. The works are capable of diverting and conveying to the place of use 1.34 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:

Section 23-T96N-R48W: Section 23-T96N-R48W:

NW1/4 NW1/4 = 32 acres NE1/4 NE1/4 = 34 acres

SW1/4 NW1/4 = 32 acres SE1/4 NE1/4 = 34 acres

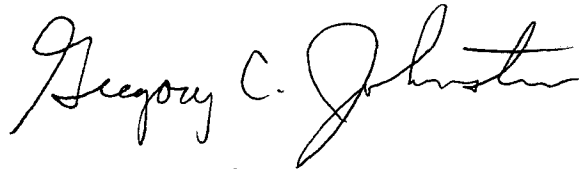
NE1/4 NW1/4 = 32 acres

SE1/4 NW1/4 = 32 acres

NW1/4 SW1/4 = 32 acres

NE1/4 SW1/4 = 32 acres

comprising a total of 160/100 (260 total) acres of land and the license should be issued for 1.34/ no addl. cfs. Applicable permit qualifications have been complied with ☒ Yes
Exceptions to compliance are: None Date 9/24/91



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5610-3

DATE 9/24/91

Other permit(s) associated with the project incorporate No. 4539-3

DIVERSION POINT LEGAL LOCATION: 650'W and 1500'S of the NW corner of Section 23-T96N-R48W

WELL INFORMATION: Well Drilling Firm N/A

a) Pump

1) make Berkeley

2) model B4EYBMCW

3) size 8 inches

4) capacity 650 GPM

5) turbine pump - No. of stages 4

6) operating pressure 30-40 PSI

b) Motor:

1) make Deutz V-8 Diesel

2) model No. F8L413

3) horsepower rating 180 hp

DISTRIBUTION LINES OR CANALS:

a) type PVC b) size 8 inches

c) length 3015 feet

System Type:

a) Center pivot:

1) make Lockwood

2) overall length 1320 feet

3) number of towers 7

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure Low

7) capacity 600 GPM

b) Gun:

1) make Ag Rain

2) nozzle size 2 inches

3) capacity 600 GPM

4) hose size 6 inches

5) hose length 660 feet

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

This license incorporates Water Permit Nos. 5610-3 (no addl. water and 100 addl. acres with a priority date of January 17, 1992) with 4539-3 (1.34 cfs for 160 acres; August 16, 1980 priority date). The systems described are used on the lands covered under both permits. The statutory diversion limit of 1 cfs for 70 acres is not be exceeded on these lands.

No. 4539-3/5616-3

HULSTEIN

Drawn by: Greg Johnston

Natural Resources Eng.

DENR - Water Rights

1/6/92

Section 22-96-48

NE 1/4 NE 1/4 = 34 acres

SE 1/4 NE 1/4 = 34 acres

Section 23-96-48

NW 1/4 NW 1/4 = 32 acres

SW 1/4 NW 1/4 = 32 acres

NE 1/4 NW 1/4 = 32 acres

SE 1/4 NW 1/4 = 32 acres

NW 1/4 SW 1/4 = 32 acres

NE 1/4 SW 1/4 = 32 acres

Total = 260 acres

Section 22-96-48

Section 23-96-48

NE 1/4 NE 1/4 = 34 acres

NW 1/4 NW 1/4 = 32 acres

NE 1/4 NW 1/4 = 32 acres

109.0
T 619
MT 343

32 acres
T 2857
MT 3436

73.5
T 594
MT 595

SE 1/4 NE 1/4 = 34 acres

SW 1/4 NW 1/4 = 32 acres

SE 1/4 NW 1/4 = 32 acres

670'

650'

NW 1/4

NE 1/4

NW 1/4

NW 1/4

NW 1/4 SW 1/4 = 32 acres

NE 1/4 SW 1/4 = 32 acres

49.0

2 NW 1/4

T 593
MT 595

NE-96-48

1 NW 1/4

56109634

1" = 765'

N

143.4

149.9

NW 1/4

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5610-3

(1) Kirk and Kelly Hulstein of RR Box 159, Sioux Center, IA 51250, made Application No. 5610-3, January 17, 1992 for a water permit to appropriate no additional cubic feet of water per second (cfs) from Pattee Creek, Lincoln County, South Dakota for irrigation purposes. Permit No. 5610-3, with a priority date of January 17, 1992 was approved April 29, 1992 and issued to the applicants 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. 4539-3 authorized diversion of 1.34 cfs from Pattee Creek to irrigate 160 acres. Water Permit No. 5610-3 corrected the location of the diversion point developed on Pattee Creek and authorized irrigation of an additional 100 acres with no increase in the developed diversion rate.

The applicable portions of Water Permit No. 4539-3 have been incorporated into this Water License. A priority date of January 17, 1992, as established under No. 5610-3, is retained for irrigation of the additional 100 acres. A priority date of August 18, 1980 (as established under No. 4539-3) is retained for irrigation of 160 acres.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is 1500 feet south and 650 feet west of the NW corner of Section 23, T96N, R48W (SE 1/4 NE 1/4 Section 22, T96N, R48W).

(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:

T96N, R48W	Section 22	NE 1/4 NE 1/4	34 acres
		SE 1/4 NE 1/4	34 acres
	Section 23	NW 1/4 NW 1/4	32 acres
		SW 1/4 NW 1/4	32 acres
		NE 1/4 NW 1/4	32 acres
		SE 1/4 NW 1/4	32 acres
		NW 1/4 SW 1/4	32 acres
		NE 1/4 SW 1/4	32 acres
	Total		260 acres

WATER LICENSE NO. 5610-3
KIRK & KELLY HULSTEIN
PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kirk and Kelly Hulstein of RR Box 159, Sioux Center, IA 51250 the holders and/or owners of Incorporated Water Permit No. 5610-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from Pattee Creek with priority dates of January 17, 1992 and August 18, 1980 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. 5610-3 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

5610-3

Kirk and Kelly Hulstein
RR, Box 159
Sioux Center, IA 51250

Dear Sirs:

Enclosed is Water License No. 5610-3 and Receipt No. 413424 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5610-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 4539-3 have been incorporated into this Water License.



January 22, 1999

57610-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: KIRK & KELLY HULSTEIN, 3577 GRANT AVE, SIOUX CENTER, IA 51250 7515

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5610-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 5610-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 5610-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, 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:

KIRK & KELLY HULSTEIN
3577 GRANT AVE
SIOUX CENTER IA 51250 7515

4a. Article Number

2119 141 572

4b. Service Type

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

7. Date of Delivery

1-25-99 JH

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1999

5610-3

Kirk & Kelly Hulstein
3577 Grant Ave
Sioux Center, IA 51250-7510

Dear Mr. & Mrs. Hulstein:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 5610-3.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(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: KIRK & KELLY HULSTEIN, 3577 GRANT AVE, SIOUX CENTER, IA 51250 7515

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

SUBJECT: Violation of Water Permit No(s). 5610-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5610-3. 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) 5610-3 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) 5610-3 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:

KIRK & KELLY HULSTEIN
3577 GRANT AVE
SIOUX CENTER IA 51250 7515

4a. Article Number

P 378 081 445

4b. Service Type

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

7. Date of Delivery

2-13-97

5. Received By: (Print Name)

Kirk Hulstein

6. Signature: (Addressee or Agent)

X *Kirk Hulstein*

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 19, 1997

5610-3

Kirk Hulstein
3577 Grant Ave
Sioux Center, IA 51250-7515

Dear Mr. Hulstein:

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. 5610-3.**

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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: KIRK & KELLY HULSTEIN, 3577 GRANT AVE, SIOUX CENTER, IA 51250 7515

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5610-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 5610-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 5610-3 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 24, 2006**, 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5050

Your item was delivered at 8:39 am on January 26, 2006 in SIOUX CENTER, IA 51250. The item was signed for by P SMIT.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5050

KIRK & KELLY HULSTEIN
3577 GRANT AVE
SIOUX CENTER IA 51250 7515

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**

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

January 27, 2006

5610-3

Kirk & Kelly Hulstein
3577 Grant Ave
Sioux Center IA 51250-7515

Dear Mr. & Mrs. Hulstein:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 5610-3.

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