

Considered: _____

WATER PERMIT NO. 5658-3

Phone: 232-4725

Name of Applicant: Don Emmick

Post Office Address: PO Box 176, North Sioux City SD 57049

Amount of Water Claimed: 5.9 Total Acres: 414

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Clay

About 7 miles N, 8W of Vermillion

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-21-92 Fee: \$350.00 Remarks Irrigation

system was constructed back in 1970's under Water Permit No. 3462-3

Corrected Application Received 4-27-92 Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

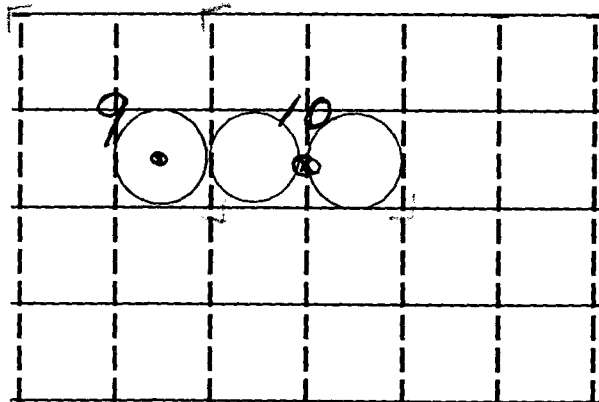
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: center SE 1/4 Sec 9 and

center S 1/2 Section 10; all in T93N-R53W

Land to be Irrigated: SE 1/4 Sec 9, SW 1/4 Sec 10

and SE 1/4 Sec 10; all in T93N-R53W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 125' REMARKS logs not available

Type of Map: aerial PREPARED BY: Larry Nelson, ASCS Reviewed and the Number

Assigned on 4-27-92 By Karen Schlaak

(See instructions)

No. 5658-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Vermillion Plain Talk, Box 256

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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant Don Emmick Phone No. 232-4725
- Post Office Address 1315 River Drive, PO Box 176, North Sioux City State SD 57049
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 5.9 cfs Total acres irrigated 414 acres
3. Source of Water supply Groundwater
4. Location of point of diversion 2 wells - 1) Center of SE1/4 Section 9, T93N, R53W; 2) Center of SE1/4 Section 10, T93N, R53W
5 1/2 County Clay
5. Counties where water will be used Clay
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE1/4 Section 9, T93N, R53W	140 140
SW1/4 Section 10, T93N, R53W	140 140
SE1/4 Section 10, T93N, R53W	134 134

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

Irrigation system which was constructed back in 1970's under Water Permit No. 3462-3

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

STATE OF SOUTH DAKOTA)
County of _____)

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

Signed Don Emmick
Subscribed and sworn to before me this 20 day of April 1992
Janice K. Hise
Notary Public

My Commission Expires 8-28-99

**SOUTH DAKOTA
WATER PERMIT No. 5658-3 FOR IRRIGATION**

Date of first receipt of application April 21, 1992.

Date Soil/Water Compatibility Permit received January 18, 1977 and July 25, 1979.

Date of return to applicant for corrections, amendments or changes April 22, 1992.

Date of receipt of corrected application April 27, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5658-3 to Don Emmick, PO Box 176, North Sioux City SD 57049 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. 5658-3 appropriates 5.9 cubic feet of water per second from two wells (Missouri Elk Point Aquifer) 125 feet deep located in the center of the SE 1/4 Section 9 and the center of the S 1/2 Section 10 to irrigate 414 acres located in the SE 1/4 Section 9, SW 1/4 and SE 1/4 Section 10; all in T93N-R53W.
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 April 21, 1992.
4. The date of approval of Permit No. 5658-3 is August 5, 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. The wells 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, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

NOV 20 1992
date

[illegible]

NOT TO SCALE



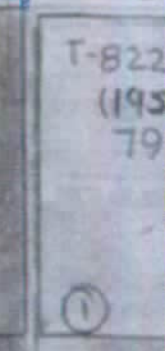
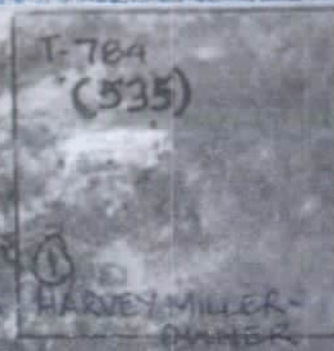
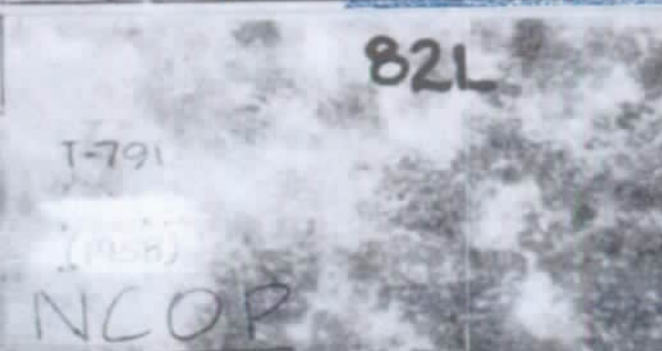
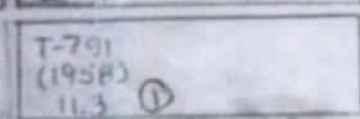
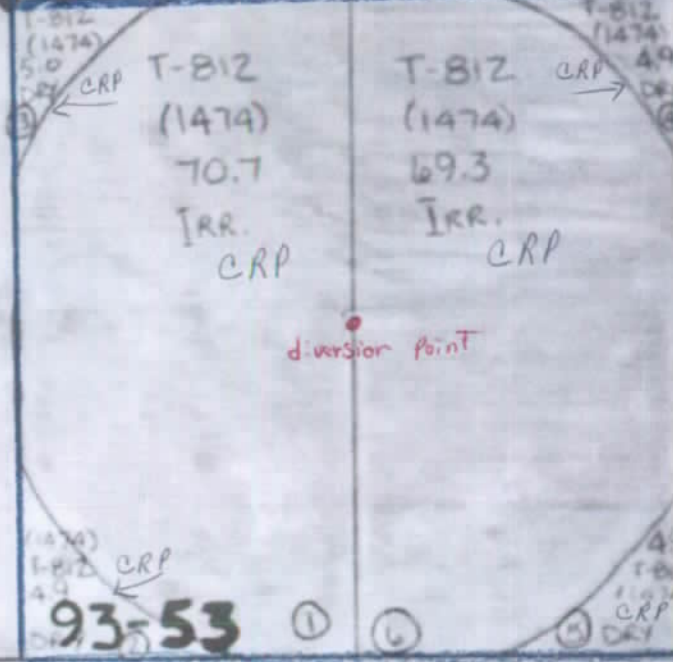
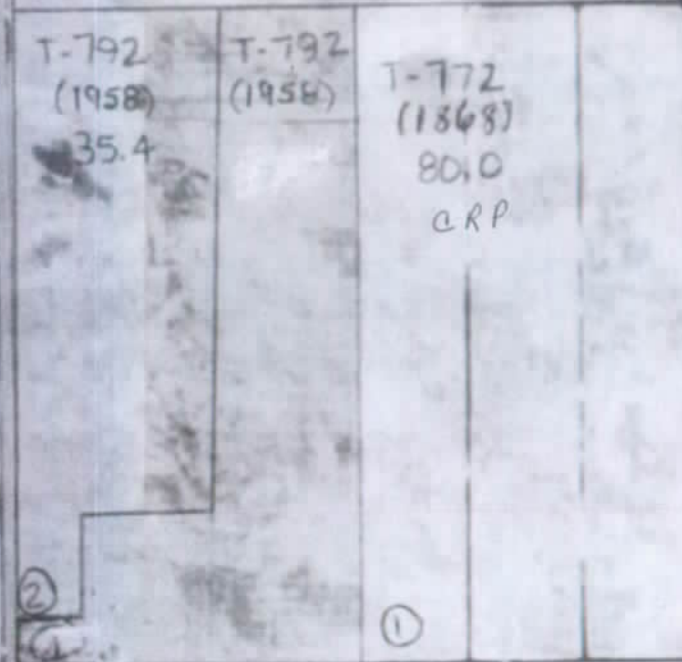
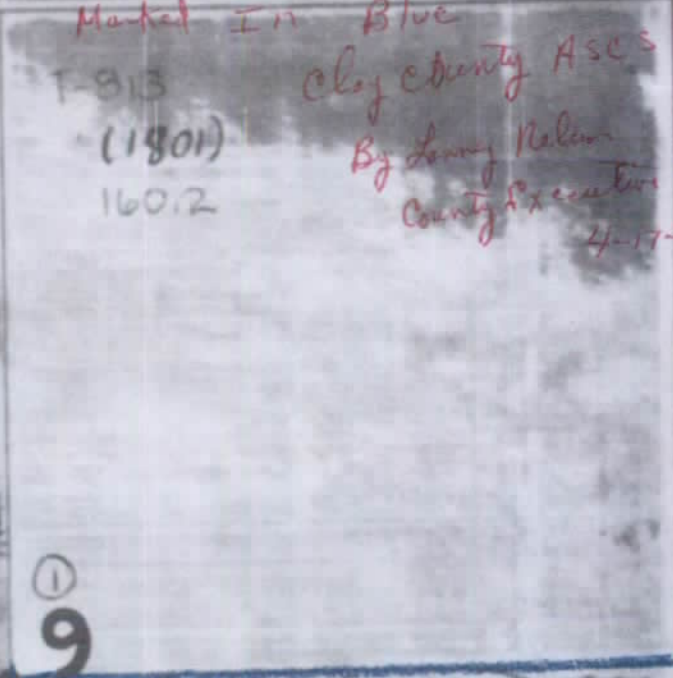
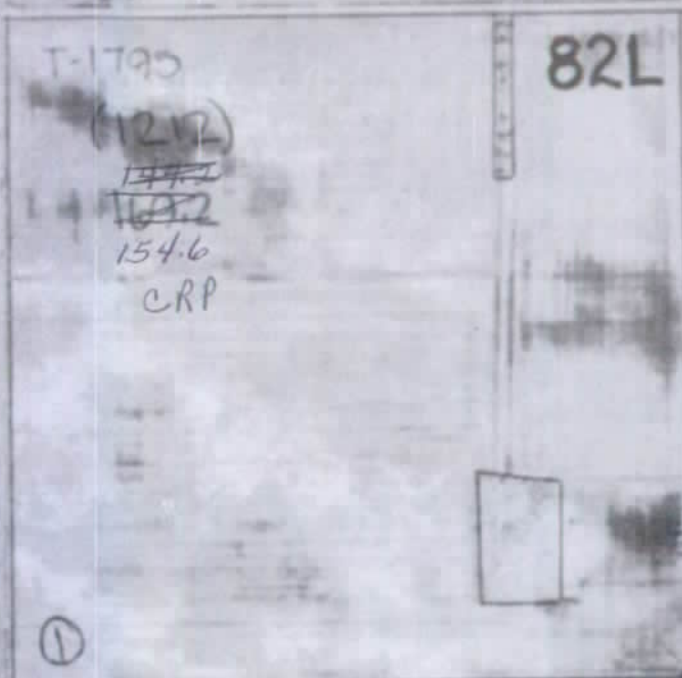
Land owned By Don Grunick
Marked in Blue

Clay County ASCS

By Larry Nelson

County Executive Director

4-17-92

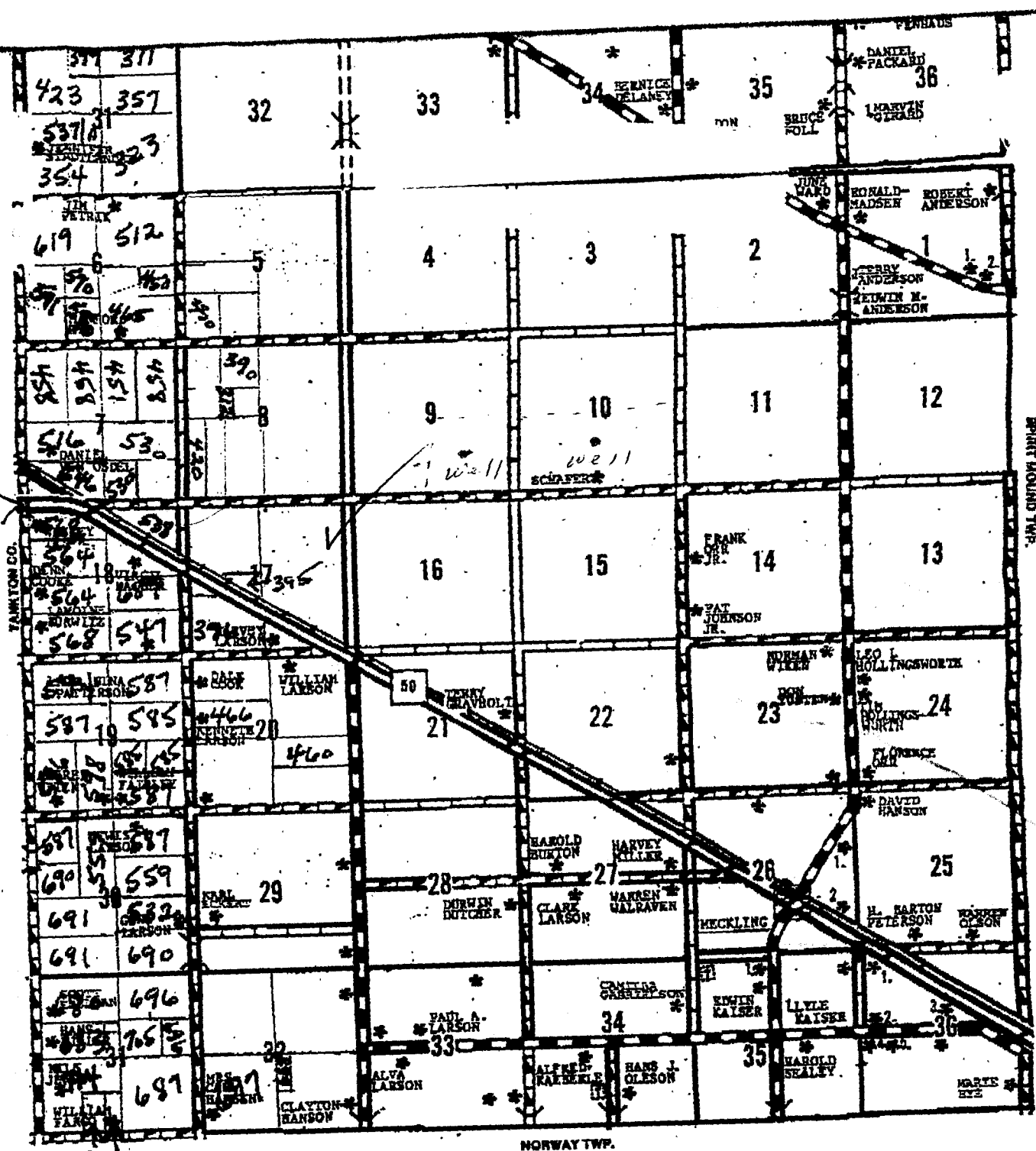


5658-3

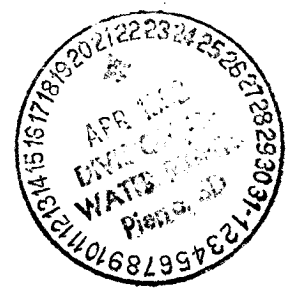
Lead core by Don Ennink - in Blue
Clay County ASCS
By Lorne Nelson
County Executive Director

4-17-92





See Page 13 For Additional Names.
 ©1980 Farm and Home Publishers, Ltd.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

418188

Pierre, April 27, 19 92

RECEIVED OF Emmick Farms, 1315 River Dr, PO Box 176, North Sioux City, SD 57049

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

Fee for Application for Permit No. <u>56583</u> to Appropriate Water, to construct works and to put water to beneficial use _____	350	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	350 00

By John Hatch / [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1992

Don Emmick
1315 River Drive
Box 176
North Sioux City, SD 57049

Dear Mr. Emmick:

I am writing in response to your letter regarding Water Permit Application No. 3462-3. This application can not simply be reinstated by this office as suggested by your letter. The Water Management Board is the entity of state government with the authority to reinstate a water permit. A permit was never issued because an affidavit of publication was not submitted.

The application was cancelled by the Water Rights Commission due to non-compliance with statutes on January 28, 1981. Our records indicate that the application was cancelled because the Affidavit of Publication was not received and the system was not constructed. The Affidavit of Publication has still never been submitted. I do not know the reasoning for the statement that the system was never constructed. You have indicated that the system was constructed in the late 1970's.

I conducted a search of legal notices published in the Yankton Press & Dakotan during the month of February, 1977. I did not find the legal notice for Application No. 3462-3. If no notice was published, your application should not have been considered by the Water Rights Commission. Unless the notice was published, the only avenue available is to apply for a new water permit. I have enclosed the necessary forms that must be completed. I will be happy to assist you in completing these forms.

If you can find and provide us a copy of an affidavit of publication for this application that was published back in 1981, please forward me a copy. Proof that the application was properly public noticed and that the system was constructed prior to 1982 will be necessary before we can consider going before the Water Management Board for reinstatement of this application. A copy of the well log, who drilled the well and model number of center pivot would provide an indication of when the system was constructed.

March 3, 1992

Don Emmick

Page 2

A question also exists whether the Soil/Water Compatibility Permits that were issued cover all of the lands that are currently being irrigated. Without knowing what acreage is currently being irrigated and the location of the well, I do not know whether the Soil/Water Compatibility Permits cover all the lands being irrigated.

If you have any questions, please feel free to contact me.

Sincerely,



Eric Gronlund
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

enclosure

cc: Chuck Light
Jim Stukel

FROM THE DESK OF

DON EMMICK



CE

1315 River Drive, P.O. Box 176
North Sioux City, SD 57049
(605) 232-4725

March 23, 1992



Eric Gronlund
% Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund:

Today I contacted Morris Irrigation in Fort Pierre who was the irrigation company that installed my irrigators. They indicated that they would pull out my file and review what work was done back in 1977.

I am sending you a copy of a letter that your department sent to the newspaper at Yankton for publication. Also enclosed is a receipt that I imagine was the charge for this publication.

I sincerely hope that this will clear up any problems, and will justify reinstatement of my water permit #3462-3.

Sincerely,

Don Emmick

DE/pb

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1992

Don Emmick
1315 River Drive
Box 176
North Sioux City, SD 57049

Dear Mr. Emmick:

I am writing in response to your letter dated March 23, 1992, regarding Water Permit No. 3462-3. The enclosures you submitted with this recent correspondence do not constitute proof of publication of your water permit application.

The submitted enclosures are copies of the letters sent to the newspaper and you directing publication of the notice of hearing. Without the actual proof of publication from the newspaper, your application should not have been considered by the Water Rights Commission.

Additionally, I believe the receipt in which you refer to in the letter is the receipt for the application filing fee, and not the receipt of the cost of publication.

Once again, unless the notice of hearing was published, the only avenue available is to apply for a new water permit. I have enclosed the necessary forms that must be completed.

If you have any questions, please feel free to contact me.

Sincerely, ,

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

encl



414 acres
irrigated.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 1992

Don Emmick
1315 River Drive
Box 176
North Sioux City, SD 57049

Dear Mr. Emmick:

I am writing in response to our conversation last Friday regarding your applying for a water permit for lands being irrigated. These are the lands that you thought were permitted by Permit No. 3462-3 which was cancelled in 1981. You indicated during our conversation that the SE1/4 Section 9 and the S1/2 Section 10, T93N, R53W were the acres currently developed for irrigation. Cancelled Permit No. 3462-3 also permitted the N1/2 Section 10 and the SW1/4 Section 3, T93N, R53W but these lands were not developed.

I stated during our conversation that I would fill out an application for you based on the information you provided. Enclosed is a copy of the Form 2 and Form 2a (Supplemental Information) necessary for applying for a water permit. The following is an explanation of the application:

1. The type of the application in this case is a new application.
2. The amount of water claimed is based on the statutory limit of 1 cubic feet of water per second (cfs) for each 70 acres irrigated. The 6.8 cfs corresponds to the statutory limit for irrigation of 480 acres.
3. The total number of acres irrigated of 480 acres is the total number of acres in the 3 quarters you stated were being irrigated.
4. The location of the point of diversion is the location of the two wells as submitted on the original water permit. If the wells were drilled in different locations or more than two wells are being used, please make the appropriate changes.
5. The annual period during which water is to be used of April 1 - October 31 is the standard irrigation season in this state.

April 13, 1992
Don Emmick
Page 2



6. The land description of the acres being irrigated is based on my understanding of our conversation on which lands have been developed for irrigation. If more lands are being irrigated, please make the proper additions.
7. On Form 2A (Supplemental Information), this information on proposed well construction is taken from the original application. If the wells were constructed differently or if you have well logs available, please submit this information with the application.

There are still a number of things you need to do prior to submitting the application. First, verify that number of acres being irrigated and the legal descriptions listed on the application are correct. Next go to your local ASCS office and get a copy of a aerial map of the sections being irrigated, mark the location of the well and outline the acres being irrigated, and then have the ASCS official sign the maps. Then sign Form 2 and have properly notarized. Finally, you must also submit an application filing fee of \$375 (this is assuming the total number of acres being irrigated of 480 acres does not change).

Once you submit a completed application, the Division of Water Rights can not process the application until we get approval of the Soil/Water Compatibility Permit from the Department of Agriculture. Currently, some of these lands have S/W Permits, however, I will need to verify with the Department of Agriculture that all lands have the necessary S/W Permit.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

From the desk of:

Don Emmick



Dear Eric;

I have a
million - hope this
is what you need,
except for the Problem
in city co. if you still
need it.

Sincerely,

Don Emmick

Hope to call you - two weeks
for some wall-to-wall speaking.

(Signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 1992

Don Emmick
1315 River Drive
PO Box 176
North Sioux City, SD 57049

COPY

Dear Don:

I am writing as a follow-up to our phone conversation regarding your water permit application. I have enclosed a copy of your amended application as per our discussion. Specifically the amendment we made are:

1. The total of 414 acres are being irrigated.
2. The amount of water claimed is 5.9 cfs (this is the statutory limit for irrigation of 414 acres).
3. Well No. 2 is located in the center of the S1/2 Section 10, T93N, R53W.
4. The acres to be irrigate are:
 - SE1/4 Section 9, T93N, R53W - 140 acres
 - SW1/4 Section 10, T93N, R53W - 140 acres
 - SE1/4 Section 10, T93N, R53W - 134 acres

I am also returning the check for the application filing fee that submitted in the amount of \$375. The correct filing fee for irrigation of 414 acres is \$350. Please remit a check in the amount of \$350.

I am forwarding a copy of the application, as amended, to the Department of Agriculture to ensure that you have the necessary Soil/Water Compatibility Permit. If you have any question regarding the water permitting process, please do not hesitate to give me a call.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosures

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Don Emmick

ADDRESS: _____ COUNTY: Clay

DATE: 4/23/92 TELEPHONE: _____

RE: SW Permit

COMMENTS:

Jim Stukel called regarding Mr. Emmick's application. Jim stated that existing SW Permits cover Mr. Emmick's irrigation as listed on the application and that no further S/W Permitting was necessary.

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

NAME: Eric Threlkeld

FROM THE DESK OF

DON EMMICK



CE

1315 River Drive, P.O. Box 176
North Sioux City, SD 57049
(605) 232-4725

April 24, 1992

Eric Gronlund - Water Rights Division
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Eric:

Enclosed is a check to cover the application filing fee
for my water permit (\$350.00).

I would like to thank you for all your efforts in getting
my permit renewed.

Sincerely,

Don Emmick

DE/pb

Enclosure

REPORT ON APPLICATION NO. 5658-3
for Don Emmick
June 10, 1992

Application No. 5658-3 proposes to appropriate 5.9 cfs from 2 wells approximately 125 feet deep one located in the center of the SE 1/4 of section 9 and the other in the center of the S 1/2 of section 10 and to irrigate 414 acres located in the SE 1/4 of section 9, SW 1/4 and SE 1/4 of section 10; all in T93N R53W in Clay County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is composed of mainly glacial outwash (sand and gravel), silt and clay which is overlain by alluvium in this area (Stephens, 1967). The Missouri Elk Point underlies 74,500 acres and contains an estimated 1.12 million acre feet of recoverable water in Clay County (Hedges, 1982). The aquifer is generally unconfined and under water table conditions, however, locally it can be confined and under artesian conditions. The aquifer extends laterally into Yankton and Union Counties and is also hydraulically connected to the Lower Vermillion Missouri aquifer to the north and to the Vermillion and Missouri Rivers which act as discharge areas for ground water. The aquifer averages about 100 feet in thickness and is a very prolific aquifer (Stephens, 1967).

The Division of Water Rights monitors four observation wells completed into the Missouri Elk Point aquifer in Clay County. The nearest observation well to this application is CL-80A which is located about 3 miles east. 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 record indicates that the aquifer is capable of additional withdrawals (Water Rights, 1992).

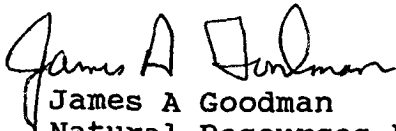
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Permit Nos. 5524-3 and 4246-3 (basically one system) which are located approximately 2 miles northeast of this application. Interference is not expected to be a concern. Drawdown caused by pumping high capacity wells in the Missouri Elk Point aquifer do not extend very far from the individual production wells.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not expected to be a concern.

3. These are existing wells for which no information is available.
No determination can be made concerning the well construction.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Stephens, J.C., 1967, Geology and Water Resources of Clay County South Dakota, Part II Water Resources, SDGS Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Unpublished Observation Well Records for Clay County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

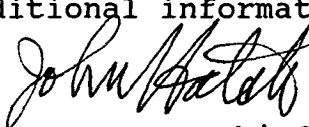
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5658-3, Don Emmick

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. 5658-3, Don Emmick, PO Box 176, North Sioux City, SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 5658-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 15, 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.

June 30, 1992

Don Emmick
PO Box 176
North Sioux City, SD 57049

Dear Mr. Emmick:

Water Permit Application No. 5658-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Vermillion Plain Talk printed at Vermillion, SD (Ph # 624-2695). 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

June 30, 1992

Vermillion Plain Talk
Box 256
Vermillion, SD 57069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5658-3 to be published twice. Please publish the first notice on July 9, 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 Don Emmick, PO Box 176, North Sioux City, SD 57049 (Ph # 232-4725).

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 July 9, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5658-3 to Appropriate Water

Notice is given that Don Emmick, PO Box 176, North Sioux City, SD 57049 has filed an application for a water permit to appropriate 5.9 cubic feet of water per second from two wells (Missouri Elk Point Aquifer) 125 feet deep located in the center of the SE 1/4 Section 9 and the center of the S 1/2 Section 10 to irrigate 414 acres located in the SE 1/4 Section 9, SW 1/4 and SE 1/4 Section 10; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5658-3 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 July 27, 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. 5658-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 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 August 5, 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 August 5, 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 July 27, 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, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Clay) ss.

I, Sharon Brewer

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

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

_____ City _____ of Vermillion

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

_____ July 9, 1992 _____

_____ July 16, 1992 _____

Sharon Brewer
 (Signature)

Secretary
 (Title)

July 16, 1992
 (Date Signed)

Cost of Printing: Fifty-Four Dollars

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 46-1-18; 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, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publish: July 9 & 16, 1992



NOTICE OF HEARING on Application No. 5658-3 to Appropriate Water

Notice is given that Don Emmick, P.O. Box 176, North Sioux City, SD 57049 has filed an application for a water permit to appropriate 5.9 cubic feet of water per second from two wells (Missouri Elk Point Aquifer) 125 feet deep located in the center of the SE 1/4 Section 9 and the center of the S 1/2 Section 10 to irrigate 414 acres located in the SE 1/4 Section 9, SW 1/4 and SE 1/4 Section 10; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5658-3 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 (605-773-3362)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 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. 5658-3 and (2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 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 August 5, 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 August 5, 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 July 27, 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-



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 20 1992

Don Emmick
PO Box 176
North Sioux City, SD 57049

Dear Mr. Emmick:

Enclosed is Water Permit No. 5658-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: DON EMMICK, PO BOX 166, N SIOUX CITY, SD 57049 0166

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

SUBJECT: Violation of Water Permit No(s). 5658-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5658-3. 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) 5658-3 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) 5658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

DON EMMICK
PO BOX 166
N SIOUX CITY SD 57049 0166

4a. Article Number

P 378 081 431

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

Don Emmick

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

Thank you for using Return Receipt Service.

Receipt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1997

5658-3

Don Emmick
PO Box 166
N Sioux City, SD 57049-0166

Dear Mr. Emmick:

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. 5658-3.**

I completed a questionnaire for you based on our February 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: DON EMMICK, PO BOX 166, N SIOUX CITY, SD 57049 0166
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) 5658-3. 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) 5658-3 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) 5658-3 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:

DON EMMICK
PO BOX 166
N SIOUX CITY SD 57049 0166

4a. Article Number

Z 119 141 553

4b. Service Type

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

7. Date of Delivery

Z

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1999

5658-3

Robert Emmick
753 Indian Wells Court
Dakota Dunes, SD 57049

Dear Mr. Emmick:

I am writing to acknowledge receipt of the 1998 irrigation questionnaire for Water Permit No. 5658-3. I completed a questionnaire based on our February 4th telephone conversation.

Thank you for calling and letting us know that you now own the land rather than Don Emmick. Enclosed as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form for accuracy and complete as needed. The form must be signed in the presence of a notary and returned to our office with a required filing fee of \$2.50.

The matter concerning the late irrigation questionnaire and the hearing before the Water Management Board has been taken care of. Since we notified the wrong land owner of the requirement to submit the questionnaire, improper notice was given.

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

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 1999

5658-3

Robert Emmick
753 Indian Wells Court
Dakota Dunes, SD 57049

Dear Mr. Emmick:

Thank you for returning the "Notice of Transfer of Ownership" form for transferring Water Permit No. 5658-3.

The form was completed properly; however in order to complete the transfer a filing fee of \$2.50 is required. My first letter may not have been clear with respect to the fee.

Please remit a total of \$2.50 as soon as possible. Once the fee is received, the water permit will be transferred from Don Emmick to your name. On the form of payment, please include the water permit number to insure proper handling of the fee.

Thank you in advance for your assistance. If you have any questions, please get in touch with me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 5658-3

Date: 3-18-99

I/We request that Water Permit No. 5658-3

formerly owned by: Don Emmick

be transferred to: (name & address) Robert Emmick
753 Indian Wells Ct Dakota Dunes S.D. 57049 Telephone No. 605-232-3400

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

414 acres - SE 1/4 Section 9; S 1/2 Section 10, T93N, R53W

I/We understand that the validity of Water Permit No. 5658-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

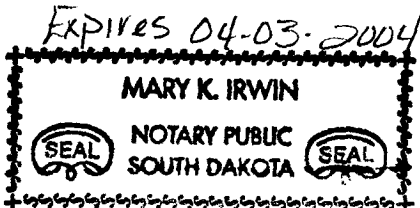
STATE OF SOUTH DAKOTA)

County of Union)

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

Robert S. Emmick
(Signed)

Subscribed and sworn to before me this 29 day of March, 19 99.



Mary K. Irwin
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416090

Pierre, April 12, 1999

RECEIVED OF Robert Emmick, 753 Indian Wells Court, Dakota Dunes, SD 57049
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 Water Permit No. 5658-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John Hatch (S)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1999

5658-3

Robert Emmick
753 Indian Wells Court
Dakota Dunes, SD 57049

Dear Mr. Emmick:

The transfer of Water Permit No. 5658-3 has been completed. The permit, formerly listed in the name of Don Emmick has been transferred to your name.

Enclosed is your Receipt No. 416090 in the amount of \$2.50. If you have any questions concerning the water permit or the transfer of ownership, please get in touch with me.

Sincerely,

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

Memorandum

To: So. Dakota Dept. of Environment &
Natural Resources
CC:
From: Robert S. Emmick
Date: 10/22/2003
Re: Address Change

Please Change My Address to the Following New Address for future Mailings:

New Address is: Robert S. Emmick

45345 – 311th Street, Meckling, SD 57044

RECEIVED

NOV - 7 2003

WATER RIGHTS
PROGRAM



January 20, 2005

5658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: ROBERT EMMICK, 45345 311TH ST, MECKLING, SD 57044
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5658-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 5658-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 5658-3 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 25, 2005, 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.



5658-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0315

Your item was delivered at 3:45 pm on January 25, 2005 in
VERMILLION, SD 57069. The item was signed for by D KROPOENSKE.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

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▶ Request Proof of Delivery

[What is this?](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0315

ROBERT EMMICK
45345 311TH ST
MECKLING SD 57044

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

e mailing.

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 3800, July 2001



5658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 2005

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Robert Emmick, 45345 311th St, Meckling SD 57044

FROM: Garland Erbele Chief Engineer
Water Rights Program *[Signature]*

SUBJECT: One Year Suspension of Water Permit No. 5658-3

On March 2, 2005, the Water Management Board ordered:

That effective April 4, 2005, Water Permit No. 5658-3 be suspended for the 2005 irrigation season for failure to submit the 2004 irrigation questionnaire.

If the 2004 irrigation questionnaire is received prior to April 4, 2005 the suspension will not take effect.

Suspension of a water permit means water may not be pumped during the 2005 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2005 unless the irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2004 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 4, 2005 in Pierre, SD. The letter should include your reasons for not completing the 2004 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

CERTIFICATION

I hereby certify that on March 4, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2005 regarding Notice of One Year Suspension of Water Permit Nos. 5658-3, 1632-2, 1530-2, 3311-3, 2497-3, 4862B-3, 4759-3, 1473-2 & 1502-2 addressed as stated below:

5658-3

Robert Emmick
45345 311th St
Meckling SD 57044

1530-2

Vern Keszler
30317 289th St
Clearfield SD 57580

2497-3

Louie Schleusner
Schleusner Dairy
17434 460th Ave
Watertown SD 57201

4759-3

Daniel A Conkling
500 Linn St
Yankton SD 57078

1632-2

Chris Horlock
5471 Hidden Valley Ln
Rapid City SD 57702

3311-3

Kirby Oswald
12157 323rd Ave
Eureka SD 57437-7104

4862B-3

Milton Swayze
13644 461st Ave
Wilmot SD 57279

1473-2 & 1502-2

Randy Bachelor Mgr
HC 78 Box 60A
White River SD 57579



Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)

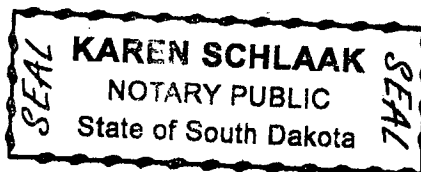
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





5658-3
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 26, 2007

NOTICE

TO: ROBERT EMMICK, 45345 311TH ST, MECKLING, SD 57044

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5658-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 5658-3 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 7, 2007 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) 5658-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, Water Rights Staff will be recommending to the Board that the water right be suspended for three years.
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, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed is an additional questionnaire for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

5658-3

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Track & Confirm

Search Results

Label/Receipt Number: 2301 3460 0000 8516 2470
Status: **Delivered**

Your item was delivered at 10:39 AM on January 31, 2007 in
VERMILLION, SD 57069. The item was signed for by R EMMICK.

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

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Signature Confirmation Receipt	
SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8516 2470	Pe ROBERT EMMICK 45345 311TH ST MECKLING SD 57044
	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
	CHECK ONE (FOR USE ONLY) ☐ Priority Mail® ☐ Package Services
PS Form 3838, July 2001 (See Reverse)	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2007

5658-3

Robert Emmick
45345 311th St
Meckling SD 57044

Dear Mr. Emmick:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 5658-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for the note concerning the portion of the land that was sold. I will contact Mr. Wardin to follow up on the transfer of ownership.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 28, 2007

5658-3

Robert Emmick
45345 311th St
Meckling SD 57044

Dear Mr. Emmick:

I am writing in regard to your Water Permit No. 5658-3. It authorizes irrigation of the SE $\frac{1}{4}$ Section 9 and the S $\frac{1}{2}$ Section 10, T93N, R53W. Enclosed is a copy of the permit and map. Thank you for letting us know about the ownership change for the land Section 10.

With reference to the land in Section 9, on your 2006 irrigation questionnaire, you reported irrigating the NE $\frac{1}{4}$ Section 9. Your existing permit only authorizes irrigation of the SE $\frac{1}{4}$. I am enclosing application forms so that we can work with you to obtain coverage for that quarter of land.

If you have any questions concerning your existing permit or filing the application for a new permit, please contact us. Eric Gronlund with our program works with new applications and would be able to walk you through the process.

Sincerely,

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

enclosures



March 29, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5658-3

Robert Wardin
1 Eagle Ridge Rd
North Oaks MN 55127-6409

Dear Mr. Wardin:

I am contacting you in regard to ownership of land as described in Water Permit No. 5658-3. The permit (copy enclosed) is currently held by Robert Emmick. Mr. Emmick has notified us that he has sold a portion of the land described in the permit to you. It is our understanding that you now own the S ½ of Section 10, T93N, R53W.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the signed form and the filing fee, the water permit will be divided and reissued to reflect separate ownership. If I can answer any questions for you on the permit or completion of the transfer of ownership, please contact me.

Sincerely,

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

enclosure

ATTACHMENT TO
WATER PERMIT NO. 5658-3

On April 12, 2007, a transfer of ownership was received for a portion of land described in the water permit. To reflect separate ownership, Water Permit No. 5658-3 is being divided and reissued as follows:

Water Permit No. 5658A-3, Robert Emmick, 45345 311th St, Meckling, SD 57044: authorizing diversion of 2.00 cfs from one well (approximately 125 feet deep) located in the center of the SE $\frac{1}{4}$ Section 9 to irrigate 140 acres in the SE $\frac{1}{4}$ Section 9, all in T93N, R53W.

Water Permit No. 5658B-3, J Robert Wardin, One Eagle Ridge Rd, North Oaks, MN 55127: authorizing diversion of 3.90 cfs from one well (approximately 125 feet deep) located in the center of the S $\frac{1}{2}$ Section 10 to irrigate 274 acres in the S $\frac{1}{2}$ Section 10, all in T93N, R53W.