

WATER PERMIT NO. 5820-3

Phone: _____

Name of Applicant: Van Lunen Farms

Post Office Address: RR 3, Box 53A, Akron IA 51001

Amount of Water Claimed: 1.46 cfs Total Acres: 102

Source of Water Supply: groundwater

Water to be used for: irrigation County: Union

About 15 miles northeast of Elk Point

PRIORITY _____ Date Received: 3-17-89 Fee: \$225 Remarks: _____

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

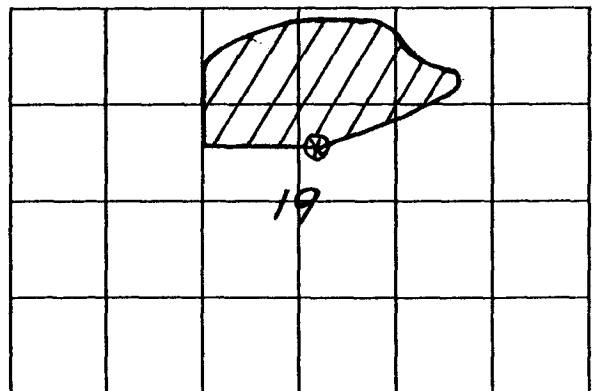
WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 NE 1/4 Sec 19-T93N-R48W

Land to be Irrigated: E 1/2 NW 1/4, NE 1/4

9
Sec 19-T93N-R48W



Well Log: Driller: Vant Hul & Sons Licensed YES X NO _____

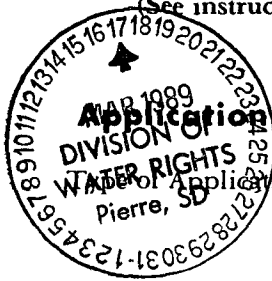
Depth of Well: 62 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Larry Wilcox Reviewed and the Number

Assigned on: 4-25-94 By: Karen Schlaak

No. 5820-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Elk Point Leader Courier

(See instructions)



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

- Water 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 Van Lunen Farms Phone No. 605 645 0171
- Post Office Address RR #4 Box 53A Le Mars AKron State Iowa Zip Code 51081
(Street, RR or Box) (City)
- Amount of water claimed (cfs) 1200 gpm Total acres irrigated 150 * 102
- Source of Water supply Existing Well
- Location of point of diversion 1624' from South West fence line to well
SW 1/4 NE 1/4 Section 19-T93N-R48W
- County Union
- Counties where water will be used Union
- Annual period during which water is to be used App May 1 to early Sept 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.	Land Description	No. Acres Irr.
<u>E 1/2 NW 1/4 Section 19 T93N R48W</u>	<u>41</u>		
<u>NE 1/4 Section 19 T93N R48W</u>	<u>61</u>		

Attach sheet if more space is needed

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

This application is for an existing center pivot irrigation system which does not have a water permit.

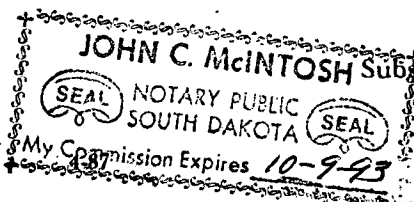
Water Sample #2

Note - Totals this includes corners witch may someday be irrigated
 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 Union) ss

I, Van Lunen Farms, 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 [Signature] Mgr.
14TH day of MARCH 1989
John C. McIntosh
 Notary Public



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

see drillers log already on file

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property *3/8 mi* On property owned by others *1/2 mi*

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

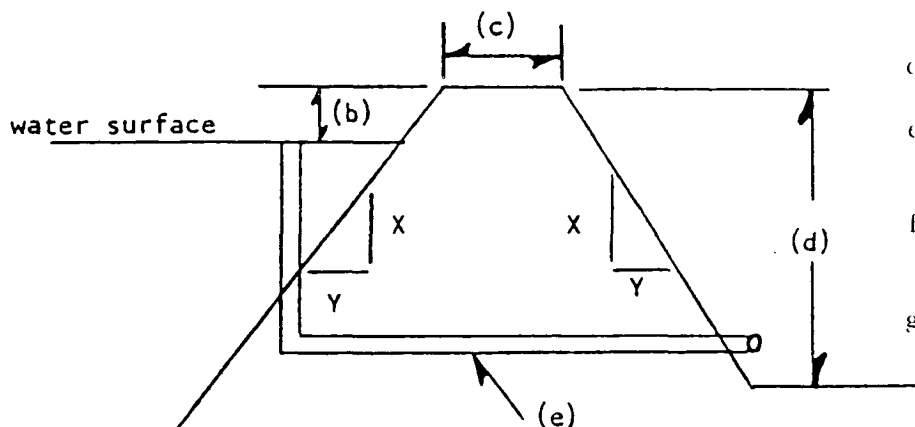
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



**SOUTH DAKOTA
WATER PERMIT NO. 5820-3**

Date of first receipt of application March 17, 1989.

Date of return to applicant for corrections, amendments or changes April 19, 1989.

Date of receipt of corrected application May 4, 1989.

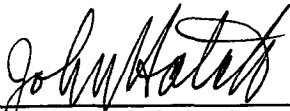
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5820-3 to Van Lunen Farms, RR 3, Box 53A, Akron IA 51001 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5820-3 appropriates 1.46 cubic feet of water per second from one well (Big Sioux:South Aquifer) 62 feet deep located in the SW 1/4 NE 1/4 Section 19 to irrigate 102 acres located in the E 1/2 NW 1/4, NE 1/4 Section 19-T93N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 30.
3. The date from which applicant may claim right is March 11, 1994 (based on repeal of the Soil/Water Compatibility permitting statutes set forth by passage of House Bill 1366).
4. The date of approval of Permit No. 5820-3 is August 15, 1994.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994
date

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

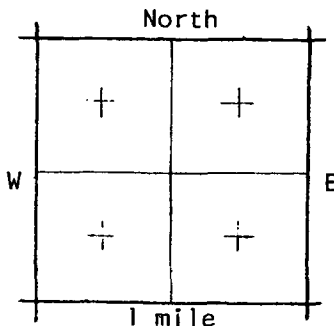
Insufficient location

Location E 1/4 NE 1/4 Sec 18 Twp 93 Rg 48

County

Union

Please mark well location with an "X"



Well Completion Date Sept. 12, 1985

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

WELL CONSTRUCTION:

Diameter of hole 20 inches Depth 54 feet

Casing: ☐ Steel ☒ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To
200 lb/ft 15 inches 0 feet 24 feet
_____ lb/ft _____ inches _____ feet _____ feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Stainless Steel Slot Size #80

Length 30 ft Diameter 14 inches

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☒ Yes ☐ No

If so what material? St. Steel plate

Was well gravel packed? ☒ Yes ☐ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure _____

To what depth? 10 Feet

What was grouting material? Cement

If cement, how many sacks? 6

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? _____

Well Owner:

Name Richard Van Lunen

Address Akron, Iowa

Well Log:

Depth

Formation	From	To
<u>Top soil</u>	<u>0'</u>	<u>3'</u>
<u>Clay & sand</u>	<u>3'</u>	<u>7'</u>
<u>Gravel</u>	<u>7'</u>	<u>54'</u>
<u>Clay & sand</u>	<u>54'</u>	<u>60'</u>
<u>Blue clay</u>	<u>60</u>	<u>62'</u>

STATIC WATER LEVEL 11 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: Line Shaft Turbine

Pumping Level Below Land Surface

19 ft. After 1 Hrs. pumped 400 GPM

21 ft. After 4 Hrs. pumped 500 GPM

30 ft. After 8 Hrs. pumped 1000 GPM

Remarks:



This well was drilled under license SD 346

and this report is true and accurate

Van Lunen and Sons Drilling Firm

Signed by Daniel Van Lunen

Sept. 13, 1985
Date

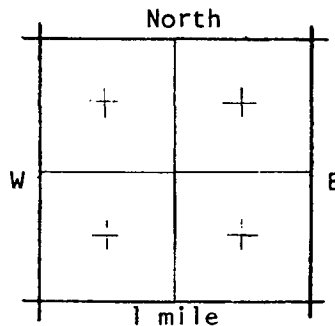
10-29-85

WNR-836 4/82

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location NE 1/4 of Sec 19 Twp 93 Rg 48

County

UnionPlease mark well
location with
an "X"Well Completion Date Sept. 28, 1985

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

WELL CONSTRUCTION:

Diameter of hole 20 inches Depth 60 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify _____
 Pipe Weight Diameter From To
200 lb/ft 15 inches 0 feet 35 feet
 _____ lb/ft _____ inches _____ feet _____ feet
Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Stainless Steel Slot Size # 80Length 25 ft. Diameter 14"Was Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? Stainless Steel PackerWas well gravel packed? ☒ Yes ☐ NoWas well grouted? ☒ Yes ☐ No

Describe grouting procedure _____

To what depth? 10 FeetWhat was grouting material? ConcreteIf cement, how many sacks? 6Location of packer(s) and screen or perforated
pipe _____
 WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No
 If so how and with what material? _____

Well Owner:

Name Richard Van LunenAddress Akron, Iowa

Well Log:

Depth

Formation	From	To
<u>Top soil</u>	<u>0'</u>	<u>4'</u>
<u>Yellow clay & sand</u>	<u>4'</u>	<u>10'</u>
<u>Gravel & Rock</u>	<u>10'</u>	<u>54'</u>
<u>Blue Clay</u>	<u>54'</u>	<u>62'</u>

STATIC WATER LEVEL 13 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: Line Shaft Turbine

Pumping Level Below Land Surface

28 ft. After 2 Hrs. pumped 600 GPM31 ft. After 4 Hrs. pumped 800 GPM35 ft. After 8 Hrs. pumped 1000 GPM

Remarks:

This well was drilled under license # _____
and this report is true and accurate.
Van Lunen & Sons Drilling Firm
 Signed by Daniel C. Van Lunen
Date Sept. 30, 198510-29-85



Department of Water & Natural Resources

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

April 19, 1989

Roger Trimble, Manager
Van Lunen Farms
RR 4, Box 88
Lemars IA 51031

Dear Mr. Trimble:

This letter is in response to three water permit applications received on March 17, 1989 for Van Lunen Farms. The following information is needed to complete the water permit applications:

- 1) The enclosed Form 2A's need to be completed for each of the 4 existing wells. The forms need to be labeled to correspond to the individual wells.
- 2) The irrigated acreage and the acreage that may be developed for irrigation all needs to be shown on the enclosed maps. The map of section 19 needs to outline the acreage that may be developed at a later date and the map of sections 5, 7 and 8 needs to more clearly outline the acreage that is irrigated and the acreage that may be developed for irrigation. A section corner and the well site also need to be labeled on the map of sections 5, 7 and 8.
- 3) A listing of the number of irrigated acres in each 40 acre area needs to be attached to each application. The listing also needs to include the additional acreage mentioned on two of the applications which may be developed at a later date.

The applications and maps are enclosed for the above revisions. A copy of the applications will be forwarded to the Division of Conservation upon receipt of the completed applications. The Division of Conservation is responsible for considering the soil/water compatibility permit applications. Upon approval of the soil/water permits, then the water permit applications can be scheduled for consideration by the Water Management Board.

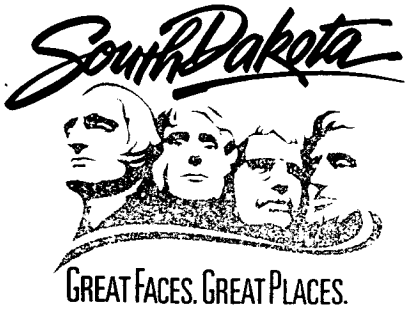
Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 7, 1991

Roger Trimble, Manager
Van Lunen Farms
RR 4, Box 88
Lemars IA 51031

Dear Mr. Trimble:

On March 17, 1989, you submitted an application (copy enclosed) for a permit to appropriate water for irrigation of acreage located in Section 19, T93N, R48W. To date, our files show an approved Soil/Water Compatibility Permit from the Department of Agriculture has not been obtained and thus we have not been able to proceed with processing this water permit application.

Enclosed is a copy of the aerial photo submitted with the application. It appears from the aerial photo that you may also develop approximately 20 acres in the NE 1/4 SE 1/4 Sec 19 and the NW 1/4 SW 1/4 of Sec 20; T93N, R48W. If these lands are to be irrigated they must be included on Item No. 7 of this application.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water to irrigate the acreage in Section 19 and 20, T93N, R48W.

Please contact me if you have any questions.

Sincerely,

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

enclosure

File No. 5341-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Van Lunen Farms/ Randy

Alexander, Operator

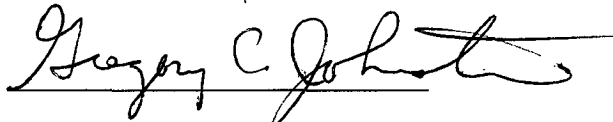
ADDRESS: RR4 Box 88, LeMars, IA 51030 COUNTY: Union

DATE: 8/12/91 TELEPHONE: (712)/ 568-2140

RE: Acreages to be included in pending water permit application

COMMENTS:

Spoke with Randy Alexander on Aug. 12th when inspecting Permit Nos. 5364-3 and 5341-3 in Union County. Mr. Alexander stated that ~20 acres located in Sections 19 and 20, T93N-R48W in Union County were not going to be irrigated at all and were not to be included in the application to appropriate waters for Section 19-T93N-R48W.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Van Lunen Farms

ADDRESS: RR 3, Box 53A, Akron IA 51001 COUNTY: UN

DATE: 4-25-94 TELEPHONE:

RE: S/W Compatibility Permit

COMMENTS:

We are proceeding with this application based on the repeal of the Soil/Water Compatibility Permit statutes by the 1994 Legislature.



Karen Schlaak
Environmental Scientist

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411691

Pierre, March 17, 1999

RECEIVED OF Van Lumen Farms, RR #4, Box 88, Lemars, IA 51301

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

Fee for Application for Permit No. <u>5820-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for _____ Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By John Hatch
Chief Engineer

Fee for 102 Ac 4-25-94
is \$225.00

Only need to
Request \$25 when
it's time to license
Will need to be scheduled
for another inspection

NOT

TO

SCALE

19

19 29

See 85R

[illegible]

54.5

T 1723

58.5

T1764

121.4'

19 T1809

I certify this
Map and acreage
are correct.

Larry O. Wilcox
UNION COUNTY ASCS. OFFICE
Post Office Box 460
FIK POINT, SOUTH DAKOTA 57025

Not in Zoned
may be developed

93-48

60.7
T1760

51818

86R

96.0

14. 0
2

5820-3

REPORT ON WATER PERMIT APPLICATION NO. 5820-3
for Van Lunen Farms
June 21, 1994

Application No 5820-3 proposes to appropriate 1.46 cfs from one well approximately 62 feet deep located in the SW 1/4 NE 1/4 of section 19 to irrigate 102 acres located in the E 1/2 NW 1/4, NE 1/4 of section 19, T93N R48W in Union County.

AQUIFER - BIG SIOUX SOUTH (BS-S)

The Big Sioux South is an alluvium mantled glacial outwash (sand and gravel) which is unconfined (under water table conditions). The aquifer underlies 16,200 acres and contains an estimated 72,900 acre feet of recoverable water in storage in Union County (Hedges, 1982). The aquifer extends into Lincoln County to the north and blends into the Missouri Elk Point aquifer to the south. The Big Sioux River is hydraulically connected to the aquifer and ground water movement is basically from north to south and towards the Big Sioux River.

The Division of Water Rights monitors an observation well UN-77G located about 1/2 mile west of this application which is completed into the Big Sioux South aquifer. 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. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

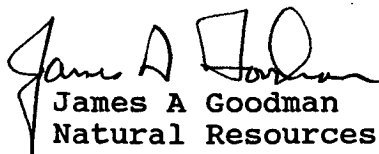
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing irrigation well is about 1/2 mile north of this application. Interference is not expected to be a concern. Significant drawdown caused by pumping does not extend very far from individual production wells in aquifers like the Big Sioux. Also this is an existing system which has been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Big Sioux South aquifer.
2. Interference is not expected to be a concern. This is a water table aquifer and drawdown will not be significant.
3. This is an existing system which has never been authorized by a water permit.
4. The information filed with the application indicates the well was completed in 1985 and is completed in accordance with SD Well Construction Standards.

5. No soil water compatibility approval is available for this application.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., et al, 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, 57501.

Water Rights, 1994, Unpublished Observation Well Data for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5820-3, Van Lunen Farms

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. 5820-3, Van Lunen Farms, c/o Earl Cornelison, RR 3 Box 53A, Akron, IA 51001.

The Chief Engineer is recommending APPROVAL of Application No. 5820-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well 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.


for JOHN HATCH, Chief Engineer
July 19, 1994



**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.**

July 22, 1994

Earl Cornelison
Van Lunen Farms
RR 3 Box 53A
Akron, IA 51001

Dear Mr. Cornelison:

Water Permit Application No. 5820-3 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 Elk Point Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). 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.

This application was submitted on March 17, 1989. The application was on hold pending issuance of the Soil-Water Compatibility Permit through the Department of Agriculture. The Soil-Water Compatibility statutes have since been repealed by the 1994 Legislature and the water permit is now being processed.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 1994

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025-2632

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5820-3 to be published twice. Please publish the first notice on July 28, 1994, 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 Van Lunen Farms, c/o Earl Cornelison, RR 3 Box 53A, Akron, IA 51001.

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 28, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5820-3 to Appropriate Water

Notice is given that Van Lunen Farms, RR 3 Box 53A, Akron, IA 51001 has filed an application for a water permit to appropriate 1.46 cubic feet of water per second from one well (Big Sioux:South Aquifer) 62 feet deep located in the SW 1/4 NE 1/4 Section 19 to irrigate 102 acres located in the E 1/2 NW 1/4, NE 1/4 Section 19-T93N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5820-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights 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 August 15, 1994.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Union) ss

I, Lester E. Emerson

certify that the attached printed Notice was
 taken from the The Leader-Courier

printed and published in Elk Point

County of Union and State of

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

July 28, 1994

August 4, 1994

Cost of Printing: \$35.38

**NOTICE OF APPLICATION
 NO. 5820-3**

TO APPROPRIATE WATER

Notice is given that Van Lunen Farms, RR 3 Box 53A, Akron, IA 51001 has filed an application for a water permit to appropriate 1.46 cubic feet of water per second from one well (Big Sioux: South Aquifer) 62 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 to irrigate 102 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 19-T93N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5820-3 because 1.) unappropriated water is available, 2.) existing water rights will not be unlawfully impaired, 3.) it is a beneficial use of water, and 4.) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights 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 August 15, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.
 Pub. July 28, Aug. 4, 1994: 25.23



Lester E. Emerson
 (Signature)

Editor/Publisher
 (Title)

August 4, 1994
 (Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Earl Cornelison
Van Lunen Farms
RR 3 Box 53A
Akron, IA 51001

Dear Mr. Cornelison:

Enclosed is Water Permit No. 5820-3 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



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: VAN LUNEN FARMS, DAVE VAN LUNEN, RR 3 BOX 53A, AKRON, IA 51001
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 5341-3, 5364-3 & 5820-3.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5341-3, 5364-3 & 5820-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 5341-3, 5364-3 & 5820-3 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 6, 1996 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) 5341-3, 5364-3 & 5820-3 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, 1996, 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 PAID 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: VAN LUNEN FARMS DAVE VAN LUNEN RR 3 BOX 53A AKRON IA 51001	4a. Article Number <u>2161 984 101</u> 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD Date of Delivery <u>2-1-96</u>	
5. Received By: (Print Name)	8. Addressee's Address (Only if requested and fee is paid)		
6. Signature: (Addressee or Agent) X <u><i>David Van Lunen</i></u>			

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1996

5341-3
5364-3
5820-3

Dave Van Lunen
Van Lunen Farms
RR 3 Box 53A
Akron, IA 51001

Dear Sir:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, **Notice of Violation of Water Permit Nos. 5341-3, 5364-3 & 5820-3.**

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

Sincerely,

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



5820-3

**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: VAN LUNEN FARMS, RICK PATTERSON, BOX 103, SALIX, IA 51052

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) 5341-3, 5364-3 & 5820-3. 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) 5341-3, 5364-3 & 5820-3 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) 5341-3, 5364-3 & 5820-3 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.

DAVE VAN LUNEN, 13881 FAWN AVE, AKRON, IA 51001

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:

VAN LUNEN FARMS
RICK PATTERSON
BOX 103
SALIX IA 51052

4a. Article Number

2119141620

4b. Service Type

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

7. Date of Delivery

1-25-99

5. Received By: (Print Name)

J. COREY

6. Signature: (Addressee or Agent)

X J. Corey

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

March 1, 1999

5341-3
5364-3
5820-3

Rick Patterson
Van Lunen Farms
Box 108
Salix, IA 51052

Dear Mr. Patterson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit Nos. 5341-3, 5364-3, 5820-3.

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



5820-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: VAN LUNEN FARMS, RICK PATTERSON, PO BOX 108, SALIX, IA 51052 0108

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3, 5364-3 & 5820-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 5341-3, 5364-3 & 5820-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 5341-3, 5364-3 & 5820-3 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 8, 2002, 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.

c: DAVE VAN LUNEN, 13881 FAWN AVE, AKRON, IA 51001

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VAN LUNEN FARMS
RICK PATTERSON
PO BOX 108
SALIXIA 51052 0108

2.

PS For

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1/22/02

C. Signature

X Rick R. Patterson

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery (Extra Fee)

☐ Yes

2595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2002

5341-3
5364-3
5820-3

Rick Patterson
Van Lunen Farms
PO Box 108
Salix, IA 51052-0108

Dear Mr. Patterson:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit Nos. 5341-3, 5364-3 & 5820-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: VAN LUNEN FARMS, RICK PATTERSON, PO BOX 108, SALIX, IA 51052 0108

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3, 5364-3 & 5820-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 5341-3, 5364-3 & 5820-3 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 5, 2003 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) 5341-3, 5364-3 & 5820-3 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, 2003, 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.

cc: DAVE VAN LUNEN, 13881 FAWN AVE, AKRON, IA 51001

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2003

5341-3
5364-3
5820-3

Rick Patterson
Van Lunen Farms
PO Box 108
Salix IA 51052-0108

Dear Mr. Patterson:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit/Right Nos. 5341-3, 5364-3 and 5820-3.

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

When you get an opportunity, please give me a call concerning Water Right No. 5364-3. A notation was made on the form that the land is enrolled in "EWRP". I need to find out more information concerning this, specifically if this is a permanent situation or for a set time frame.

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

January 14, 2004

NOTICE

TO: VAN LUNEN FARMS, RICK PATTERSON, PO BOX 108, SALIX, IA 51052 0108

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 5341-3 & 5820-3 qualification:

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

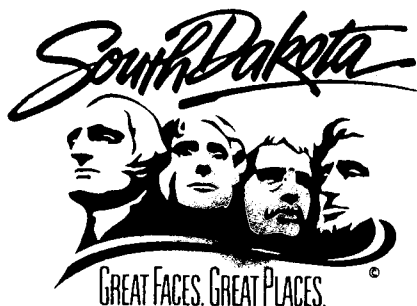
The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 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) 5341-3 & 5820-3 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 27, 2004, 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.



5820-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2004

5341-3
5820-3

John Hartemink
Van Lunen Farms
PO Box 108
Salix, IA 51052-0108

Dear Sir:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right and Permit Nos. 5341-3 and 5820-3.

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



5820-3

**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 20, 2005

NOTICE

TO: VAN LUNEN FARMS, JOHN HARTEMINK, PO BOX 108, SALIX, IA 51052 0108

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) 5341-3 & 5820-3. 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) 5341-3 & 5820-3 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) 5341-3 & 5820-3 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.



5820-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0995

Your item was delivered at 9:11 am on January 24, 2005 in SALIX, IA 51052. The item was signed for by H PATTERSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0995

VAN LUNEN FARMS
JOHN HARTEMINK
PO BOX 108
SALIX IA 51052 0108

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 (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



5820-3

**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 2, 2005

5341-3
5820-3

John Hartemink
Van Lunen Farms
PO Box 108
Salix IA 51052-0108

Dear Sir:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 5341-3 and Water Permit No. 5820-3.

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

c: faxed to Rick Patterson at 712 428-6490



5820-3

**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 24, 2006

NOTICE

TO: VAN LUNEN FARMS, JOHN HARTEMINK, PO BOX 108, SALIX, IA 51052 0108

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) 5341-3 & 5820-3. 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) 5341-3 & 5820-3 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) 5341-3 & 5820-3 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.



**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 27, 2006

5341-3
5820-3

John Hartemink
Van Lunen Farms
PO Box 108
Salix IA 51052-0108

Dear Sir:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 5341-3 and Water Permit No. 5820-3.

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



5820-3

**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: VAN LUNEN FARMS, JOHN HARTEMINK, PO BOX 108, SALIX, IA 51052 0108

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. 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) 5341-3 & 5820-3 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) 5341-3 & 5820-3 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, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/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.

5820-3

[Home](#) | [Help](#)**Track & Confirm**

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6385
Status: **Delivered**

Your item was delivered at 8:38 AM on January 29, 2007 in SALIX, IA 51052. The item was signed for by H PATTERSON.

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

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

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



POSTAL INSPECTORS
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6385

**VAN LUNEN FARMS
JOHN HARTEMINK
PO BOX 108
SALIX IA 51052 0108**

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 (POSTAL USE ONLY)

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

PS Form 153, May 2002 (See Reverse)

5820-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2007

5341-3
5820-3

John Hartemink
PO Box 108
Salix IA 51052-0108

Dear Mr. Hartemink:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 5341-3 and Water Permit No. 5820-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

It is my understanding that due to an ownership change, Water Permit No. 5820-3 and Water Right No. 5341-3 should be listed in your name rather than Van Lunen Farms. Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please complete the forms and then sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have copies, I am including a copy of Nos. 5341-3 and 5820-3 for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures

Permit No. 5820-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, June 28, 2006, made a thorough examination of the water use system constructed by Van Lunen Farms, John Hartemink of PO Box 108, Salix IA 51052 holder of Permit No. 5820-3, bearing the priority of March 11, 1994 authorizing the diversion of 1.46 cu. ft. per second of the waters of Big Sioux: South Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Rick Patterson – renter (712) 428-6480; (712) 203-7300 cell**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Vant Hub & Sons
- 2) No. of Wells 1
- 3) Depth(s) 62 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 15 inches
- 2) Length 35 feet
- 3) Type pvc

Screen:

- 1) Type stainless steel
- 2) Length 25 feet
- 3) Static water level 13 feet

Pump:

- 1) Make
- 2) Model
- 3) Size
- 4) Capacity 660 GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating 40 hp

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

- 1) Type pvc
- 2) Size 6 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimatic
- 2) Overall length 1600 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 660 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: 2670' E and 1770' S of the NW corner Section 19-T93N-R48W (42.861212/-96.557105). The works are capable of diverting and conveying to the place of use 1.46 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 19-T93N-R48W:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres

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

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 21 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres

comprising a total of 102 acres of land and the license should be issued for 1.46 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:


Lynn Beck

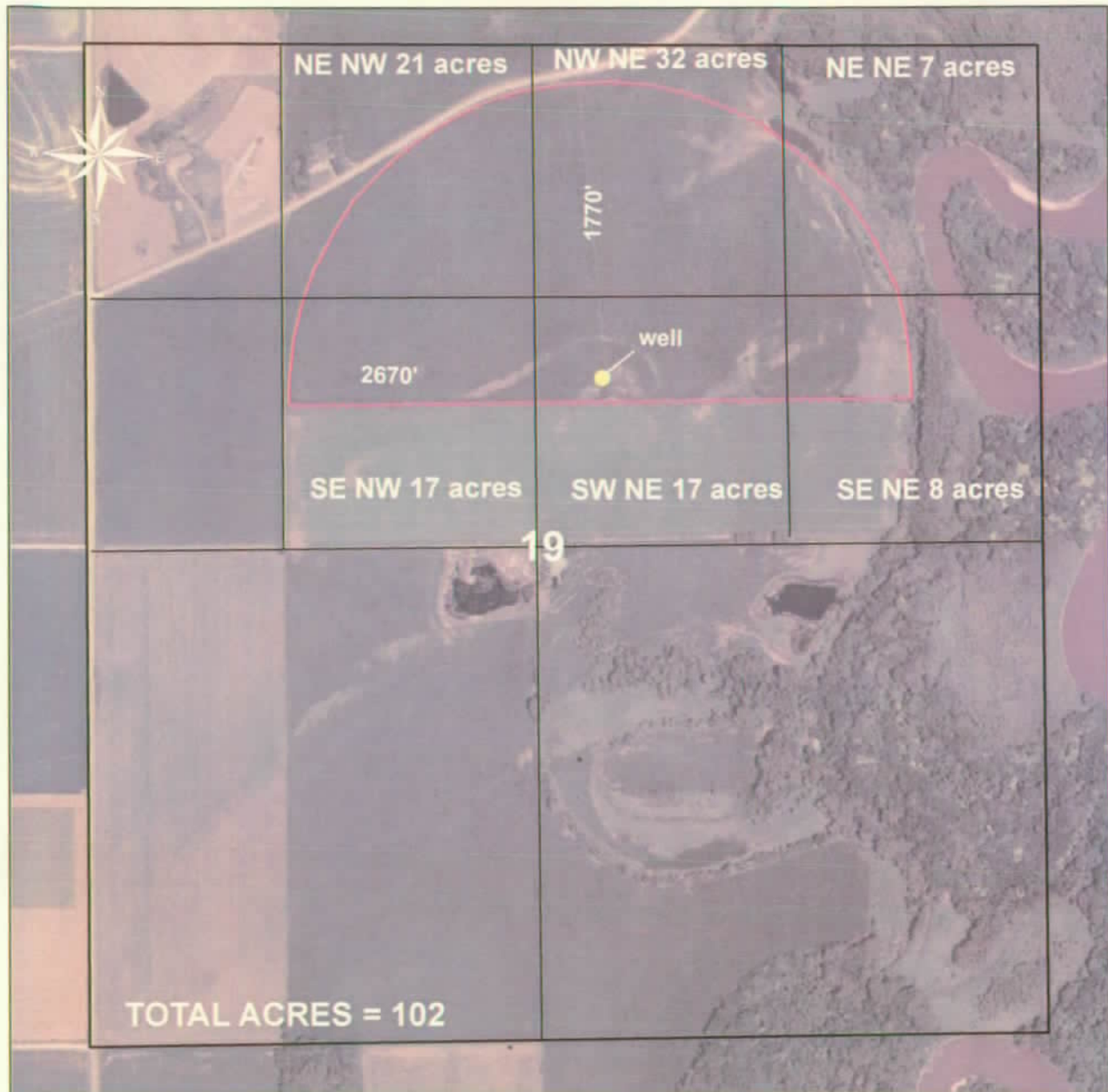
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: September 18, 2006

WATER RIGHT NO. 5820-3
Van Lunen Farms
September 14, 2006

R48W

T93N



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
September 14, 2006





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2006

5820-3

Van Lunen Farms
c/o John Hartemink
PO Box 108
Salix IA 51052

Dear Mr. Hartemink:

On June 28, 2006 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5820-3, was completed by Lynn Beck, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires we charge a \$50.00 fee for the investigation and issuance of the water license. A review of the file indicates that \$250.00 was submitted with the application in 1989. The application fee to irrigate 102 acres is \$225.00, thus only an additional \$25.00 is required from you. Upon receipt of \$25.00, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/1/, 20 07

RECEIVED OF John Hartenink PO Box 108 SAILOR IA 51052

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	25	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. <u>5820-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	25 00

No.

02970

By

Harland Erbe

Chief Engineer

96



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 14, 2007

5341-3

5820-3

John Hartemink
PO Box 108
Salix IA 51052-0108

Dear Mr. Hartemink:

I am writing in reference to ownership of land described in Water Right No. 5341-3 and Water Permit No. 5820-3. These are currently listed in the name of Van Lunen Farms. In February, forms were sent to you for use in filing ownership changes. To date, we have not received the completed forms back from you.

In the event you no longer have the original transfer forms, I am enclosing an additional set. Please complete the forms and then sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

The water license for Water Permit No. 5820-3 is being held up pending the ownership change. If you are no longer the owner of the land, please contact us.

Sincerely,

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

enclosures

RECEIVED

AUG 13 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5820-3

Date: 08-09-07

I/We request that Water Permit No. 5820-3

formerly owned by: Van Lunen Farms

be transferred to: (name & address) John Hartemink

5569 Pernod Drive, Fort Myers, FL 33919

Telephone No. 239-218-6773

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

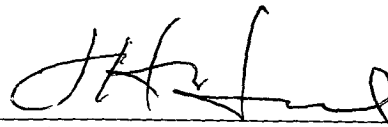
102 acres - N 1/2 NW 1/4 and NE 1/4 Section 19, T93N, R48W

I/We understand that the validity of Water Permit No. 5820-3 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.

I/We John Hartemink, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/13, 2007

RECEIVED OF John H. Hartenink 5569 ~~James~~ Dr Fort Myers FL 33919

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5820-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

13227

By Laurie L. Erdel Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 2007

5341-3
5820-3

John Hartemink
5569 Pernod Dr
Ft Myers FL 33919

Dear Mr. Hartemink:

I am writing to acknowledge receipt of the ownership changes you filed. The transfers have been completed. Water Right No. 5341-3 and Water Permit No. 5820-3 formerly held by Van Lunen Farms are now listed in your name.

Enclosed are your Receipt Nos. 03116 and 03117 in the amount of \$2.50 each. You may keep these for your records.

The water license for Water Permit No. 5820-3 is now ready to be issued. The license will be finalized and sent to you under separate cover.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5820-3

(1) Van Lunen Farms made Application No. 5820-3, March 17, 1989 for a water permit to divert 1.46 cubic feet of water per second from ground water (one well – Big Sioux South Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 5820-3, with a priority date of March 11, 1994 was approved August 15, 1994 and issued to the applicants for diversion of water with construction of the water supply system completed and the application to beneficial use of water completed.

On August 13, 2007, Water Permit No. 5820-3 was transferred from Van Lunen Farms to John Hartemink.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, John Hartemink, 5569 Pernod Drive, Fort Myers, FL 33919 the holder and/or owner of Water Right No. 5820-3 is issued a license, bearing a priority date of March 11, 1994 to appropriate 1.46 cubic feet of water per second from ground water (one well – Big Sioux South Aquifer) to irrigate 102 acres.

The diversion point is located: 2,670 feet E and 1,770 feet S of the NW corner of Section 19, T93N, R48W (SW ¼ NE ¼).

The acres authorized for irrigation are as follows:

Section 19, T93N, R48W			
NE ¼ NE ¼	7 acres	NE ¼ NW ¼	21 acres
NW ¼ NE ¼	32 acres	SE ¼ NW ¼	17 acres
SW ¼ NE ¼	17 acres	Total acres irrigated: 102	
SE ¼ NE ¼	8 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5820-3 including the following qualifications:

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

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 17 2007

date





OCT 17 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

5820-3

John Hartemink
5569 Pernod Dr
Ft Myers FL 33919

Dear Mr. Hartemink:

Enclosed is Water License No. 5820-3. This is the final water right document completing your process of obtaining a Water Right. Also included with your license is a receipt for the remainder of the licensing fee and a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5820-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: JOHN HARTEMINK, 5569 PERNOD DR, FORT MYERS, FL 33919

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 5341-3 & 5820-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 5341-3 & 5820-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-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.

5820-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 2915
Status: **Delivered**

Your item was delivered at 1:37 PM on January 22, 2008 in FORT MYERS, FL 33919. The item was signed for by J HARTEMINK.

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

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

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

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

Be a better person.
Be a better neighbor.Integrity. Service.
Excellence.

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 2915

JOHN HARTEMINK
5569 PERNOD DR
FORT MYERS FL 33919

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

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: John Hartemink, 5569 Pernod Dr., Ft Myers FL 33919

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right Nos. 5341-3 and 5820-3

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Right Nos. 5341-3 and 5820-3 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaires.

If the 2007 irrigation questionnaires are received prior to April 11, 2008 the suspensions will not take effect.

Suspension of the water rights means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaire is submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2007 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaires. 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 12, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2008 regarding Board action concerning irrigation questionnaire violations addressed as stated below:

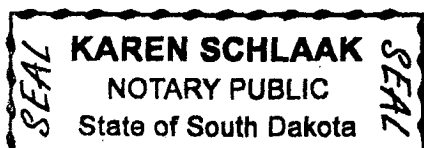
Nos. 400-2, 401-2, 1714-2, 2063-2 Melvin Brassfield Box 24 Caputa SD 57725	No. 5600-3 Castlewood Community Golf Course In 411 E Cemetary Rd Castlewood SD 57223-2206	Nos. 407-2, 408-2 & 409-2 Miles DeJong DeJong Ranch 31842 DeJong Rd Kennebec SD 57544-5999
No. 1755-1 John Bachman, Mayor City of Eagle Butte PO Box 150 Eagle Butte SD 57645-0150	Nos. 6792-3 & 6793-3 Dennis Mitchell Eagle Venture PO Box 711 Yankton SD 57078-0711	Nos. 2826-3 & 3109-3 Joseph R Edelen Jr 311 Canby St Vermillion SD 57069
Nos. 5341-3 & 5820-3 John Hartemink 5569 Pernod Dr Ft Myers FL 33919	No. 5777-3 Gerald A Person 42479 116 th St Britton SD 57430-2239	No. 2106-2 Stuart Rice 2300 Skyline Ranch Rd Rapid City SD 57701
No. 6664-3 Mike Waldner White Rock Colony 47788 102 nd St Rosholt SD 57260 and Gregg Magera, Attorney at Law PO Box 490 Aberdeen SD 57402-0490	No. 3791-3 Paul R Bremmon 42641 113 th St Britton SD 57430	No. 402-1 Calvin & Jana Meyers 1409 Willow Creek Estates Belle Fourche SD 57717
No. 773-1 James G & Brenda A Beauchene 10095 Borderline Rd Hettinger ND 58639	No. 2300-3 James E Dailey 48184 335 th St Jefferson SD 57038	No. 452-3 Harold Fornia 33044 484 th Ave Jefferson SD 57038
No. 3395-3 Todd Grohs 509 Slocum Ave S Wessington Springs and W H (Bill) Wittrig 13111 N Creekview Rd Rapid City SD 57702	No. 1529-3 Lloyd L Meyer 21175 396 th Ave Huron SD 57350	No. 2954-3 Lane Tekrony 47840 180 th St Clear Lake SD 57226-5405

Genny McMath
Water Rights Program

[illegible]

Sworn to, before me, this 12th day of March, 2008.

Notary Public *Karen Schlaak*



My Commission
Expires 4/1/13



5820-3

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 27, 2008

5341-3
5820-3

John Hartemink
5569 Pernod Dr
Fort Myers, FL 33919

Dear Mr. Hartemink:

On March 11th, the Water Management Board ordered Water Right Nos. 5341-3 and 5820-3 be suspended if the 2007 irrigation questionnaires were not received prior to April 11, 2008. The questionnaires have now been received.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate during the 2008 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



58203
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: JOHN HARTEMINK, 5569 PERNOD DR, FORT MYERS, FL 33919
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5341-3 & 5820-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5341-3 & 5820-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

5820-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 6753**
Status: **Delivered**

Your item was delivered at 11:45 AM on January 28, 2009 in FORT MYERS, FL 33919. The item was signed for by D HARTENINK.

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

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

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

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

Signature Confirmation Number: 2303 2160 0000 0802 6753

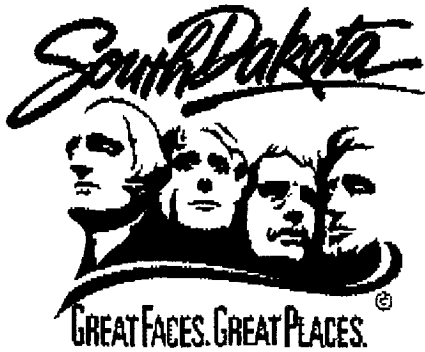
JOHN HARTEMINK
5569 PERNOD DR
FORT MYERS FL 33919

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**

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

February 3, 2009

5341-3
5820-3

John Hartemink
PO Box 108
Salix IA 51052

Dear Mr. Hartemink:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 5341-3 and 5820-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



5820-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: JOHN HARTEMINK, PO BOX 108, SALIX, IA 51052

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5341-3 & 5820-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5341-3 & 5820-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2010

5341-3
5820-3

John Hartemink
PO Box 108
Salix IA 51052 0108

Dear Mr. Hartemink:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 5341-3 and 5820-3.

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
email: genny.mcmath@state.sd.us



5820-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: JOHN HARTEMINK, PO BOX 108, SALIX, IA 51052

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5341-3 & 5820-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5341-3 & 5820-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2011

5341-3
5820-3

John Hartemink
PO Box 108
Salix IA 51052

Dear Hartemink:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 5341-3 and 5820-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

December 20, 2011

RECEIVED

DEC 27 2011

**WATER RIGHTS
PROGRAM**

Water Rights Program
Joe Foss Building
523 E Capitol Ave
Pierre, SD 57501

Re Irrigation Questionnaire

The farms under permit No. 5820-3 and 5341-3 are now under new management. Please send anything relating to the farm or irrigation to Stalcup Ag Service c/o Chad Husman. I apologize for the late response to the questionnaire.

Sincerely,



Stalcup AgService
Chad Husman
712-213-4865
1705 North Lake Ave
Storm Lake, IA 50588



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 3, 2026

5341-3

5820-3

Chad Husman
C/O Stalcup AG Service
1705 North Lake Ave
Storm Lake, IA 50588

Dear Mr. Husman,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

5341-3
5820-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: STALCUP AG SERVICE, CHAD HUSMAN, MANAGER, 1705 NORTH LAKE AVE,
STORM LAKE, IA 50588

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5341-3 & 5820-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5341-3 & 5820-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5341-3 & 5820-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

cc: JOHN HARTEMINK, PO BOX 108, SALIX, IA 51052

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.