

WATER PERMIT NO. 6127-3

Name of Applicant: G Connie Flygt

Address: 1626 Capital Ave, Madison WI 53705

Phone: 608 238-9949

Amount of Water Claimed: 0.86 Total Acres: 60

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

Type of Waste Disposal System: NA

Location: 2 miles southeast of Parker

PRIORITY Date Received: 2-12-1999 Fee: \$150.00

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Replacement well for well authorized by Vested Right No. 5680-3 and irrigation of 60 additional acres

Diversion Point: SW ¼ NW ¼ Sec 23-T99N-R53W

Land to be Irrigated: E ½ NW ¼

Sec 23-T99N-R53W

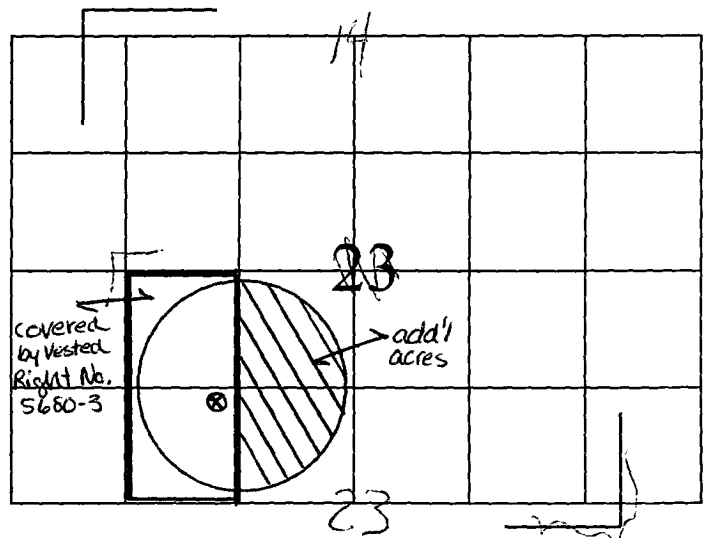
Depth of Well: 40 feet

Well Driller: Empire Drilling

Remarks:

Type of Map: aerial

Prepared by: Robert W Lehmer, NRCS



Reviewed and the Number Assigned on: 2-12-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6127-3**

Date of first receipt of application February 12, 1999.

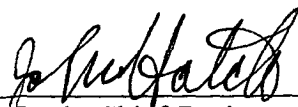
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6127-3 to G.Connie Flygt, 1626 Capital Ave, Madison WI 53705 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6127-3 appropriates 0.86 cfs to irrigate 60 additional acres. Vested Water Right No. 5680-3 appropriates 1.11 cfs from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 to irrigate 78 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23; all in T99N-R53W. This permit authorizes irrigation of 60 additional acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23 and authorizes a replacement well (Parker-Centerville Aquifer) 40 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; all in T99N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 12, 1999.
4. The date of approval of Permit No. 6127-3 is April 19, 1999.
5. One-fifth of the construction is to be completed on or before October 19, 2001.
6. All construction is to be completed on or before April 19, 2004.
7. Water is to be put to beneficial use on or before April 19, 2008.
8. 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. The replacement well authorized by Permit No. 6127-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. If the existing well is abandoned, it must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. 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 Program
Department of Environment and Natural Resources

MAY 20 1999

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6127-3</u>	(office use only) Hydrologic Unit <u>16170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Hurley Leader, Hurley, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

Change location of well for Water license # 5680-3
Add new acres by breaking ground and using a center pivot

1. Name of Applicant G. Connie Flygt Phone 608-238-9949
(check one) ☒ Owner ☐ Tenant/lessee 608-356-5054
Mailing Address 1626 Capital Ave., Madison State WI 53705
(Street, R.R., or Box and City) (Zip Code)

2. Amount of water claimed .86 *CFS or **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1/4 NW 1/4 Sec 23-99-53
1 well - replacement well 1230 feet east and 1360 feet south of the
NW corner Section 23 T99 R9 S3W County TURNER

5. County or counties where water will be used Turner County, S.D.

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

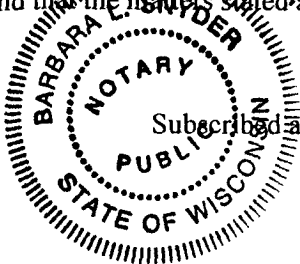
Land Description	Acres	Land Description	Acres
<u>NE 1/4 NW 1/4</u>	<u>40</u>		
<u>SE 1/4 NW 1/4</u>	<u>40</u>		

8. Give a description of the project. (Attach sheet if more space is needed) Currently under vested right 5680-3 we have been irrigating with an EZ Rain gun across in the NW 1/4 of sec 23, T99 R9 S3W. We wish to break the additional acres in the NW 1/4 and irrigate with a center pivot. For this we need a replacement well. We do not wish to jeopardize our vested right but wish to enlarge and improve the farm

STATE OF SOUTH DAKOTA SS
County of Sauk

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

I, G. Connie Flygt, the applicant, certify that I have read this application, have examined the attached map and that the contents stated are true and that I intend, and am able to complete the necessary construction.



Applicant's signature G. Connie Flygt

Subscribed and sworn to before me this 29 day of January 19 99

Barbara Snyder
Notary Public signature

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 40'
- b) Casing Type Plastic Diameter 16" Thickness _____
- c) Screen Type Plastic Diameter 16" Thickness _____
- d) Gravel Pack at 5' Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 5'
- g) Distance to nearest existing domestic well:
On applicants property 3/4 mile On property owned by others 1/2 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

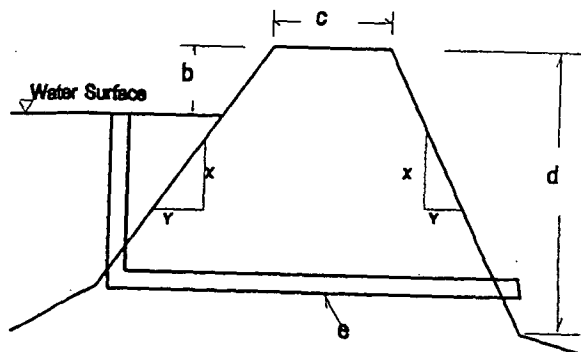
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Turner County, S. D.
Township 99N Range 53W

36.4 acres

5679-3

26.4

7.7 acres

22.0

36.5

36.5

5677-3

58 W

$\frac{1}{2}$ mile

↑ NORTH

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416044

Pierre, February 12, 19 99

RECEIVED OF G. Conie Flygt, 1626 Capital Ave., Madison, WI 53705
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6127-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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>6127-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By _____
Chief Engineer

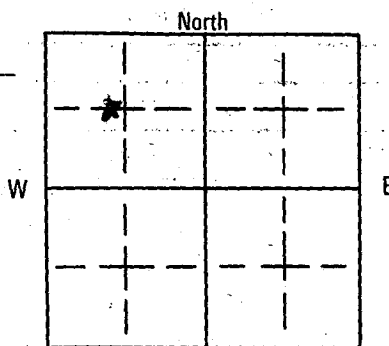
John Hatch

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NW 1/4 Sec 23 Twp 99 Rg 53County Turner

Please mark well location with an "X"

Well Completion Date Sept 29 98

PROPOSED USE:

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

Method of Drilling:

Boring Machine

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16</u> IN	<u>0</u> FT	<u>20</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure ppa rock 10' to 40'
natural mat. i.e. 3' to 10'
Cement 0' to 3'

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 20' FEETMaterial plasticSlot Size .085 Set From 20 Feet To 40 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Connie Flygt

Address _____

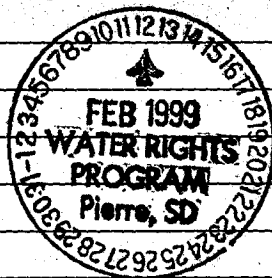
Well Log:

Depth

Formation

From

To

Topsoil
sand + gravel
blue clay0'5'5'35'35'40'STATIC WATER LEVEL 5 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 in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☐ Other

Describe: _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 478

And this report is true and accurate.

Drilling firm Reiners Well Drilling

Signature of License Representative:

Jon Reiner

Signature of Well Owner:

Connie FlygtDate Nov 7 98



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

November 9, 1998



South Dakota Regulatory Office
28563 Powerhouse Road, Room 120
Pierre, South Dakota 57501

G. Connie Flygt
1626 Capital Avenue
Madison, Wisconsin 53705

Dear Mrs. Flygt:

We have reviewed your request for Department of the Army authorization to fill in an abandoned livestock watering facility (dugout) in a wetland. The project is located in the Northwest Quarter of Section 23, Township 99 North, Range 53 West, Turner County, South Dakota.

Based on the information you provided, this office has determined that your work within South Dakota is authorized by the Department of the Army Nationwide Permit No. (26), found in the December 13, 1996, Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits, Vol. 61, No. 241 (pages 65874 - 65922). Enclosed is a fact sheet which fully describes this Nationwide Permit and lists the General and Section 404 Only Conditions which must be adhered to for this authorization to remain valid.

Although an Individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

This verification will be valid until September 15, 1999. In compliance with General Condition 14, the attached Compliance Certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.

Should you at any time become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, you must immediately notify this office.

If you have any questions concerning this determination, please feel free to contact this office at the above Regulatory Office address, or telephone James Oehlerking of my staff, or myself at (605) 224-8531 and reference Nationwide Permit No. 199830381.

Sincerely,

A handwritten signature in cursive script that reads "Steven E. Naylor".

Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures

February 4, 1999

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



Attention: Ron Duvall

Dear Sir or Madam:

Two applications making several changes to our farming operation in Turner County, SD, are enclosed. All of our current water rights are vested and we would like to preserve that situation. The current lessee is LaRohn Hagena, 45904 283d St, Davis, SD 57021. A check for \$400 for the two applications is also enclosed.

The farm number until now has been 1263; the new farm number, effective 12/29/1998 is 5815. The tract numbers are: 1820, 623 farmland acres, 3 irrigation wells; 1821, 120 farmland acres, 1 irrigation well; 1822, 160 farmland acres, 0 irrigation wells; 5149 (new), 38.9 farmland acres, to use the 1821 irrigation well.

Water Right 5678-3 (tract 1821) is in Sec 36 of T 99 R 53, dated June 22, 1951. Water 1.78 cfs 108 A: [NE1/4NW1/4, 36A; SWNW1/4, 36A; SE1/4NW1/4, 36A]. In November, 1998, we purchased the remaining acreage in the quarter (NW1/4NW1/4 38.9A) and would like to add these so the center pivot can make a full circle.

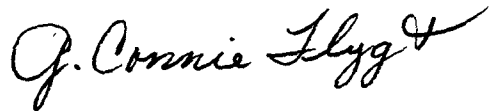
Water Right 5679-3 (tract 1820) is in Sec 23 of T 99 R 53, dated June 22, 1951. Water 1.52 cfs 107 A: [Sec 13, 14, 23, and 24 in T 99 R 53] Originally this was irrigated with an EZ rain gun from a well located 165 feet north and 1430 feet west of the SE corner of Sec 14 of T 99 R 53. While the well remains in the same location, water is now piped north toward the railroad where a center pivot is used in windshield fashion. This changes the acres that are irrigated, but the total acreage irrigated and water used is the same.

Water Right 5680-3 (tract 1820) is in Sec 23 of T 99 R 53, dated June 22, 1951. Water 1.11 cfs 78 A: [NW1/4NW1/4, 39A; SW1/4NW1/4, 39A]. a) According to measurements the replacement well is just within SW1/4NW1/4. The well log is enclosed. b) We are adding approximately 80 acres [NE1/4NW1/4; SE1/4NW1/4] by breaking pastureland adjacent to the current well and irrigated

acreage. After the corners are deleted, we would use the new permit for approximately 60 additional acres.

Thanks very much for your help in making this application for what we would like to do. If there are any questions, or additional information that needs to be provided, please contact at the address and number below.

Sincerely,

A handwritten signature in cursive script that reads "G. Connie Flygt". The signature is written in black ink and includes a small flourish at the end.

G Connie Flygt

C/O TR Flygt

E12003 Steinke Rd

Baraboo, WI 53913

Phone 608/356-5054

Fax 608/356-2147



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 1999

G. Connie Flygt
1626 Capital Ave.
Madison, WI 53705

Dear Ms. Flygt:

Please find enclosed a corrected copy of the staff report on Water Right Permit Application No. 6127-3. Thank you for bringing this to my attention.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6127-3
for G. Connie Flygt
March 17, 1999

Application No. 6127-3 proposes to appropriate 0.86 cfs to irrigate 60 additional acres. Vested Water Right No. 5680-3 appropriates 1.11 cfs from one well located in the SW 1/4 NW 1/4 of Section 23 to irrigate 78 acres located in the W 1/2 NW 1/4 of Section 23, T99N-R53W. This application is to irrigate 60 additional acres located in the E 1/2 NW 1/4 of Section 23 and authorizes a replacement well approximately 40 feet deep located in the SW 1/4 NW 1/4 of Section 23; all in T99N-R53W in Turner County.

AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 74 square miles and contains an estimated 322,000 acre feet of water in storage in Turner County (Lindgren, 1990). The aquifer is hydraulically connected to the Vermillion River, the Vermillion East Fork and Vermillion West Fork aquifers and also to the underlying Upper Vermillion Missouri aquifer. Ground water movement is from northwest to southeast across this area and locally toward the Vermillion River.

The Water Rights Program does monitor an observation well, TU-77A, which is completed into the Parker Centerville aquifer and located less than one-half mile north of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) 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, 1999). A hydrograph for this observation well is included with this report.

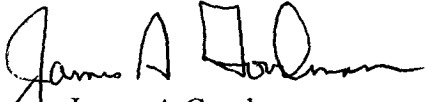
REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area of Turner County is intensively irrigated. There are seven irrigation wells within a one mile radius of this application. Interference is not a concern. These wells have been in existence for many years with no apparent problems. In the past, during extreme and prolonged drought water levels have declined to the point where pumping capacity from some of the shallow wells were affected. This scenario could and probably will happen again. The expected water levels due to drought and wet conditions are well defined by the observation well hydrograph.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is under water table conditions. Drawdown created by pumping does not extend very from individual production wells. Interference is not expected to be a concern.
3. Approval of this application will allow expansion of irrigated land to allow for a center pivot to be installed. The total appropriation will be 1.97 cfs for irrigation of 138 acres.

4. The new well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. The existing well, if abandoned, must be plugged in accordance with SD Well Construction Standards.
6. The water levels in the Parker Centerville aquifer are affected by drought. During extreme or prolonged drought water levels may decline to the point that individual production wells may be affected. This is because of the relatively thin saturated thickness of the aquifer. This phenomenon can be shown by the changes in water levels of the observation well.



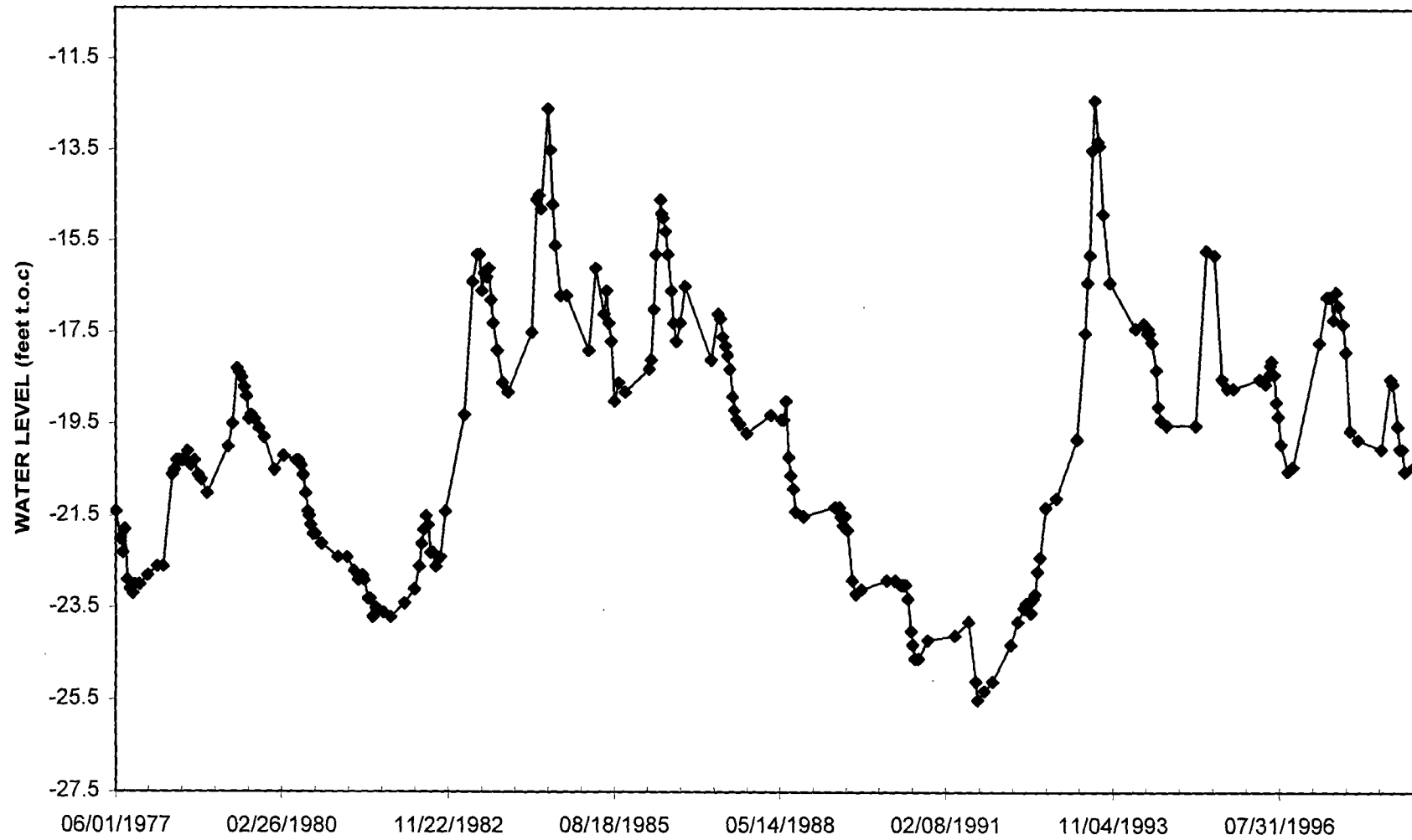
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1999, Unpublished Observation Well Records for Turner County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
TU-77A**



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6127-3, G. Connie Flygt**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6126-3, G. Connie Flygt, 1626 Capital Ave., Madison WI 53705.

The Chief Engineer is recommending APPROVAL of Application No. 6127-3 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) it is 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. The replacement well authorized by Permit No. 6127-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. If the existing well is abandoned, it must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 18, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 19, 1999

G. Connie Flygt
1626 Capital Ave.
Madison, WI 53705

Dear Ms. Flygt:

Water Permit Application Nos. 6126-3 and 6127-3 for irrigation use have 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 Hurley Leader printed at Hurley, SD (Ph # (605) 238-5229). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 1999

Hurley Leader
Box 218
Hurley, SD 57036

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 6126-3 and 6127-3 to Appropriate Water to be published twice. Please publish the first notice on April 1, 1999, 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 G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705 (Ph # (608) 238-9949).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

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

Nos. 6126-3 & 6127-3

Date _____

We are in receipt of your letter of March 19, 1999, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6126-3 and 6127-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 1, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6126-3 and 6127-3 to Appropriate Water

Notice is given that G Connie Flygt, 1626 Capital Ave, Madison WI 53705 has filed the following applications for a water permit to appropriate water.

Application No. 6126-3 proposes to appropriate 0.55 cubic feet of water per second (cfs) to irrigate 38.9 additional acres. Vested Water Right No. 5678-3 appropriates 1.78 cfs from one well (Parker-Centerville Aquifer) 44 feet deep located in the center of the NW $\frac{1}{4}$ Section 36 to irrigate a $\frac{3}{4}$ center pivot rotation totaling 108 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36; all in T99N-R53W. This application is to irrigate 38.9 additional acres located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36-T99N-R53W from the existing well. Approval of this application will authorize the existing center pivot to make a full circle.

Application No. 6127-3 proposes to appropriate 0.86 cfs to irrigate 60 additional acres. Vested Water Right No. 5680-3 appropriates 1.11 cfs from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 to irrigate 78 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23; all in T99N-R53W. This application is to irrigate 60 additional acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23 and authorizes a replacement well (Parker-Centerville Aquifer) 40 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6126-3 and 6127-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 19, 1999.

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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER

Lynette Bagley, Editor, being first duly sworn, on oath says HURLEY LEADER is a WEEKLY newspaper published in HURLEY in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said HURLEY LEADER; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

2 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the 1st day of April, 1999, and that the succeeding publications were severally

on Thursday, the 8th day of April, 1999;

on Thursday, the _____ day of _____, 1999;

on Thursday, the _____ day of _____, 1999;

on Thursday, the _____ day of _____, 1999;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS(\$ 44.46)

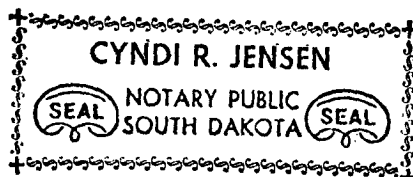
(x) Lynette Bagley

Subscribes and sworn to before me this 8th day of

April, 1999.

Cyndi R. Jensen
Notary Public

My commission expires April 15, 2000.



NOTICE OF APPLICATION NOS. 6126-3 and 6127-3 to Appropriate Water

Notice is given that G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705 has filed the following applications for a water permit to appropriate water.

Application No. 6126-3 proposes to appropriate 0.55 cubic feet of water per second (cfs) to irrigate 38.9 additional acres. Vested Water Right No. 5678-3 appropriates 1.78 cfs from one well (Parker-Centerville Aquifer) 44 feet deep located in the center of the NW 1/4 Section 36 to irrigate a 3/4 center pivot rotation totaling 108 acres located in the E 1/2 NW 1/4, SW 1/4 NW 1/4 Section 36; all in T99N-R53W. This application is to irrigate 38.9 additional acres located in the NW 1/4 NW 1/4 Section 36-T99N-R53W from the existing well. Approval of this application will authorize the existing center pivot to make a full circle.

Application No. 6127-3 proposes to appropriate 0.86 cfs to irrigate 60 additional acres. Vested Water Right No. 5680-3 appropriates 1.11 cfs from one well located in the SW 1/4 NW 1/4 Section 23 to irrigate 78 acres located in the W 1/2 NW 1/4 Section 23; all in T99N-R53W. This application is to irrigate 60 additional acres located in the E 1/2 NW 1/4 Section 23 and authorizes a replacement well (Parker-Centerville Aquifer) 40 feet deep located in the SW 1/4 NW 1/4 Section 23; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6126-3 and 6127-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 19, 1999.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

Nettie H. Myers,
Secretary,

Department of Environment
and Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 20 1999

G. Connie Flygt
1626 Capital Ave.
Madison, WI 53705

Dear Ms. Flygt:

Enclosed are Water Permit Nos. 6126-3 and 6127-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Two Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



6127-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: G CONNIE FLYGT, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3 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, 2000, 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**

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

January 25, 2000

G Connie Flygt
1626 Capital Ave
Madison, WI 53705

RE: Water Permit/Right Nos. 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3

Dear Mrs. Flygt:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3.

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



www.dewittross.com

Capitol Square Office
Two East Mifflin Street
Suite 600
Madison, WI 53703-2865
Tel 608-255-8891
Fax 608-252-9243

West Office
8000 Excelsior Drive
Suite 401
Madison, WI 53717-1914
Tel 608-831-2100
Fax 608-831-2106

Metro Milwaukee Office
13935 Bishop's Drive
Suite 300
Brookfield, WI 53005-6605
Tel 262-754-2840
Fax 262-754-2845

Please respond to: Capitol Square Office
Direct line: 608-252-9355

March 14, 2007

VIA FEDERAL EXPRESS

Department of Environment and Natural Resources
Attn: Eric Gronlund
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

RE: Transfer of Water Rights

Dear Mr. Gronlund:

Thank you for talking with me last week.

Enclosed please find five (5) water rights transfers, together with a check for \$12.50, to effectuate the transfer of those five existing water rights. BallaCostain LLP is the entity that my brother and I (and our wives) set up to own the South Dakota property.

If there are any questions, please contact me. Thank you.

Sincerely,

DEWITT ROSS & STEVENS s.c.

Douglas L. Flygt

DLF:jtk
Enclosures

RECEIVED

MAR 15 2007

WATER RIGHTS
PROGRAM

6127-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/15, 20 07

RECEIVED OF DOUGLAS FLYGT 1626 CAPITAL AVE MADISON WI 53705

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6127-3</u>	2	50
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.

02996

By

Leah Erbe

Chief Engineer

98

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
MAR 15 2007
WATER RIGHTS
PROGRAM

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

No. 6127-3

Date: 3/13/07

I/We request that Water Permit No. 6127-3

formerly owned by: G Connie Flygt, 1626 Capital Avenue, Madison, WI 53705

be transferred to: (name & address) BallaCostain LLP, a Wisconsin limited partnership,
c/o Douglas Flygt, 1626 Capital Avenue, Madison, Wisconsin 53705

Telephone No. (608) 238-9949

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

60.0 acres - E 1/2 NW 1/4 Section 23, T99N, R53W

I/We understand that the validity of Water Permit No. 6127-3 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 BallaCostain LLP, the new owner, certify that the above information is true and correct.

BallaCostain LLP

By: 
(Signed by new owner)
Douglas Flygt, Partner

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.



March 19, 2007

6127-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Douglas L Flygt
BallaCostain LLP
1626 Capital Ave
Madison WI 53705

RE: Vested Water Right Nos. 5677-3, 5678-3 & 5680-3 and Water Permit Nos. 6126-3 & 6127-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for Vested Water Right Nos. 5677-3, 5678-3 & 5680-3 and Water Permit Nos. 6126-3 & 6127-3. The transfers have been completed. The vested water rights and water permits formerly listed in the name of G Connie Flygt are now listed in the name of **"BallaCostain LLP, a Wisconsin limited partnership"**.

Enclosed are your Receipt Nos. 02992, 02993, 02994, 02995 and 02996 in the amount of \$2.50 each. You may keep these for your records.

Also enclosed is a "Notice of Transfer of Ownership" form for Vested Water Right No. 5679-3. I somehow missed sending it to you with the original group. Please complete and return the form to us with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2009

NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

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) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3. 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) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3 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) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3 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.



**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 28, 2009

Douglas Flygt
Ballacostain LLP
1626 Capital Ave
Madison WI 53705

RE: Water Permit/Right Nos. 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit/Right Nos. 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



July 24, 2014

6127-3

Douglas Flygt
BallaCostain LLP
1626 Capital Ave
Madison WI 53705

Dear Mr. Flygt:

I am writing in regard to your Water Permit No. 6127-3. The water permit authorizes use of ground water from the Parker Centerville Aquifer for irrigation purposes. In reviewing your 2012 and 2013 irrigation questionnaires, we found discrepancies in the amount of water used and have some concerns.

Water Permit No. 6127-3 allows you to use up to two acre-feet (24 inches) of water per acre each year. On your irrigation questionnaires you reported substantially more water use. You reported the following information for 2012 and 2013:

Year	Acres irrigated	Acre feet of water <u>authorized</u> based on acres irrigated	<u>Reported</u> Water Use
2012	60 acres	120 acre feet (60 acres x 2 acre feet)	275.76 acre feet
2013	60 acres	120 acre feet (60 acres x 2 acre feet)	176.77 acre feet

We realize that in any given year, water use may be more or less depending on climatic conditions. It is very rare that irrigators come close to the 24 inches per acre authorized. Typically that number is more around 8 to 12 inches per acre. Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect as accurate information as possible to ensure everyone is using only that amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine if an aquifer or stream may or may not be nearing full appropriation. Our goal is to protect existing water rights and ensure that additional water rights do not impair those existing water users.

If you do indeed apply that much water, you are exceeding the limits of your water permit and need to be cutting back to within the authorized use. If you estimated your water use and have not kept track of days irrigated and water used, please ensure the information reported each year is as accurate as possible. As stated before, the information you provide is very valuable to us. If you have any questions, please contact me at 605 773-3352.

Sincerely,

Genny McMath
Water Rights Program



6127-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XFCQTJ**

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.denr.sd.gov

February 3, 2020

Douglas Flygt
BallaCostain LLP
1626 Capital Ave
Madison WI 53705

RE: Water Permit or Right Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. 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, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

6127-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

6127-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

Douglas Flygt
Ballacostain LLP
1626 Capital Ave
Madison WI 53705

RE: Water Right/Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right or Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

6127-3



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

January 20, 2022

NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WDNMB**

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.

6127-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

Douglas Flygt
Ballacostain LLP
1626 Capital Ave
Madison WI 53705

RE: Water Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us