

WATER PERMIT NO. 6324-3

Name of Applicant: Douglas J. Luebke

Address: PO Box 267, Corsica SD 57328 Phone: 605 946-5332

Amount of Water Claimed: 2.22 cfs Total Acres: 235

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Douglas

Type of Waste Disposal System:

Location: 5 miles southeast of Corsica

PRIORITY Date Received: 5-9-2002 Fee: \$275

Corrected Application Received: Period of Annual Use: April 1 – October 30

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 22-T99N-R63W

Land to be Irrigated: NW ¼, E ¼ NE ¼
Sec 22-T99N-R63W

Depth of Well: 46 feet

Well Driller: : Pullman Well Drilling

Remarks:

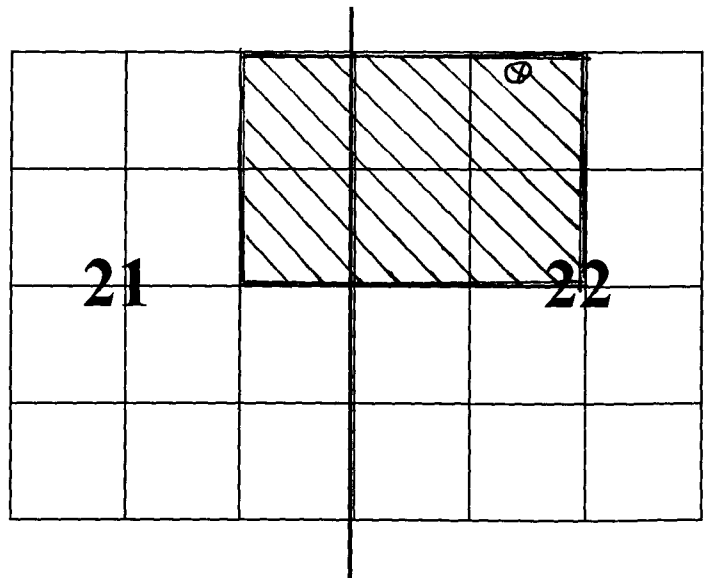
Type of Map: aerial

Prepared by: Charlene Bietz, Douglas Co. FSA

Reviewed and the Number Assigned on: 5-9-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6324-3

Date of first receipt of application May 9, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6324-3 to Douglas J. Luebke, PO Box 267, Corsica SD 57328 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. 6324-3 appropriates 2.22 cubic feet of water per second from 2 wells (Delmont Aquifer) 46 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 to irrigate 235 acres located in the NW $\frac{1}{4}$ Section 22 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21; all in T99N-R63W.
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 30.
3. The date from which applicant may claim right is May 9, 2002.
4. The date of approval of Permit No. 6324-3 is June 21, 2002.
5. One-fifth of the construction is to be completed on or before December 21, 2004.
6. All construction is to be completed on or before June 21, 2007.
7. Water is to be put to beneficial use on or before June 21, 2011.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6324-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 31 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6324-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>The Corsica Globe, Corsica</u>	

RECEIVED
MAY 09 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

- Name of Applicant Douglas J. Luebke Phone 605-946-5332
(check one) X Owner Tenant/lessee
Mailing Address P.O. Box 267 Corsica State SD 57328
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 235
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply potentially 2 wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in NE 1/4 NW 1/4 Section 22-T99N-R63W
County Douglas
- County or counties where water will be used Douglas
- Annual period during which water is to be used April to Oct 30
- 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
NW 1/4 NW 1/4 22-99-63	35	NE 1/4 NE 1/4 21-99-63	40
NE 1/4 NW 1/4 22-99-63	40	SE 1/4 NE 1/4 21-99-63	40
SW 1/4 NW 1/4 22-99-63	40		
SE 1/4 NW 1/4 22-99-63	40		

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

Irrigate approximately 235 acres with a low pressure center pivot system.

STATE OF SOUTH DAKOTA) SS
County of Douglas

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

Applicant's signature Douglas J. Luebke

Subscribed and sworn to before me this 3rd day of May 20 02

Julie Jensen
Notary Public signature
My Comm Expires: 10-18-07

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 26" Depth 46'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 5" Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 17'
- f) Depth to Water (ground surface to water level) 4'
- g) Distance to nearest existing domestic well:
On applicants property Approx 1500'
Not bring pump On property owned by others Approx 2500'

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 _____

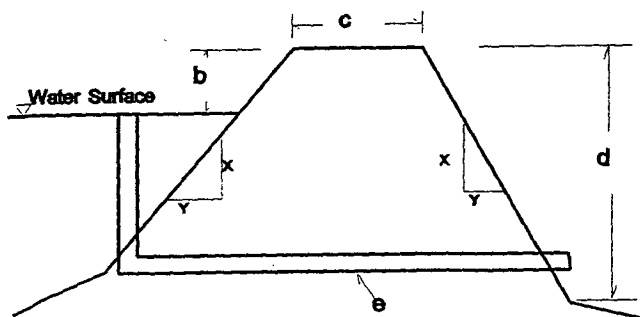
3. Dugout Information

- 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

PULLMAN DRILLING — DRILLERS LOG

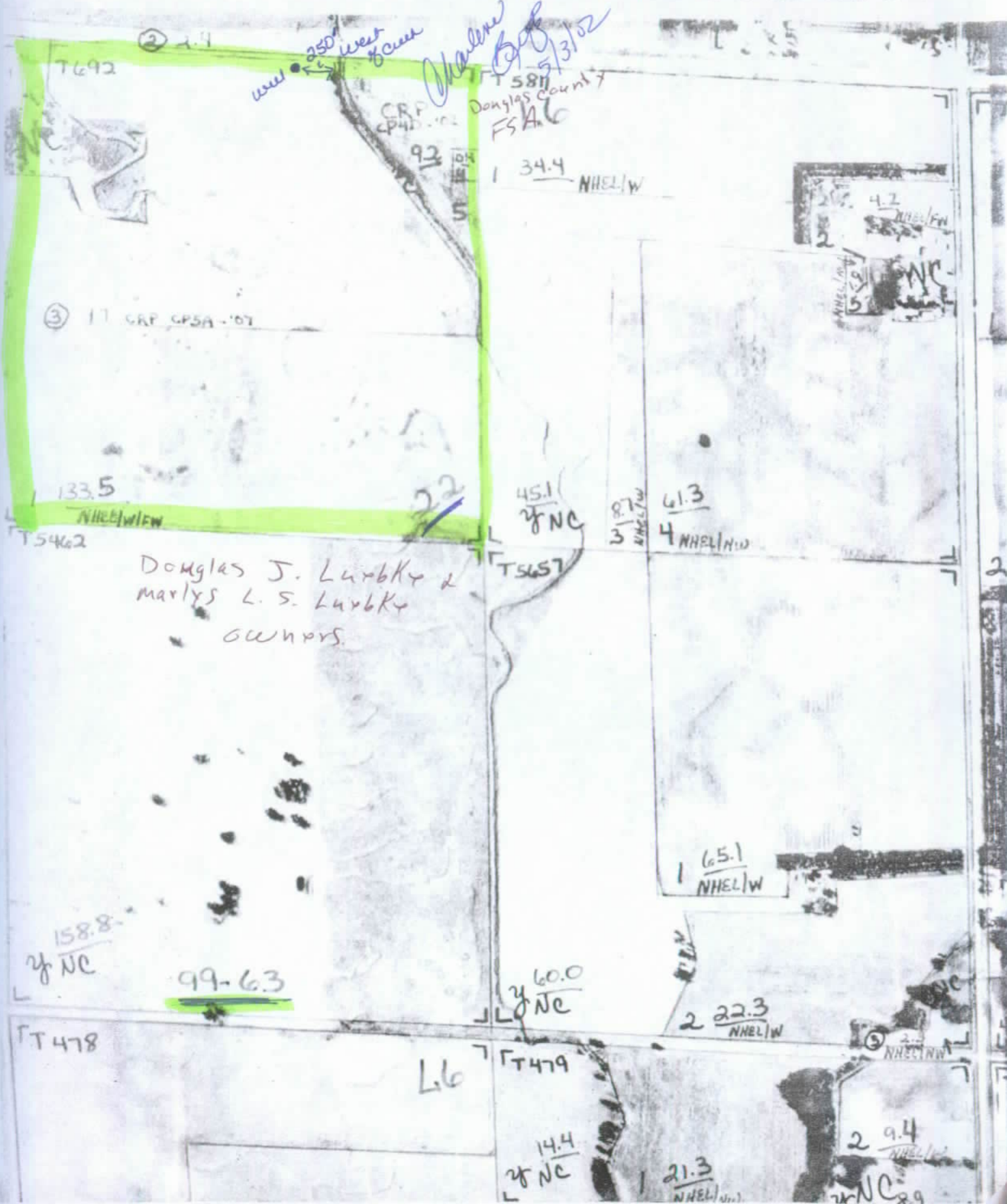
Corsica S.D.

Phone: 1-800-451-4884

Doug Lette		4-16-02	11	Paul Hef
JOB NAME	LOCATION	DATE	RIG NO.	FOREMAN

J1 No.	DEPTH	TIME	REMARKS
			# 1
1	20		0-20 Yellow clay
2	40		20-25 Yellow clay 25-40 Blue clay w/ little rocks
3	60		40-60 Sandy Blue clay
4	80		60-80 Mushy Blue clay
5	100		80-100 Sandy Blue clay
6			
7			
8			# 2
9			
10	20		0-17 Yellow clay 17-20 Yellow sand & gravel
11	40		20-37 Yellow grayish gravel 37-40 Gray ^{coarse} sand & gravel
12	48		40-46 Gray Coarse sand & gravel 46-48 Blue clay
13			
14			
15			
16			3" well
17			T.D. 48'
18			20' oib 3" slotted
19			28' 3" blank
20			Pumped w/ air 60 G.P.M.
21			Water head 4'
22			
23			Fax 946-5127
24			
25			
26			Bill it to
27			
28			D+M Leasing Inc.
29			Box 267
30			Corsica S.D.
31			57328
32			
33			
34			
35			/ west
36			
37			
38			Test holes for Injection
39			

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



6324-3

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417163

Pierre, May 9, 20 02

RECEIVED OF D & M Leasing Inc., PO Box 23, Corsica, SD 57328
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6324-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	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>6324-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	325 00

By Darland Elch
Chief Engineer *gm*

REPORT ON WATER PERMIT APPLICATION NO. 6324-3

For Douglas J. Luebke

May 23, 2002

Application No. 6324-3 proposes to appropriate 2.22 cfs (1000 gpm) from two wells approximately 46 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 22 to irrigate 235 acres located in the NW $\frac{1}{4}$ of section 22 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of section 21; all in T99N R63W in Douglas County.

AQUIFER – DELMONT (D)

The Delmont aquifer is a surficial outwash (sand and gravel) which is under predominantly water table conditions in the area of this application. The aquifer underlies 15,700 acres and contains an estimated 35,320 acre-feet of recoverable water in storage in Douglas County (Hedges, 1982). Ground water movement is from north to south and recharge occurs locally by infiltration of precipitation of rainfall and snowmelt (Kume, 1971). This application is located on the “western fork” of the aquifer as mapped by Kume and is associated with Choteau Creek. The aquifer width is relatively narrow even though the aquifer thickness appears to be adequate at this site.

The driller’s log (test well #2) filed with the application indicates that sand and gravel was encountered at a depth from 17 feet to 46 feet below land surface. The test well had a static water level of about four feet below land surface and was capable of producing 60 gpm using air to develop.

The Water Rights Program does monitor an observation well (DG-80G) completed into the Delmont aquifer and located about two miles south 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, 2002). A hydrograph for observation well DG-80G is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights for water from the Delmont aquifer in this portion of the aquifer or within seven miles of this site. Interference is not a concern. There are no other permits/rights that could be affected.

CONCLUSIONS

1. Water is available from the Delmont aquifer at this site.
2. Hydrologically this portion of the aquifer is isolated. There may not be sufficient saturated material in this area to supply irrigation water for all 220 acres nor to provide 2.22 cfs of water on a continuous basis. However, developing the wells and

testing them through a drought period is the only sure way to determine the capacity of the area. The aquifer does recharge. Interference is not expected to be a concern.

3. The well(s) authorized by this application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

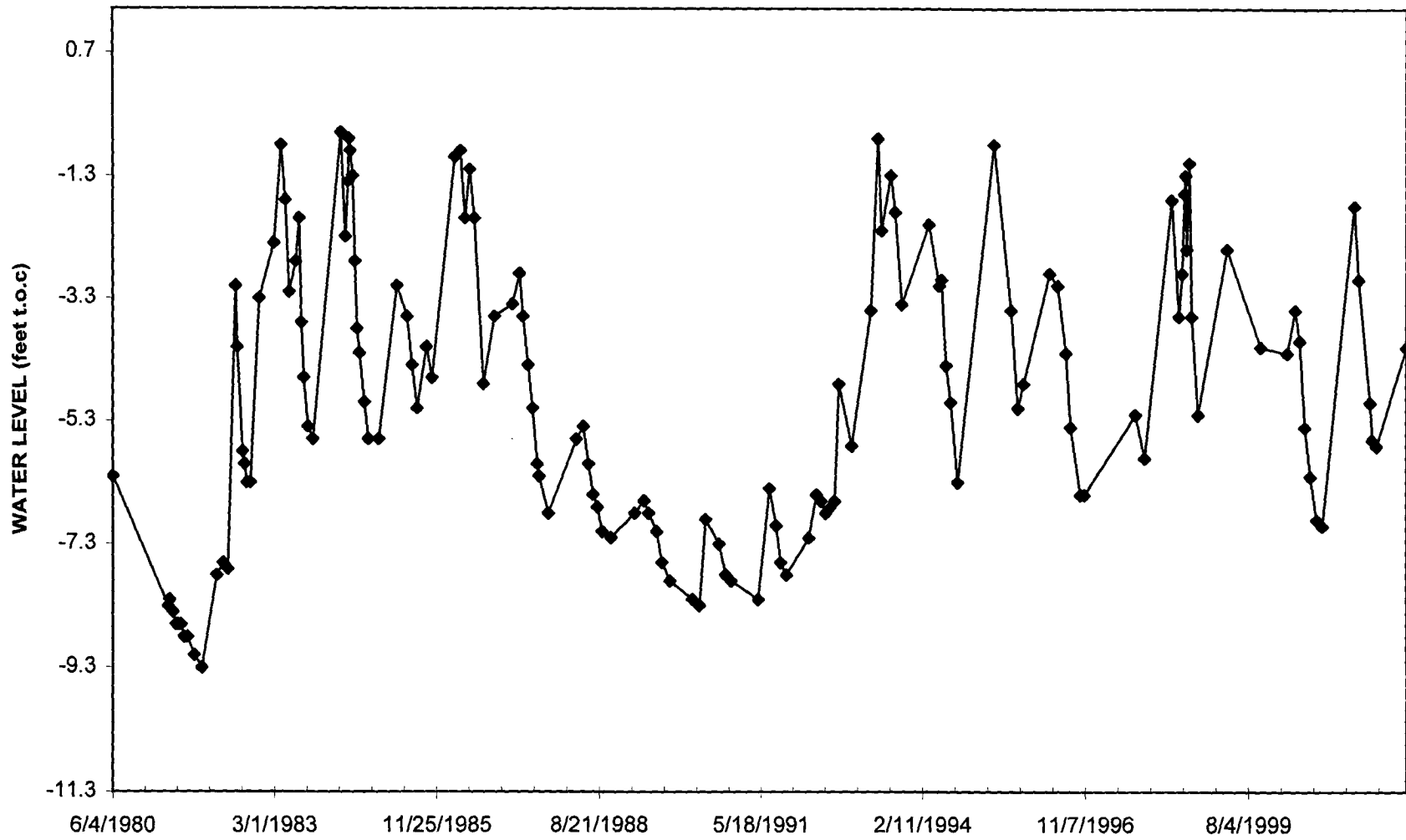
BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Part II – Water Resources, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Data for Douglas County, SD DENR, DES, Water Rights Program, Pierre, SD, 57069.

**WATER RIGHTS' OBSERVATION WELL
DG-80G**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6324-3, Douglas J. Luebke**

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. 6324-3, Douglas J. Luebke, PO Box 267, Corsica SD 57328.

The Chief Engineer is recommending APPROVAL of Application No. 6324-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6324-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 28, 2002

NOTE: The report indicates that there may not be sufficient saturated material at the location of your project for a continuous water supply for irrigation

Affidavit Of Publication

STATE OF SOUTH DAKOTA,

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

DENR- Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper

for two (2) successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 6-4, 2002,

the second publication being made on 6-11, 2002,

the third publication being made on _____, 20____,

the fourth publication being made on _____, 20____,

the fifth publication being made on _____, 20____,

the sixth publication being made on _____, 20____,

the seventh publication being made on _____, 20____,

and the eighth publication being made on _____, 20____,

that \$ 38.59 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this th day of June, 2002.

Beverly Fairbrother
Notary Public, Douglas County, South Dakota

My Commission Expires

11-28-07

Notice of Application No. 6324-3 to Appropriate Water

Notice is given that Douglas J. Luebke, PO Box 267, Corsica, S.D. 57328 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from two wells (Delmont Aquifer) 46 feet deep located in the NE 1/4 NW 1/4 Section 22 to irrigate 235 acres located in the NW 1/4 Section 22 and the E 1/2 NE 1/4 Section 21; all in T99N-R63W.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 6324-3 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 Program, Foss Building, 523 E. Capitol, Pierre, S.D. 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 June 21, 2002.

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

Steven M. Pirner, DENR secretary
57c6/4-11c

RECEIVED
JUN 21 2002
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 28, 2002

The Corsica Globe
PO Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6324-3 to Appropriate Water to be published twice. Please publish the first notice on June 4, 2002 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 Douglas J. Luebke, PO Box 267, Corsica, SD 57328 (Ph # 605-946-5332).

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

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

No. 6324-3

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

Date _____

We are in receipt of your letter of May 28, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6324-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 28, 2002

Douglas J. Luebke
PO Box 267
Corsica, SD 57328

Dear Mr. Luebke:

Water Permit Application No. 6324-3 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 Corsica Globe printed at Corsica, SD (Ph # 605-946-5489). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on June 4, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6324-3 to Appropriate Water

Notice is given that Douglas J Luebke, PO Box 267, Corsica SD 57328 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from 2 wells (Delmont Aquifer) 46 feet deep located in the NE ¼ NW ¼ Section 22 to irrigate 235 acres located in the NW ¼ Section 22 and the E ½ NE ¼ Section 21; all in T99N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6324-3 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 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 June 21, 2002.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 31 2002

Douglas J. Luebke
PO Box 267
Corsica SD 57328

Dear Mr. Luebke:

Enclosed is Water Permit No. 6324-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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.

Sincerely,

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

enclosures

6324-3
07-92

Well Owner: D-M LEASING
Business Name: D
Address: PO Box 267
Corsica, SD 57328

FORMATION	FROM	TO
Black Till	0	5
Clayey sand	5	20
Medium sand	20	30
Coarse gravel	30	39'

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 3000' ft. from old Farmstead (identify source).

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

Hydraulically pushed false casing

☒ Steel ☐ Plastic ☐ Other

If other describe 12" x 40

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
		lb./gal	ft	ft
		lb./gal	ft	ft

Describe grouting procedure TRENCH UP TO 15'
W 6" P.P.E + NEAT CEMENT.

Diameter 12" IN Length 10' FEET
Material 5.5
Slot Size 100' Set From 29 Feet to 39' Feet
Other information _____

If so, what material?

Describe packer(s) and location?

X YES, How: CH/DA/PA/ES
 NO, Why Not? GRADE / DNCA

Laboratory sent to for water quality analysis

Brookings did irrig analysis

STATIC WATER LEVEL 20' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

☒ Pumped Describe: 1 AN 129' pump
☐ Bailed 3 hrs @ 600 gpm
☐ Other @ 28' pwf

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS - MAY NEED ANOTHER REF

RECEIVED

MAY 27 2023

This well was drilled under license # 111 WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm LACEY WELL DRILLING

Signature of License Representative:

James J. Lacey

Signature of Well Owner or Equitable Property Holder:

Donald Mack

Date: 1-7-03

6324-3
RECEIVED

DEC 20 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Dec. 18, 2007TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Douglas J. Luebke
(name)
P.O. Box 267
(address)
Corsica SD 57328
(city, state, zip)605-946-5332
(phone)
605-770-7611 cell

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

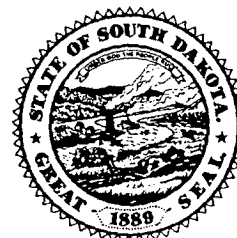
Water Permit No. 6324-3 states that the water use system is to be constructed by June 21, 2007, and water is to be put to beneficial use by June 21, 2011.
(date) (date)

The water use system was completed on 4-15-07.
(date)

Applying the water to beneficial use was completed on 5-10-07.
(date)

You may schedule an investigation so that the water license may be issued.

Douglas J. Luebke
(signature)



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6324-3

I have this day, May 19, 2015, made a thorough examination of the water use system constructed by Douglas Luebke of P.O. Box 267, Corsica, SD Permit No. 6324-3, bearing the priority of May 9, 2002 authorizing the diversion of 2.22 cu. ft. per second of the waters of Delmont aquifer for irrigation purposes, in Douglas County.

Inspection contact & relationship to permit holder, if applicable: **Spoke with Douglas Luebke at site**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 39 feet (north well) and 51.75 feet (south well)
- 4) Well log is available Yes If no, explain in comments

Casing:

- 1) Diameter 12 inches
- 2) Length 30 feet (N) and 41 feet (S)
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 10 feet (N) and 12.75 feet (S)
- 3) Static water level 20 feet (N) and 15 feet (S)

Pump/Motor:

- 1) Make submersible
- 2) Model/Size unknown
- 3) Capacity 650 GPM (N) and 150 GPM (S)

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

- 1) Type steel
- 2) Size 14 inches
- 3) Length 1,406 feet between pivots, 1,310 feet from north well to sec 22 pivot and 1,378 feet between south well and sec 22 pivot

Comments: might change with switch to sub-irrigation

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic (sec 21) and Lockwood (sec 22)
- 2) Overall length 1,276 feet (Zimmatic) and 1,097 feet (Lockwood)
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Yes
- 4) Low pressure drain No
- 5) Discharge is 20' from source No, needs hose
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Yes

Comments: **Chemigates at north well only**

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

List any extended period of nonuse: **none**

- 3) Exceptions to compliance are: **none other than a couple of chemigation requirements that need to be in place before chemigating**

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
North well (1,630 feet west and 70 feet south of NW corner section 22-T99-R63W, NE ¼ NW ¼ at longitude -98.27905 and latitude 43.37905)
South well (2,613 feet west and 1,845 feet south of NW corner section 22-T99-R63W, SE ¼ NW ¼ at longitude -98.286167 and latitude 43.38403)
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **All in T99N-R63W**

Report of Examination of Works

Permit No. 6324-3

legal description/acreage

NE ¼ NE ¼ Sec 21 32 acres
SE ¼ NE ¼ Sec 21 32 acres
NW ¼ NW ¼ Sec 22 27.5 acres

legal description/acreage

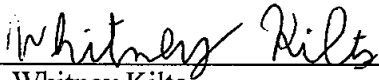
SW ¼ NW ¼ Sec 22 27.5 acres
SE ¼ NW ¼ Sec 22 27.5 acres
NE ¼ NW ¼ Sec 22 27.5 acres

comprising a total of 174 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map **Yes**

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

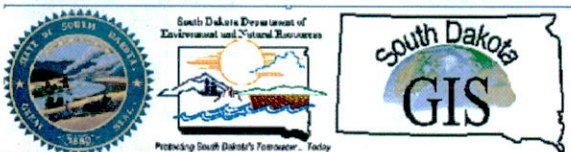
Mr. Luebke indicated that he was just starting the process of switching to sub-irrigation using a drainage tile system, will need Water Permit Application forms to apply for the corners as additional acres with new system and might move pivot(s) to a new location (Mr. Luebke applied for the additional acres in late Aug.)



Whitney Kilts
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **September 1, 2015**

Report of Examination of Works
Permit No. 6324-3



Diversion point(s) located using Garmin eTrex 10 GPS

Completed by: Whitney Kilts
Whitney Kilts, Natural Resources Engineer
SD DENR, Water Rights Program

Date: June 30, 2015

Water Right No. 6324-3

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Douglas Luebke

ADDRESS: P.O. Box 267, Corsica, SD

DATE: 09/09/2015 COUNTY: Douglas TELEPHONE: (605)-770-7611

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The original diversion for this report is for two wells located in the NE ¼ NW ¼ Sec 22-T99N-R63W, the inspection found that one well was developed at the permitted diversion point and one well was developed in the SE ¼ NW ¼ Sec 22-T99N-R63W. The wells are capable of diverting 1.78 cfs less than the permitted amount of 2.22 cfs.

- **If irrigation, no new land is irrigated**

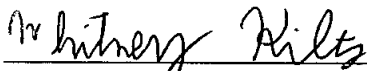
The irrigated area corresponds with the permitted area for irrigation located in the NW ¼ Section 22 and the E ½ NE ¼ Section 21 all in T99N-R63W for a total of 174 acres irrigated by center pivot irrigation.

- **Review of Existing Diversions**

The well located in the SE ¼ NW ¼ Sec 22-T99N-R63W is approximately 1,300 feet south southeast of the center of the NE ¼ NW ¼ Sec 22-T99N-R63W. This change in diversion point is not expected to adversely impact existing water rights; this is in agreement with the report for Water Permit Application No. 8179-3 for the additional acres that would be irrigated by switching from the current center pivot irrigation to sub-irrigation.

RECOMMENDED ACTION

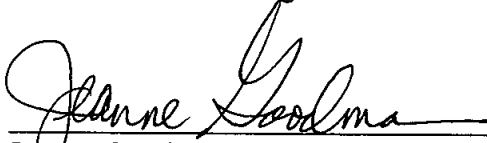
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Whitney Kilts, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 29 2015

6324-3

Douglas J Luebke
PO Box 267
Corsica SD 57328

Dear Mr. Luebke:

Enclosed is your Water License No. 6324-3. This is the final water right document completing your process of obtaining a water right. Included with the license is 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 wells authorized by your water right, 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.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation system, the staff engineer found the system did not have a low pressure drain and also needed a hose to allow for discharge at least 20 feet from the water source. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. Low pressure drains are required and must be in place to prevent contamination of the water source. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program at 605 773-3352.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6324-3

(1) Douglas J Luebke, PO Box 267, Corsica SD 57328 made Application No. 6324-3, May 9, 2002 for a water permit to divert 2.22 cubic feet of water per second from ground water – two wells (Delmont Aquifer), Douglas County, South Dakota for irrigation purposes. Permit No. 6324-3, with a priority date of May 9, 2002 was approved June 21, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 21, 2007 and for the application to beneficial use of said water on or before June 21, 2011.

The original water permit authorized two wells to be constructed in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T99N, R63W. The inspection of the water use system found the one of the wells was located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in location of the second well did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **north well:** 1,630 feet west and 70 feet south of the NW corner of Section 22, T99N, R63W (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
- **south well:** 2,613 feet west and 1,845 feet south of the NW corner of Section 22, T99N, R63W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)

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

Section 21, T99N, R63W	Section 22, T99N, R63W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27.5 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 27.5 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 27.5 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27.5 acres

Total – 174 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Douglas J Luebke, PO Box 267, Corsica SD 57328 the holder and/or owner of Water Right No. 6324-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water – two wells (Delmont Aquifer) with a priority date of May 9, 2002 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6324-3 and subject to the following qualifications:

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

continued

Water License No. 6324-3

- The wells authorized by Permit No. 6324-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. ***Both wells were drilled by Lacey Well Drilling. Copies of the logs are on file with the Water Rights Program.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 29 2015

date





6324-3
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 20, 2017

NOTICE

TO: DOUGLAS J LUEBKE, PO BOX 267, CORSICA, SD 57328 0267

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6324-3 & 8179-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6324-3 & 8179-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6324-3 & 8179-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

Joanne,

6324-3

I am Austin Luebke son of Douglas, who passed away this summer/spring 2016.

We will need to switch name on the permit

Contact info:

Mail:

Box 267

Corsica, SD 57328

Email:

deet_hunter777@hotmail.com

phone:

605-770-7060

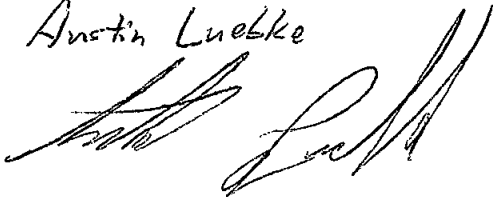
RECEIVED

FEB - 7 2017

WATER RIGHTS
PROGRAM

Thank you

Austin Luebke





6324-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 8, 2017

6324-3
8179-3

Austin Luebke
PO Box 267
Corsica SD 57328 0267

Dear Mr. Luebke:

I am writing to acknowledge receipt of the 2016 irrigation questionnaires and your letter indicating Nos. 6324-3 and 8179-3 should be transferred.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6324-3 and Water Permit No. 8179-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each. The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have them, I am enclosing a copy of Nos. 6324-3 and 8179-3. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures



6324-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 7, 2017

6324-3
8179-3

Austin Luebke
PO Box 267
Corsica SD 57328 0267

Dear Mr. Luebke:

I am writing in regard to Water Right No. 6324-3 and Water Permit No. 8179-3, listed in the name of Douglas Luebke. In February, 2017, you mailed in the irrigation questionnaires for 2016 and a note indicating both Nos. 6324-3 and 8179-3 should be transferred. Forms were mailed to you on February 8th and to date we haven't received anything back from you.

In the event you do not have the original forms, I am enclosing an additional set. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

The 2017 irrigation questionnaires will be mailed out from our office in mid-October. It is important ownership records be kept current to ensure correspondence gets to the right person.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

OCT 04 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6324-3

Date: _____

I/We request that Water Right No. 6324-3

formerly owned by: Douglas J Luebke

be transferred to: (name & address)

Douglas J Luebke Family Trust (1/2) &
Marlys L. Schulz Luebke Family Trust (1/2)
P.O. Box 267 Corsica, SD 57308 Telephone No. 605 770-4182

*Marlys L. Schulz Luebke
Personal Rep*

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

174 acres - E 1/2 NE 1/4 Section 21 and NW 1/4 Section 22, all in T99N, R63W

I/We understand that the validity of Water Right No. 6324-3 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 Fifty Dollars (\$50.00) 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 Douglas/Marlys Family Trust the new owner, certify that the above information is true and correct.

Marlys L. Schulz Luebke
(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 October 4, 20 17

RECEIVED OF D & M Leading Inc. PO Box 267 Corsica 57328-0267

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 6324-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08348**

By Jeanne Goodman
Chief Engineer



6324-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 5, 2017

6324-3
8179-3

Maryl's L Schulz Luebke
PO Box 267
Corsica SD 57328-0267

Dear Ms. Luebke:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for transferring Water Right No. 6324-3 and Water Permit No. 8179-3.

The ownership changes have been completed. Nos. 6324-3 and 8179-3 formerly held by Douglas J Luebke are now held by Douglas J Luebke Family Trust (1/2) and Marlys L Schulz Luebke Family Trust (1/2).

Enclosed for your records are Receipt Nos. 08347 and 08348 in the amounts of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



6324-3
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 26, 2018

NOTICE

TO: DOUGLAS J LUEBKE FAMILY TRUST, MARLYS L SCHULZ LUEBKE FAMILY TRUST,
PO BOX 267, CORSICA, SD 57328 0267

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6324-3 & 8179-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 6324-3 & 8179-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 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) 6324-3 & 8179-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



6324-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2018

6324-3
8179-3

Douglas J Luebke Family Trust
Marlys L Schulz Luebke Family Trust
PO Box 267
Corsica SD 57328-0267

Dear Mr. Luebke and Ms. Luebke:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6324-3 and Water Permit No. 8179-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us