

WATER PERMIT NO. 6440-3

Name of Applicant: **DeVries Inc. c/o Gene DeVries**

Address: **40535 213st, Cavour SD 57324** Phone: **605 352-5841**

Amount of Water Claimed: **1.78 cfs** Total Acres: **134**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Beadle**

Type of Waste Disposal System:

Location: **4 miles southeast of Huron**

PRIORITY Date Received: **9-5-2003**

Application/License Fee: **\$300**

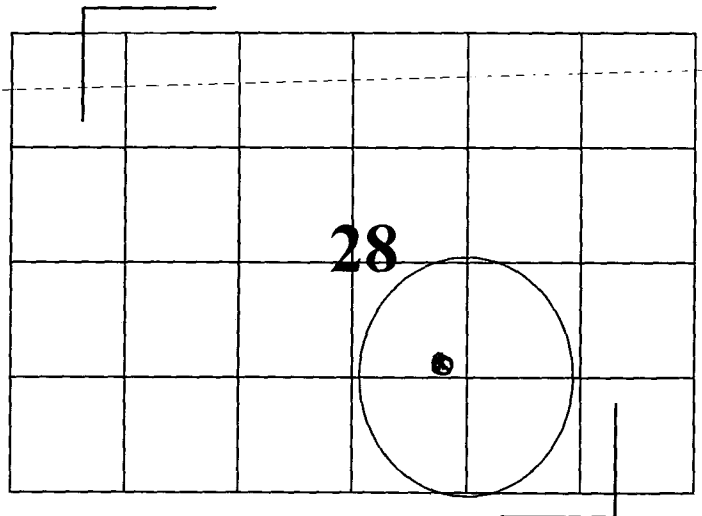
Corrected Application Received: **9-9-2003**

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **NW ¼ SE ¼ Sec 28-T110N-R61W**

Land to be Irrigated: **SE ¼ Sec 28-T116N-R61W**



Depth of Well: **80**

Well Driller: : **Pullman Well Drilling**

Remarks:

Type of Map: **Aerial**

Prepared by: **Carol Otto, Beadle Co. FSA**

Reviewed and the Number Assigned on: **9-9-2003**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6440-3**

Date of first receipt of application September 5, 2003.

Date of return to applicant for corrections, amendments or changes September 5, 2003.

Date of receipt of corrected application September 11, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6440-3 to DeVries Inc., c/o Gene DeVries, 40535 213st, Cavour SD 57324 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. 6440-3 appropriates 1.78 cubic feet of water per second from one well (Floyd: East James Aquifer) 56 feet deep located in the NW ¼ SE ¼ Section 28 to irrigate 134 acres located in the SE ¼ Section 28; all in T110N-R61W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 5, 2003.
4. The date of approval of Permit No. 6440-3 is November 24, 2003.
5. One-fifth of the construction is to be completed on or before May 24, 2006.
6. All construction is to be completed on or before November 24, 2008.
7. Water is to be put to beneficial use on or before November 24, 2012.
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 well authorized by Permit No. 6440-3 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) from the producing formation to the surface 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

DEC 29 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6440-3</u> (office use only)
	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Plainsman, Huron</u>

RECEIVED
SEP - 5 2003
WATER RIGHTS
PROGRAM

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.) _____

1. Name of Applicant DeVries Inc. pro. Gene DeVries Phone 605-352-5941
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 40535 2135T Cavour State SD 57324
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 134
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply _____

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well SE 1/4 - 28-110-61
well in NW 1/4 NW 1/4 SE 1/4 Sec 28 - T110N - R61W
County Beadle

5. County or counties where water will be used _____

6. Annual period during which water is to be used MAY 1 Sept 30

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
NE 1/4 of SE 1/4 - 28-110-61	33.5		
NW 1/4 " " " "	33.5		
SW 1/4 " " " "	33.5		
SE 1/4 " " " "	33.5		
134 A			

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

ON PASTURE
LAND
Used For GRASSING
STATE OF SOUTH DAKOTA
County of Beadle SS



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, Gene DeVries, 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 DeVries Inc. pro. Gene DeVries

Subscribed and sworn to before me this 3rd day of Sept 20 03

Erin Larson
Notary Public signature

Comm Expires 11-2-03

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 in Depth 80 F.T.
- b) Casing Type P.V.C. Diameter 16 in. Thickness 1/2 in
- c) Screen Type 28 Diameter 16 in Thickness 1/2 in
- d) Gravel Pack yes Length of Gravel Pack 30 F.T.
- e) Depth to Top of Water Bearing Material 40 ft.
- f) Depth to Water (ground surface to water level) 18 ft.
- g) Distance to nearest existing domestic well:
On applicants property 1200 ft. On property owned by others 3500 ft.

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 _____

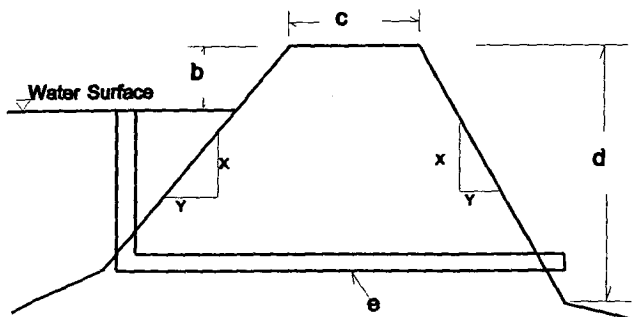
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 5, 20 03

RECEIVED OF Gene Devries, 40535 213th St., Cavour SD 57324

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

Fee for Application for Permit No. <u>6440-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6440-3</u>	50	00
Fee for Filing Transfer Form		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No.

000871

By

Darland White

Chief Engineer

gm

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



PULLMAN DRILLING, INC. - DRILLER'S LOG

(605) 883-4532
1-800-451-4884

Gene Devires
JOB NAME

T-110N R-61W
LOCATION

4-11-03
DATE

RIG NO 11

Paul Hober
FOREMAN

Jt No DEPTH TIME REMARKS

1 20 0-15 Yellow clay w/ yellow gravel rocks 15-20 Blue clay w/rock

2 40 20-40 Blue clay w/ sand streaks & rocks

3 60 40-43 Blue clay w/rocks 43-56 Sand & gravel

4 80 60-80 Blue clay w/rocks 56-60 Blue clay

5

6

7

8 3" well

9 T.O. 60'

10 20' .025 3" slotted

11 40' 3" blank

12 Pumped w/ air 75 G.P.M.

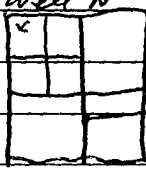
13 Water head 12'

14

15

16

17 new well N

18  3" well

19

20

21

22

23

24 Use 12' .060 stainless steel screen

25

26

27

28

29

30

31

32

33

34

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SEP - 5 2003

WATER RIGHTS
PROGRAM

Water Rights Program - File Documentation

NAME: Gene DeVries

ADDRESS: Cavour

DATE: 9-9-03 **COUNTY:** Beadle **TELEPHONE:** 605 352-5841

RE: pending application

COMMENTS:

Gene DeVries verified that he is applying for one well only and it is located in the NW ¼ SE ¼ Section 28-T110N-R61W, approximately 75 feet from the center of the SE ¼. Mr. DeVries stated he would be returning the map.



Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

September 5, 2003

RECEIVED
SEP 11 2003
WATER RIGHTS
PROGRAM

DeVries Inc.
Gene DeVries
40535 213st
Cavour SD 57324

Dear Mr. DeVries:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

Enclosed is the aerial map submitted with the application. The application indicates that two wells will be located in the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 28-T110N-R61W. The aerial map indicates the location of one well in the approximate center of the SE $\frac{1}{4}$. Please mark the location of the second well on the map.

Upon receipt of the corrected map, further processing of your application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6440-3

For DeVries, Inc.

October 16, 2003

Application No. 6440-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 56 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 28 to irrigate 134 acres located in the SE $\frac{1}{4}$ of section 28; all in T110N R61W in Beadle County.

AQUIFER – FLOYD EAST JAMES (F-EJ)

The Floyd East James is a complex aquifer system which can be either buried or surficial outwash (sand and gravel) and can be under artesian or water table conditions. At this site the aquifer is probably under artesian conditions. The aquifer underlies 146,000 acres and contains an estimated 700,000 acre-feet of recoverable water in storage in Beadle County (Hedges, 1982). Ground water movement is from east to west and toward the James River (Emmons, 1988). Recharge to the aquifer has been estimated to range between 0.30 inches per year in the confined portion of the aquifer to 3.4 inches per year for the unconfined portion of the aquifer (Hedges, 1983). Recharge to the Floyd East James aquifer would range from 3,665 to 41,536 acre-feet per year. Both of these estimates represent extremes with a better estimate probably in the one inch per year range or about 12,200 acre-feet per year.

Test hole information provided with the application indicates sand and gravel from 43 to 56 feet below land surface. The test well had a static water level of 12 feet below land surface and was capable of producing 75 gpm using air to develop. Unless this is exceptionally good sand and gravel, this site does not appear to be favorable for the development of a high capacity well which will sustain a pumping rate of 1.78 cfs for the irrigation season.

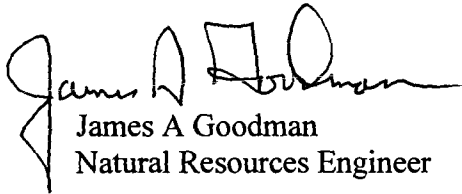
The Water Rights Program monitors an observation well BD-79L which is located about one mile to the east of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer does recharge and that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water rights/permits within a one mile radius of this application. These are water permit No. 6381-3 located about one-half mile to the northwest and water right No. 2830-3A located about one mile northeast of this application. Interference is not a concern. There should be sufficient distance between diversion points to minimize any potential impacts.

CONCLUSIONS

1. Water is available from the Floyd East James aquifer.
2. The aquifer is under confined conditions at this site. Drawdown will result from pumping. Interference is not a concern because of distance between existing production wells.
3. Developing one production well capable of producing 1.78 cfs may be difficult at this site. The aquifer is relatively thin and shallow and the ground water levels are higher than what can be expected during drought periods. It may be necessary to construct two wells to obtain enough water.
4. This well must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

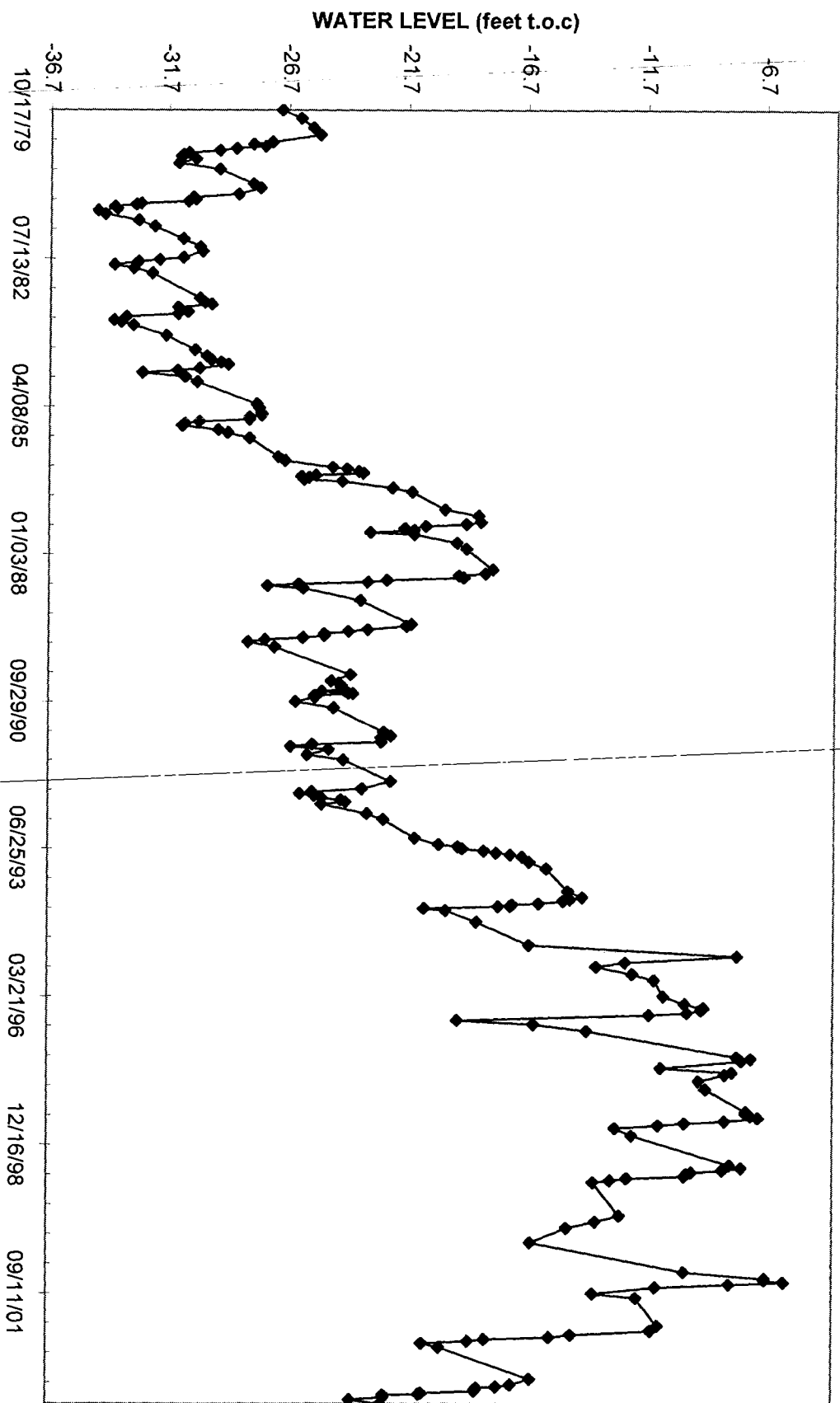
Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hanson, Davison and Jerauld Counties, South Dakota, WRI 87-4082, USGS, Huron, SD, 57350.

Hedges, L.S., and others, 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.

Hedges, L.S., and others, 1983, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, Task 7 : Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2003, Unpublished Observation Well Data for Beadle County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
BD-79L





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020

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. 6440-3, DeVries, Inc.**

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. 6440-3, DeVries, Inc., c/o Gene DeVries, 40535 213th Street, Cavour SD 57324.

The Chief Engineer is recommending APPROVAL of Application No. 6440-3 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 well authorized by Permit No. 6440-3 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) from the producing formation to the surface 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
October 30, 2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 30, 2003

Plainsman
PO Box 1278
Huron SD 57350-1278

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6440-3 to Appropriate Water to be published twice. Please publish the first notice on November 6, 2003 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 DeVries Inc., % Gene DeVries, 40535 213st, Cavour, SD (Ph # 605-352-5841).

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 /ks
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 6440-3

Date _____

We are in receipt of your letter of October 30, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6440-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/dennr

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

October 30, 2003

DeVries Inc.
% Gene DeVries
40535 213ST
Cavour SD 57324

Dear Mr. DeVries:

Water Permit Application No. 6440-3 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 Plainsman printed at Huron, SD (Ph # 605-352-6401). 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 /ks

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 November 6, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6440-3 to Appropriate Water

Notice is given that DeVries, Inc., c/o Gene DeVries, 40535 213st, Cavour SD 57324 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well (Floyd: East James Aquifer) 56 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 to irrigate 134 acres located in the SE $\frac{1}{4}$ Section 28; all in T110N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6440-3 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 November 24, 2003.

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.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Kristie Kahre, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

Gene DeVries(DENR) – Hearing Appl 6440-3

Was published for two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper, the first publication was on the 6th day of November, 2003 and the last publication was on the 13th day of November, 2003. That the full amount of the fee charged for publishing the same Forty Seven 94/100 Dollars inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Kristie Kahre

Subscribed and sworn to before me this 26th day of November, 2003.

Kim Dewar

Notary Public, South Dakota

My term expires November 19, 2009

Legal #409

ER 11-6-03 L.R. 11-13-03

NOTICE OF APPLICATION NO. 6440-3 to

Appropriate Water

Notice is given that DeVries, Inc., c/o Gene DeVries 40535 213st, Cavour SD 57324 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well (Floyd East James Aquifer) 56 feet deep located in the NW 1/4 SE 1/4 Section 28 to irrigate 134 acres located in the SE 1/4 Section 28, all in T110N-R81W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6440-3 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 must file a written petition with BOTH the applicant and the Chief Engineer. This 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 November 24, 2003.

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Steven M. Pimer
Secretary
Department of
Environment and Natural
Resources
No. 409 (adv.)

RECEIVED

DEC - 1 2003

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 29 2003

DeVries Inc
% Gene DeVries
40535 213st
Cavour SD 57324

Dear Mr. DeVries:

Enclosed is Water Permit No. 6440-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 28 Twp 110 Rg 61

County

Beadle

North

Please mark well location with an "X"

W

E

Well Completion Date

4/23/2004

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from Pasture (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	56.0	24.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	20.0 Ft
Cement	50			

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 12.0 Feet
 Material Stainless steel
 Slot Size .060 Set From 56.0 Feet to 68.0 Feet
 Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Gravel

Describe packer(s) and location

Gravel Packed

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Gene DeVries

Business Name:

Address: 40535 213th StCity, State, Zip: Cavour SD 57324

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	14
Blue Clay w/ Gravel Streaks	14	20
Blue Clay	20	30
Blue Clay w/ Yellow Sand Streak	30	40
Fine to Med Sand w/ Coal	40	50
Coarse Sand w/ Gravel	50	60
Gravel	60	66
Gravel w/ Blue Clay	66	67
Blue Clay	67	68

STATIC WATER LEVEL 10.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPMFt. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Ken Palmer

RECEIVED

Signature of Well Owner or Equitable Property Holder:

SEP - 9 2004

WATER RIGHTS PROGRAM

Date:

4/23/04



6440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 2005

2547-3
2548-3
3085-3
6381-3
6440-3

Gene DeVries
40545 213th St
Cavour SD 57324

Dear Sir:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3.

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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 24, 2006, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



6440-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4800

Your item was delivered at 11:27 am on January 25, 2006 in CAVOUR, SD 57324. The item was signed for by D DEVRIES.

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GENE DE VRIES
40545 213TH ST
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2006

Gene De Vries
40545 213th St
Cavour SD 57324

RE: Water Permit or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3

Dear Mr. De Vries:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3.

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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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



6440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2007

Gene De Vries
De Vries Inc
40545 213th St
Cavour SD 57324

RE: Water Permit or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. De Vries:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2547-3, 2548-3 & 3085-3 and Water Permit Nos. 6381-3 & 6440-3.

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



6440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2008

Gene DeVries
DeVries Inc
40535 213th St
Cavour SD 57324

RE: Water Right or Permit Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Sir:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3.

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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
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January 23, 2009

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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.

6440-3

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GENE DE VRIES
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CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 2009

Gene De Vries
40545 213th St
Cavour SD 57324

RE: Water Permit/Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. De Vries:

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 or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3.

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 that reads "Genny McMath".

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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

6440-3

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- Arrival at Post Office, January 23, 2010, 8:16 am, CAVOUR, SD 57324

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FOIA

Signature Confirmation

MAILING.

GENE DE VRIES
40545 213TH ST
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 8, 2010

Gene DeVries
40545 213th St
Cavour SD 57324

RE: 2009 Irrigation Questionnaires for Water Permit or Right Nos. 2547-3, 2548-3, 3085-3,
6381-3 & 6440-3

Dear Mr. DeVries:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3.

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 that reads "Genny McMath".

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

Permit No. 6440-3
James River - Water District

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

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

I have this day, **April 21, 2008**, made a thorough examination of the water use system constructed by **DeVries Inc** of **40535 213th St., Cavour, SD 57324** holder of Permit No. **6440-3**, bearing the priority of **September 5, 2003** authorizing the diversion of **1.78** cu. ft. per second of the waters of the **Floyd:East James Aquifer** for **Irrigation** purposes, in **Beadle** County.

Inspection contact & relationship **Gene DeVries (352-5841)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s)-**80**-- 68 feet (log submitted by Pullman's has the depth at 68')
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16**
- 2) Length **56**
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **12**
- 3) Static water level **10**

Pump:

- 1) Make **Goulds**
- 2) Model **7TLC**
- 3) Size **30 hp**
- 4) Capacity **650 gpm**

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lockwood
- 2) Number of towers 8
- 3) End gun Y
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,328 feet north and 1,325 west of the SE corner of Section 28-T110N-R61W
(N 44.30148, W -98.15955) (NW ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 1.45 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 28-T110N-R61W

NW ¼ SE ¼ - 33.5 acres

NE ¼ SE ¼ - 33.5 acres

SW ¼ SE ¼ - 33.5 acres

SE ¼ SE ¼ - 33.5 acres

comprising a total of 134 acres of land and the license should be issued for 1.45 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: May 6, 2010

Water Permit No. 6440-3

DeVries, Inc.
40535 213 St
Cavour, SD 57324



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 6, 2010

0 375 750 1,500 2,250 3,000 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2010

6440-3

Gene DeVries
DeVries, Inc
40535 213th St
Cavour SD 57324

Dear Mr. DeVries:

Enclosed is Water License No. 6440-3. This is the final water right document completing your process of obtaining a Water Right. Included with your 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 well authorized by Water Right No. 6440, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in black ink, reading "Garland Erbele".

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6440-3**

(1) DeVries Inc., % Gene DeVries, 40535 213th St, Cavour SD 57324 made Application No. 6440-3, September 5, 2003 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well – Floyd East James Aquifer), Beadle County, South Dakota for irrigation purposes. Permit No. 6440-3, with a priority date of September 5, 2003 was approved November 24, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 24, 2008 and for the application to beneficial use of said water on or before November 24, 2012.

(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 1.45 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,328 feet north and 1,325 feet west of the SE corner of Section 28, T110N, R61W (NW ¼ SE ¼).

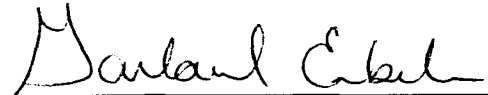
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 28, T110N, R61W	NW ¼ SE ¼	33.5 acres
	NE ¼ SE ¼	33.5 acres
	SW ¼ SE ¼	33.5 acres
	SE ¼ SE ¼	<u>33.5 acres</u>
	Total	134.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 DeVries Inc., % Gene DeVries, 40535 213th St, Cavour SD 57324 the holder and/or owner of Water Right No. 6440-3 is issued a license to appropriate water, the right to use 1.45 cubic feet of water per second from ground water (one well – Floyd East James Aquifer) with a priority date of September 5, 2003 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6440-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6440-3 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 (*The well was drilled by Pullman Well Drilling in 2004. A copy of the log is on file with the Water Rights Program.*)
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

JUL 28 2010

date





6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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www.state.sd.us/denr

January 24, 2013

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.

6440-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.denr.sd.gov

March 8, 2013

2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

GENE DE VRIES
40545 213TH ST
CAVOUR, SD 57324

Dear Mr. DeVries:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 24, 2013, "Notice" concerning reporting requirements for Water Permit Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The information was received in our office prior to the Water Management Board meeting and your name was 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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 24, 2014

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, 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.



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March 4, 2014

Gene DeVries
40545 213th St
Cavour SD 57324

RE: Water Permit or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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 that reads "Genny McMath".

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



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 16, 2015

NOTICE

TO: GENE DE VRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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 4, 2015** 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** 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.

6440-3



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182

March 4, 2015

Gene DeVries
40535 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed water rights. 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
email: genny.mcmath@state.sd.us



6440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 15, 2016

NOTICE

TO: GENE DE VRIES, 40535 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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, 2016** 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.



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March 3, 2016

2547-3
2548-3
3085-3
6381-3
6440-3

Gene De Vries
40535 213th St
Cavour SD 57324

Dear Mr. De Vries:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 2547-2, 2548-3, 3085-3, 6381-3 and 6440-3. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6440-3
DEPARTMENT of ENVIRONMENT
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January 20, 2017

NOTICE

TO: GENE DE VRIES, 40535 213TH ST, CAVOUR, SD 57324

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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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.

6440-3

English

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Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Text Updates

Email Updates

DATE & TIME

STATUS OF ITEM

LOCATION

January 21, 2017, 12:01
pm

Delivered, Left with
Individual

CAVOUR, SD 57324

Your item was delivered to an individual at the address at 12:01 pm on January 21, 2017 in CAVOUR, SD 57324.

January 21, 2017, 2:32 am

Departed USPS Origin
Facility

HURON, SD 57399

January 20, 2017, 9:19 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

January 20, 2017, 6:33 pm

Departed Post Office

PIERRE, SD 57501

January 20, 2017, 2:16 pm

Acceptance

PIERRE, SD 57501

Track Another Package

Tracking (or receipt) number

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GENE DE VRIES
40535 213TH ST
CAVOUR SD 57324

PS Form 3800, June 2002

See Reverse for Instructions

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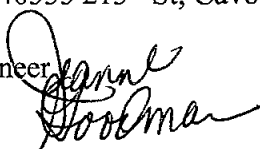
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 2, 2017

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Gene DeVries, DeVries Inc., 40535 213th St, Cavour SD 57324

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3

On March 1, 2017, the Water Management Board ordered:

Effective April 1, 2017, Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3 be suspended for the 2017 irrigation season for failure to submit the 2016 irrigation questionnaires.

If the 2016 irrigation questionnaires are received prior to April 1, 2017, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2017 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2017 unless the 2016 irrigation questionnaire is submitted by April 1st.

After April 1st, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2016 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 10-11, 2017, in Pierre, SD. The letter should include your reasons for not completing the 2016 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

6440-3

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Tracking Number: 70132250000134944737

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME

March 4, 2017 , 8:04 am

STATUS OF ITEM

Delivered, Left with
Individual

LOCATION

CAVOUR, SD 57324

Your item was delivered to an individual at the address at 8:04 am on March 4, 2017 in CAVOUR, SD 57324.

March 3, 2017 , 11:47 am

Notice Left (No Authorized
Recipient Available)

CAVOUR, SD 57324

March 3, 2017 , 2:44 am

Departed USPS Facility

HURON, SD 57399

March 2, 2017 , 9:57 pm

Arrived at USPS Facility

HURON, SD 57399

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

HELPFUL LINKS

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OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	
Sent	GENE DEVRIES
Street or P.O.	DEVRIES INC
City	40535 213 TH ST
	CAVOUR SD 57324
PS Form 3800, August 2006	
See Reverse for Instructions	

7013 2250 0001 3494 4737





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2017

Gene De Vries
40535 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. De Vries:

On March 1st the Water Management Board ordered Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 suspended if the 2016 irrigation questionnaires were not received prior to April 1, 2017. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2017 irrigation season.

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

Sincerely,

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

Jeanne Goodman, Chief Engineer
Water Rights Program



6440-3
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: GENE DE VRIES, 40535 213TH ST, CAVOUR, SD 57324
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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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.

6440-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2018

Gene DeVries
40535 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires for the above listed water rights.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6440-3
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 25, 2019

NOTICE

TO: GENE DE VRIES, 40535 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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 6, 2019** 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.



6440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Gene DeVries, 40535 213th St, Cavour SD 57324

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3
& 6440-3

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires.

If the 2018 irrigation questionnaires are received prior to April 6, 2019, the suspensions will not take effect.

Suspension of a water right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaires are submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2018 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 24, 2019

Jeff De Vries
40545 213th St
Cavour SD 57324

Dear Mr. De Vries:

Just a note to remind you that before we can schedule a hearing for the suspended water rights held by Gene De Vries or De Vries Inc., we still need the 2018 irrigation questionnaires and a written request from you to be placed on the agenda for the Water Management Board meeting July 17th.

I have tried calling and have been unable to get through to you. Please send in the questionnaires and something in writing for the agenda and I can get the issue scheduled. Everything needs to be in to us no later than July 8th.

If you have questions, please give me a call.

Sincerely,

Genny McMath
Water Rights Program
605 773-5455 (desk)
605 773-3352 (main office phone)

Dear Water Usage Board,

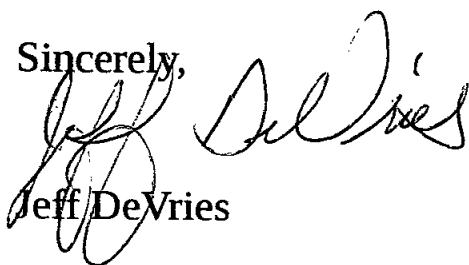
We are writing this letter in regards to the water permits that are in Gene DeVries's name. At the present time, they are suspended. We have had permits since 1976. This is the first occurrence of having our permits suspended in 43 years.

The circumstances surrounding the suspension of these permits are; dad's (Gene DeVries) health and the subsequent re-routing of the mail. In November, my dad had several blood clots in his lungs that led to several mini heart attacks. We found him in his house in a comatose state of mind (nearly dead) and brought him back and called the ambulance. He was in the Huron hospital for 1 week then went on to stay in Avera Sioux Falls for 3 ½ weeks.

After his release, he moved to Sunquest Health Village, an assisted living center in Huron, SD. Therefore, his mail was re-routed to Sunquest and ended up delayed by several weeks. My sister was also taking care of the mail and when this letter did come through, she didn't realize that this was something that needed a reply.

In closing, we would very much appreciate your consideration of our dilemma with the Irrigation questionnaires.

Sincerely,



Jeff DeVries

RECEIVED

JUL 08 2019

WATER RIGHTS
PROGRAM

**IRRIGATION QUESTIONNAIRE VIOLATIONS
WATER RIGHT NOS. 2547-3, 2548-3, 3085-3 - GENE DE VRIES
WATER RIGHT NOS. 6381-3 & 6440-3 – DE VRIES INC**

BRIEF DESCRIPTION AND HISTORY OF IRRIGATION QUESTIONNAIRE SUBMISSIONS

Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3 collectively authorize diversion of 8.58 cubic feet of water per second from the Floyd East James Aquifer to irrigate 908 acres in Beadle County.

Year	Date forms returned	Year	Date forms returned
2000	None (AMENDED)	2010	November 18, 2010
2001	January 9, 2002	2011	December 23, 2011
2002	February 27, 2003	2012	on line (between January 24 th & March 7, 2013)
*2003	February 2, 2004	2013	on line (received prior to January, 2014 notice)
2004	February 23, 2005	2014	on line (between January 16 th & March 4, 2015)
2005	February 23, 2006	2015	March 3, 2016
2006	February 27, 2007	2016	March 6, 2017
2007	March 4, 2008	2017	on line (between January 26 th & March 7, 2018)
2008	March 4, 2009	2018	July 8, 2019
2009	March 5, 2010		

* Questionnaires for Water Right Nos. 6381-3 and 6440-3 were not mailed until 2003 and 2004 respectively (based on approval date of permits).

REPORTING SUMMARY FOR 2018:

October 30, 2018: Irrigation questionnaires for Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3 were sent to: Gene De Vries, 40535 213th St, Cavour SD 57324.

January 25, 2019: A “Notice” of hearing was sent by Certified Mail to above name & address. The “Notice” indicated the forms had not been received and a hearing was scheduled for March 6, 2019. The “Notice” explained if the irrigation questionnaires were received, the hearing to consider the violations would not be held. Tracking information shows the “Notice” was delivered February 7, 2019.

March 6, 2019: The Water Management Board ordered Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3 suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires. The Board granted a 30 day grace period allowing the questionnaires to be submitted up until April 6, 2019 to avoid suspension.

March 7, 2019: A “Notice” was sent by Certified Mail to Gene De Vries, 40535 213th St, Cavour, SD 57324 outlining the Board’s order and requirement to submit the questionnaires prior to April 6, 2019 to avoid suspension. The “Notice” also outlined the procedure for coming back before the Board should the forms be submitted after April 6th.

March 18, 2019: The March 7, 2019 notice was returned by the post office and was then re-mailed with the tracking information showing delivery to an individual at that address on March 22, 2019.

July 8, 2019: Irrigation Questionnaires for all water rights were received along with a letter requesting time on the Board agenda for reconsideration of the suspensions.



Genny McMath
Water Rights Program

6440-3



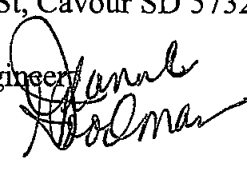
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 8, 2019

NOTICE

TO: Jeff De Vries, 40545 213th St, Cavour SD 57324

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3

The 2018 irrigation questionnaires have been received along with your petition to have the Water Management Board consider rescinding suspensions of Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3.

The matter has been scheduled for **11:00 am, Wednesday July 17, 2019 (central time) in the LRC Conference Room 414, State Capitol Building, 500 E Capitol Avenue, Pierre SD.**

It is ultimately a Board decision on whether to rescind the one year suspension for each of the above listed water rights or to let the suspensions stand. It is very important that you plan to attend the hearing.

For informational purposes, enclosed is the report that will be presented to the Water Management Board concerning the irrigation questionnaire violations. Also enclosed are the partially completed transfer of ownership forms you requested to get the water rights listed in your name. The water rights are currently listed under Gene De Vries or De Vries Inc. A \$50 filing fee is required for filing each transfer.

If you have any questions, please contact Genny McMath or Eric Gronlund at 605 773-3352.

6440-3

CERTIFICATION

I hereby certify that on July 8, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated July 8, 2019 regarding the scheduling of a hearing for Suspended Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3 addressed as stated below:

Jeff De Vries, 40545 213th St, Cavour SD 57324

Eric Gronlund
Eric Gronlund
Water Rights Program
Environment and Natural Resources

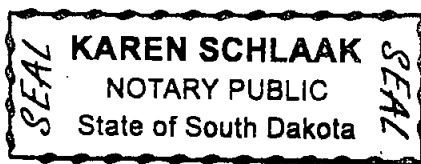
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 8th day of July, 2019.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025





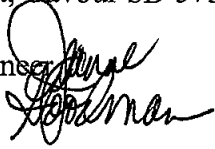
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 18, 2019

NOTICE

TO: Jeff De Vries, 40545 213th St, Cavour SD 57324

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3

On July 17, 2019, the Water Management Board passed a motion to lift the suspension of Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3. **The Board's action allows irrigation to take place in 2019.**

The Board's action took into consideration the 2018 irrigation questionnaires were now on file with the Water Rights Program. They also took into consideration your letter and testimony explaining circumstances happening this past season.

Please be aware that under SDCL 46-1-12, the Board has the authority to suspend a water right for a period of up to one year for the first violation; for up to three years for the second violation and may cancel a water right for a third violation. **If the questionnaires are late in the future, it would be the second violation and the Board could suspend your water rights for up to three years.**

The 2019 irrigation questionnaires will be directed to you in October, 2019 and will be due by December 1st. If you have any questions concerning the reporting requirements, please contact Genny McMath at 605 773-3352.

CERTIFICATION

I hereby certify that on July 18 2019, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated July 18, 2019 regarding the Reinstatement of Suspended Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3 addressed as stated below:

Jeff De Vries, 40545 213th St, Cavour SD 57324

Vickie Maberry
Vickie Maberry
Water Rights Program
Environment & Natural Resources

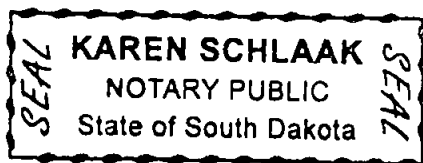
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 18th day of July, 2019.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025



RECEIVED

NOV 08 2019

NOTICE OF TRANSFER OF OWNERSHIP

PAID

NOV 08 2019

Ck# 2917

WATER RIGHTS
PROGRAM

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

No. 6440-3

Date: 9/26/19

I/We request that Water Right No. 6440-3

formerly owned by: Gene De Vries, De Vries Inc.

be transferred to: (name & address)

Jeff DeVries
40545 213th St.
Cavour SD 57324

Telephone No. 605 352-8486

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

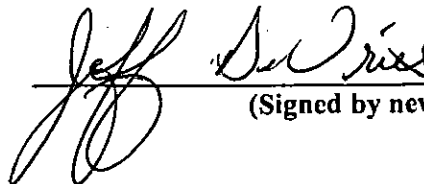
134 acres -SE ¼ Section 28, T110N, R61W

I/We understand that the validity of Water Right No. 6440-3 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 Jeff DeVries, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 8, 19, 20

RECEIVED OF Jeff/Kimberly DeVries 40545 213th St Cavour SD 57324

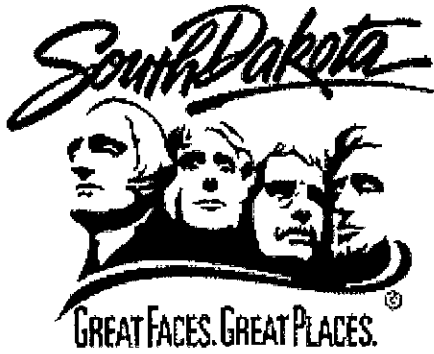
The following amount in fees for services rendered as provided for by law:

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 <u>6440-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09240**

By

Jeanne Goodman
Chief Engineer
vm



6440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 12, 2019

Jeff DeVries
40545 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for the above listed water rights.

The ownership changes have been completed. Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 and 6440-3, formerly held by DeVries Inc or Gene DeVries are now listed in your name.

Enclosed for your records are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Genny McMath'.

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

enclosures



6440-3
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: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324

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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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:

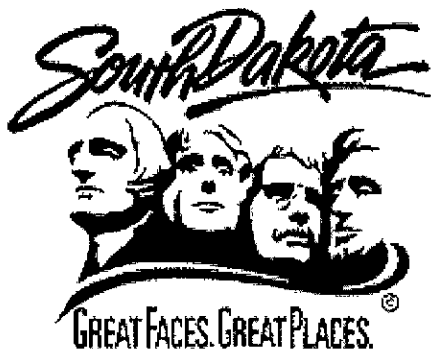
1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on previous violations, the Board may consider a three-year suspension of each water permit or right;**
2. Postpone any action; or
3. Take no action.

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: EYHTDY**

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.

6440-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

Jeff Devries
40545 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. Devries:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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
email: genny.mcmath@state.sd.us



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: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324

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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12; ; **(Due to a previous suspension, the recommendation to the Board will be for a three year suspension on all permits listed above)**
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: KDZHTJ**

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.

6440-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2021

Jeff DeVries
40545 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water rights. 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 that reads "Genny McMath".

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

6440-3



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: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324
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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the recommendation to the Board will be for a three year suspension.**
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: FLUWIF**

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.



6440-3
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

Jeff DeVries
40545 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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



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

January 20, 2023

NOTICE

TO: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous suspension for these water rights, the recommendation to the Board will be for a three year suspension for each of the above listed water rights.**
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 8, 2023** 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: BZJCGR**

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

March 8, 2023

Jeff Devries
40545 213th St
Cavour SD 57324

RE: Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3

Dear Mr. DeVries:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. 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



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

January 19, 2024

NOTICE

TO: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SHDMYE**

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

January 14, 2025

NOTICE

TO: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NXKTQH**

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 AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2025

2547-3, 2548-3, 3085-3
6381-3 & 6440-3

Jeff Devries
40545 213th St
Cavour SD 57324

Dear Mr. Devries:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

2547-3, 2548-3,
3085-3, 6381-3, 6440-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: JEFF DEVRIES, 40545 213TH ST, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2547-3, 2548-3, 3085-3, 6381-3 & 6440-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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 AGRICULTURE
and NATURAL RESOURCES**

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

April 9, 2026

2547-3, 2548-3, 3085-3, 6381-3, 6440-3

Jeff Devries
40545 213th St
Cavour, SD 57324

Dear Mr. Devries,

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

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst

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