

WATER PERMIT NO. 6517-3

Name of Applicant: Pierre Bernard

Address: 48134 332nd St, Jefferson SD 57038

Phone: 605 966-5668

Amount of Water Claimed: 0.59 cfs

Total Acres: 68 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 8 miles southeast of Elk Point

PRIORITY Date Received: 4-30-04

Application/License Fee: \$275

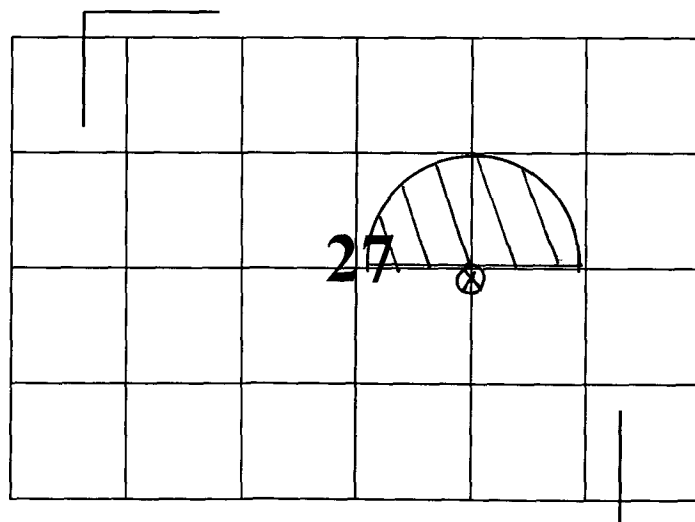
Corrected Application Received: 6-18-04

Period of Annual Use: May 1 – October 31

Remarks: Will use the well authorized by Water Permit No. 5273-3 and allow pivot to make full rotation

Diversion Point: N ½ SE ¼ Sec 27-T90N-R49W

Land to be Irrigated: S ½ NE ¼ Sec 27-T90N-R49W



Depth of Well: 100 feet deep

Well Driller: : Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Racheal Lukebak, Union Co. FSA

Reviewed and the Number Assigned on: 6-18-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6517-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Leader-Courier, Elk Point</u>

RECEIVED
APR 30 2004
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.)

additional acreage to Water Permit No. 5273-3

- Name of Applicant Pierre Bernard Phone (605) 966-5668
(check one) ☐ Owner ☒ Tenant/lessee
- Mailing Address 48134 332nd St. Jefferson State SD 57038
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.59 *CFS or **GPM ***AF Total Acreage 68 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Missouri: Elk Point
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
N 1/2 SE 1/4 Sec 27 - T90N-R49W
- County or counties where water will be used Union
- Annual period during which water is to be used May 1 - Oct. 31
- 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
SW 1/4 NE 1/4 Sec. 27 T90N R49W	34		
SE 1/4 NE 1/4 Sec. 27 T90N R49W	34		

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

Will use well authorized by Water Permit No. 5273-3 and allow center pivot to make a full rotation. See well information under Water Permit No. 5273-3

STATE OF SOUTH DAKOTA) SS
County of Union)

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, Pierre Bernard, 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 PB

Subscribed and sworn to before me this 28th day of April 20 04

Sharon R. McGuire
11-14-08 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6517-3**

Date of first receipt of application April 30, 2004.

Date of return to applicant for corrections, amendments or changes May 3, 2004.

Date of receipt of corrected application June 18, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6517-3 to Pierre Bernard, 48134 332nd St, Jefferson SD 57038 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. 6517-3 appropriates 0.59 from one existing well (Missouri:Elk Point Aquifer) 100 feet deep located in the N ½ SE ¼ Section 27 to irrigate 68 acres located in the S ½ NE ¼ Section 27; all in T90N-R49W. This permit allows the pivot authorized by Water Right No. 5273-3 (Russell Hall) to complete a full rotation.
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 – October 31.
3. The date from which applicant may claim right is April 30, 2004.
4. The date of approval of Permit No. 6517-3 is September 7, 2004.
5. One-fifth of the construction is to be completed on or before March 7, 2007.
6. All construction is to be completed on or before September 7, 2009.
7. Water is to be put to beneficial use on or before September 7, 2013.
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. 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

NOV 19 2004

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date MAY 3, 20 04

RECEIVED OF Pierre Barrard, 48134 832nd st, Jefferson SD 57036

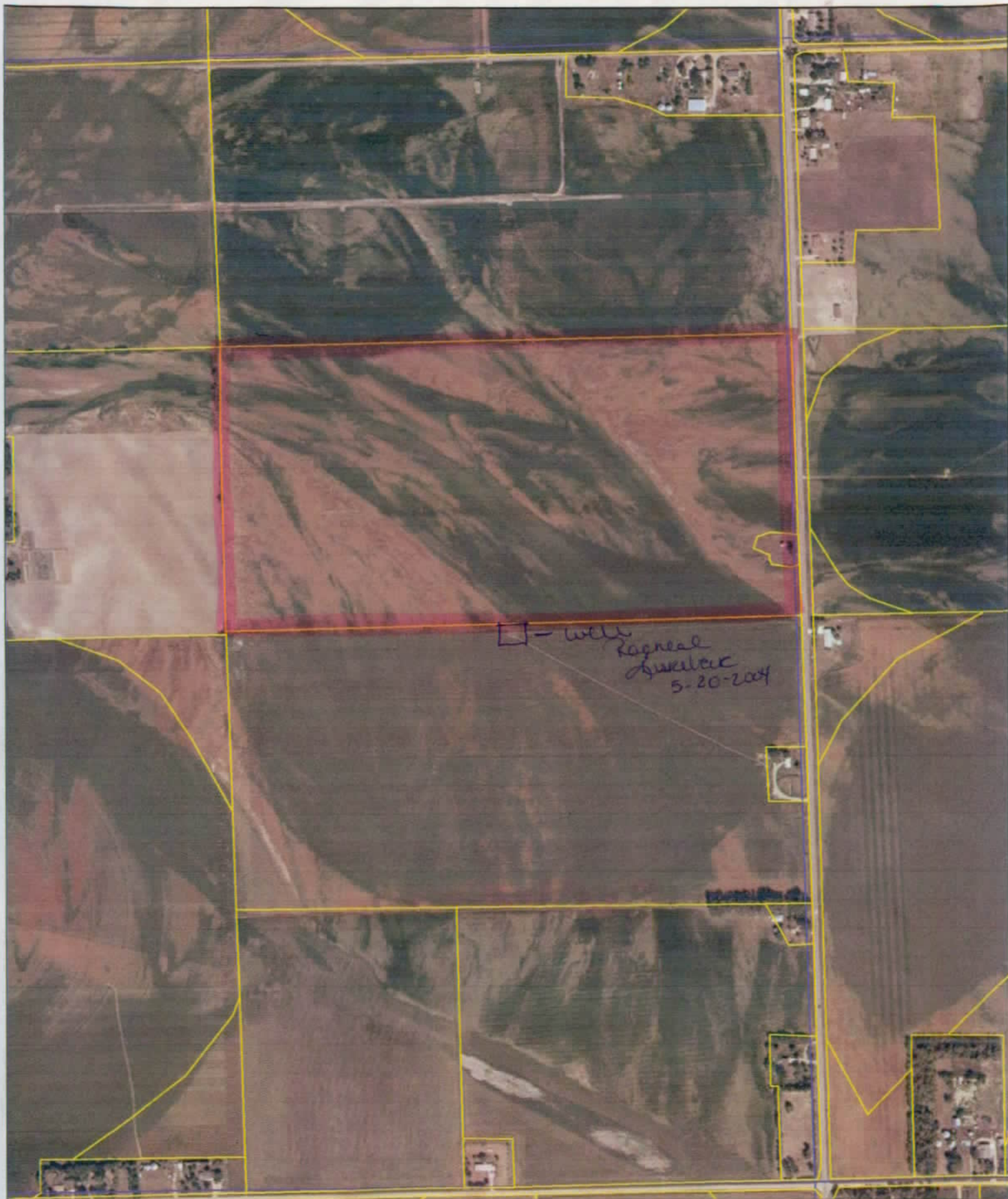
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6517-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6517-3</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	275.00

No.

By

Darland Eichel
Chief Engineer



Map of Vaun Carey Trust 80

6517-3

Map printed : May 20, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 2004

Pierre Bernard
48134 332nd St
Jefferson SD 57038

Dear Mr. Bernard:

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

- Please submit a map outlining the acreage you intend to irrigate. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 2004

Pierre Bernard
48134 332nd St
Jefferson SD 57058

Dear Mr. Bernard:

Enclosed is the map submitted by the Farm Service Agency for your water permit application. As I tried to state in our phone conversation before we got cut off, please outline the 68 acres you are proposing to irrigate. Also, mark the location of the existing well. The map prepared for Water Right No. 5273-3 indicates the well is located approximately 1,320 feet west of the E ¼ corner of Section 27 (copy enclosed). I'm not sure what the red X on the FSA map represents.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 2, 2004

Pierre Bernard
48134 332nd Street
Jefferson SD 57038

Dear Mr. Bernard:

I am writing in regards to the water permit application you filed to irrigate the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27, T90N, R49W. In reviewing the application, we found that the acreage you are applying for is already included in a water right held in the name of Alfred LaCroix. A copy of Water Right No. 2763-3 is enclosed.

From reviewing your application, it appears that you intend the pivot authorized by Water Right No. 5273-3 (Russell Hall) to complete a full rotation. Currently, Mr. Hall's water right authorizes a $\frac{1}{2}$ circle in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27.

From looking at your map it appears that Mr. LaCroix only irrigates the land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of this section. If the S $\frac{1}{2}$ NE $\frac{1}{4}$ has not been irrigated for greater than three years it is subject to cancellation from LaCroix's water right.

We are prepared to public notice your application; however, I want to make sure we understand the current status of irrigation on these 80 acres. I notice that the submitted map states the Vaun Carey Trust. Am I correct in assuming that you are leasing this ground from the Trust and that Mr. LaCroix does not own the property?

Please contact me at your earliest convenience so we can discuss this matter.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 2004

Russell Hall
47715 County Rd 1B
Elk Point SD 57025-6729

Dear Mr. Hall:

Pierre Bernard has applied for a water permit to authorize additional acres to Water Right No. 5273-3. Water Right No. 5273-3 is held in your name to irrigate 68 acres located in the N ½ SE ¼ Section 27, T90N, R49W from a well. This application to allow the pivot authorized under your water right to make full rotation. Enclosed is a copy of the report, recommendation and public notice prepared on the application.

The notice of hearing is to be published August 19 and 26, 2004 in the Elk Point Leader Courier. If you desire to petition to cause a hearing before the Water Management Board, the petition must be submitted by September 7, 2004.

This information is being sent to make you aware of Mr. Bernard's application. It is our understanding that Mr. Bernard has been in contact with you and the two of you intend to work out an agreement. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6517-3, Pierre Bernard

ADDRESS: COUNTY: Union

DATE: August 19, 2004 TELEPHONE: 966-5668

RE: Conversation with Pierre Bernard

COMMENTS:

I contacted Mr. Bernard regarding the water permit application he filed for irrigation of the S ½ NE ¼ Section 27, T90N, R49W. I told him that this land was included under Water Right NO. 2763-3 held by Alfred LaCroix. From looking at the map submitted with Mr. Bernard's application it appears that no irrigation has taken place on this acreage from quite some time.

Mr. Bernard stated he did not know how this land would have been included under LaCroix's water right. He said the land is owned by the Vaun Carey family who reside in North Carolina. He said that the Bernard family has farmed the land for the past 70 years. His father farmed the ground prior to him taking over farming operations.

I told him we'd proceed with his application and I'd get the LaCroix water rights straightened out separately.

NAME: *Eric J. [Signature]*

2763-3 & 6517-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 2763-3, Lacroix

ADDRESS: COUNTY: Union

DATE: September 3, 2004 TELEPHONE:

RE: Telephone Conversation with Mr. Lacroix

COMMENTS:

Mr. Lacroix called in response to my August 11, 2004.

I explained that Pierre Bernard (6517-3) applied for a water permit to irrigate the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T90N, R49W. In processing the application we found that Water Right No. 2763-3 authorized irrigation of 120 acres in the NE $\frac{1}{4}$ of Section 27.

Mr. Lacroix stated that he has never irrigated the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27 and that this property has been farmed by the Bernard family for a very long time. I explained that for some unexplained reason the S $\frac{1}{2}$ NE $\frac{1}{4}$ was included on his water right. I said that we would likely need to reissue the water right for the proper acreage.

We also spoke about the small pivot in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27. It was evident on the aerial photo that this ground is irrigated. However I am unable to find a water right which authorizes irrigation of this property. Mr. Lacroix stated he farms this ground which is owned by a relative. He said it should be on Water Right No. 2763-3 as these three small pivots all use the same source. I told him I would check into it but that this is something that needs to get resolved.

NAME: Eric Lundberg

REPORT ON WATER PERMIT APPLICATION NO. 6517-3

For Pierre Bernard

July 22, 2004

Application No. 6517-3 proposes to appropriate 0.59 cfs (265 gpm) from one well approximately 100 feet deep located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 27 to irrigate 68 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of section 27; all in T90N R49W in Union County. This application will allow the pivot authorized by Water Right No. 5273-3 to complete a full rotation.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a surficial outwash (sand and gravel) that is under water table conditions in this area. The Missouri Elk Point aquifer as described by Hedges (Hedges, 1982) is roughly the equivalent of the Missouri aquifer as described by Niehus. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). The aquifer extends into Clay County to the west, blends into the Lower Vermillion Missouri aquifer to the northwest, blends into the Big Sioux South aquifer to the north, and is hydraulically connected to both the Big Sioux and Missouri Rivers. The aquifer also directly overlies the Dakota Formation which is also considered an aquifer in the southern portion of Union County (Niehus, 1994) and probably receives leakage from the Dakota Formation.

This is an existing well with a well completion report on file. The log indicates a well completed to a depth of 100 feet with a static water level of 19 feet below land surface. The log also indicates fine sand from 9 to 49 feet and sand and gravel from 49 to 100 feet all below land surface. This well is constructed in accordance with SD Well Construction Standards. No production testing information was filed with the well completion report.

The Water Rights Program monitors two observation wells completed into the Missouri Elk Point aquifer and located within a two mile radius of this application. The nearest of these observation wells is UN-77P and is located about one mile east of this application. Water levels for UN-99A and UN-77P and the others from the Missouri Elk Point aquifer show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for UN-99A and UN-77P are included with this report (Water Rights, 2004). In general, the water level records indicate that the aquifer is capable of sustaining additional withdrawals.

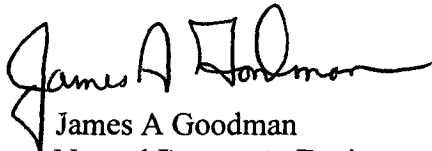
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation wells within the same section as this application. Interference is not expected to be a concern. The aquifer is under water table conditions and is very prolific in this area. Drawdown created by pumping is not significant. This area is intensively irrigated with the water source from the Missouri Elk Point aquifer.

The water level record from the observation wells indicate that pumping does not cause significant drawdown to occur. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference should not be a concern.
3. This is an existing well authorized by Water Right No. 5273-3. This well has been constructed in accordance with SD Well Construction Standards.
4. The additional lands this application requests to irrigate are already covered by Water Right No. 2763-3. Approval of this application will require the license for Water Right No. 2763-3 to be reissued to reflect the changes caused by this permit approval.



James A Goodman
Natural Resources Engineer

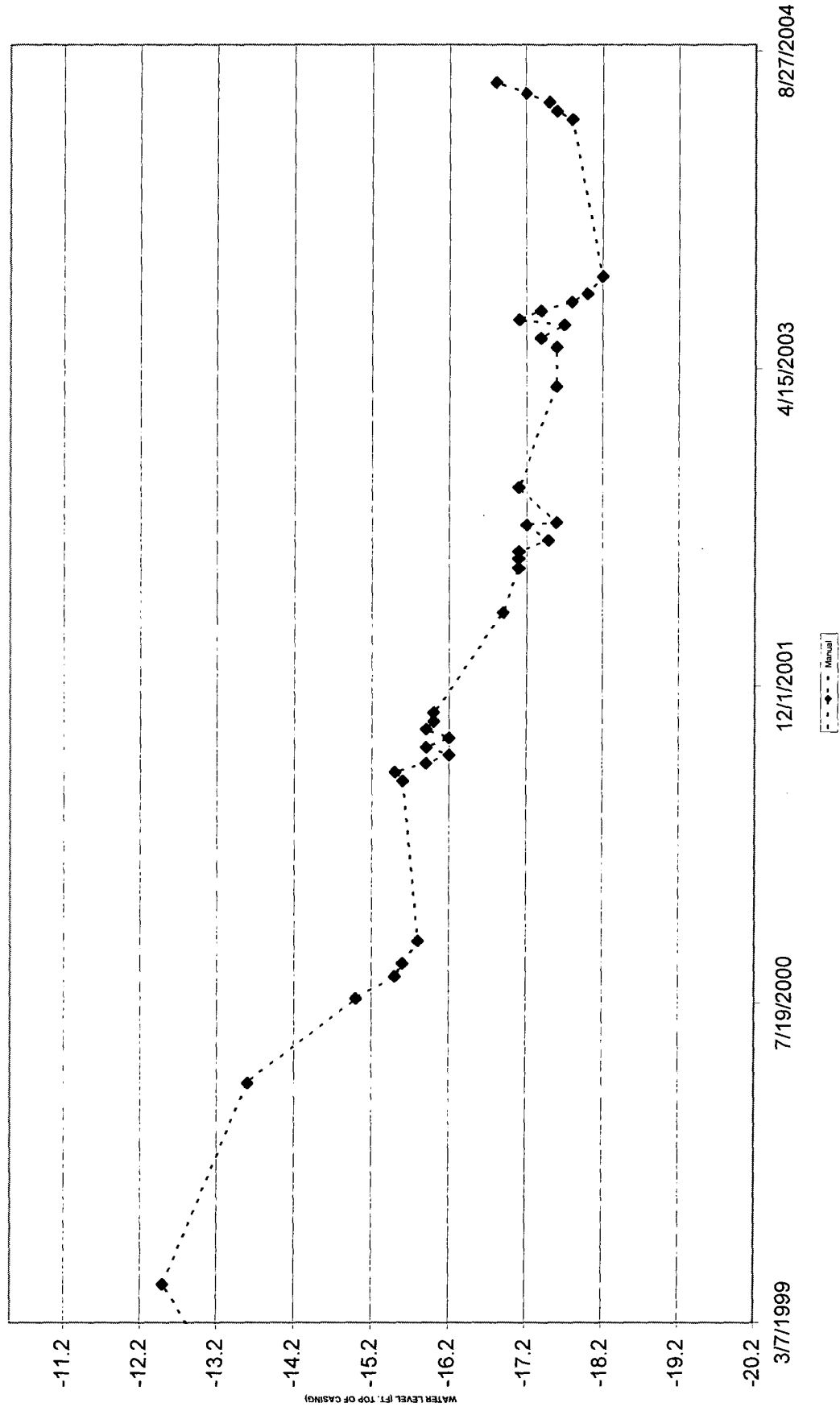
BIBLIOGRAPHY

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, 57609.

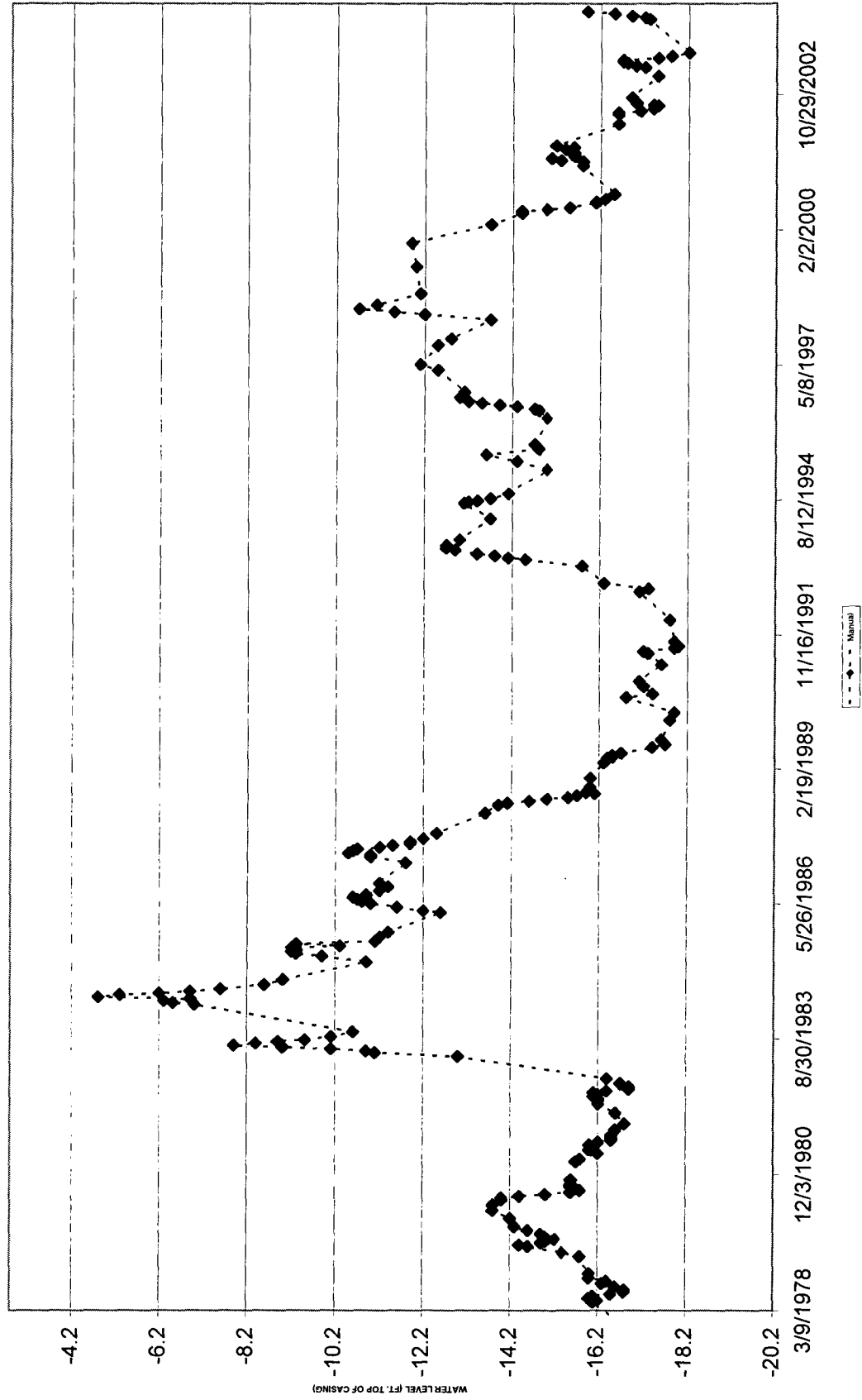
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2004, Unpublished Observation Well Data for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
UN-99A



WATER RIGHTS' OBSERVATION WELL
UN-77P





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6517-3, Pierre Bernard**

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. 6517-3, 48134 332nd Street, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 6517-3 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. 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
August 11, 2004

NOTE: The approval of a water permit does not authorize access or easements to the well. An agreement will need to be reached with the owner of Water Right No. 5273-3 to allow the center pivot to irrigate this land.

PROOF OF PUBLICATIONSTATE OF SOUTH DAKOTA)
County of Union) SSI, Susan Odsoncertify that the attached printed Notice was
takenfrom the Leader - Courierprinted and published in Elk PointCounty of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 19, 2004August 26, 2004Cost of Printing \$38.75Susan Odson
(Signature)Affidavits Coordinator
(Title)August 26, 2004
(Date Signed)

RECEIVED

AUG 30 2004

WATER RIGHTS
PROGRAM**NOTICE OF APPLICATION
NO. 6517-3 TO
APPROPRIATE WATER**

Notice is given that Pierre Bernard, 48134 332nd ST, Jefferson, SD 57038 has filed an application for a water permit to appropriate 0.59 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 100 feet deep located in the N1/2 SE1/4 Section 27 to irrigate 68 acres located in the S1/2 NE1/4 Section 27; all in T90N-R49W. This application will allow the pivot authorized by Water Right No. 5273-3 to complete a full rotation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6517-3 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 September 7, 2004.

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.

Publish August 19 and 26, 2004
34-11

Instruction to Newspaper - Publish first Notice on August 19, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6517-3 to Appropriate Water

Notice is given that Pierre Bernard, 48134 332nd St, Jefferson SD 57038 has filed an application for a water permit to appropriate 0.59 *cubic feet per second* from one existing well (Missouri:Elk Point Aquifer) 100 feet deep located in the N ½ SE ¼ Section 27 to irrigate 68 acres located in the S ½ NE ¼ Section 27; all in T90N-R49W. This application will allow the pivot authorized by Water Right No. 5273-3 to complete a full rotation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6517-3 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.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

August 11, 2004

Pierre Bernard
48134 332nd St
Jefferson SD 57038

Dear Mr. Bernard:

Water Permit Application No. 6517-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). 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 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. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 11, 2004

Leader-Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6517-3 to Appropriate Water to be published twice. Please publish the first notice on August 19, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Pierre Bernard, 48134 332nd St, Jefferson SD (Ph # 605-966-5668).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6517-3

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

Date _____

We are in receipt of your letter of August 11, 2004 enclosing Notice to Appropriate Water by Application No. 6517-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

Pierre Bernard
48134 332nd St
Jefferson SD 57038

Dear Mr. Bernard:

Enclosed is Water Permit No. 6517-3 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



**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: PIERRE BERNARD, 48134 332ND ST, JEFFERSON, SD 57038
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) 6517-3. 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) 6517-3 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) 6517-3 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.



6517-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4718

Your item was delivered at 10:27 am on January 25, 2006 in JEFFERSON, SD 57038. The item was signed for by B BERNARD.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4718

PIERRE BERNARD
48134 332ND ST
JEFFERSON SD 57038

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2006

6517-3

Pierre Bernard
48134 332nd St
Jefferson SD 57038

Dear Mr. Bernard:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit No. 6517-3.

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



6517-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: PIERRE BERNARD, 48134 332ND ST, JEFFERSON, SD 57038

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) 6517-3, 6631-3. 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) 6517-3, 6631-3 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) 6517-3, 6631-3 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.

6517-3

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PIERRE BERNARD
48134 332ND ST
JEFFERSON SD 57038

Waiver of Signature ☐ YES ☐ NOPostmark
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6517-3

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and NATURAL RESOURCES

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

March 1, 2007

6517-3
6631-3

Pierre Bernard
48134 332nd St
Jefferson SD 57038

Dear Mr. Bernard: *Pierre*

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit Nos. 6517-3 and 6631-3.

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

6517-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 23, 2013

6517-3
6631-3

Adam Bernard
48134 332nd St
Jefferson SD 57038 6810

Dear Mr. Bernard:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaires for Pierre Bernard.

The notice was originally mailed to 620 Lakeview Dr, McCook Lake SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



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: ADAM BERNARD, MGR, 48134 332ND ST, JEFFERSON, SD 57038 6810
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) 6517-3, 6631-3. 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) 6517-3, 6631-3 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) 6517-3, 6631-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

6517-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2022

6517-3
6631-3

Adam Bernard
48134 332nd St
Jefferson SD 57038-6810

Dear Mr. Bernard:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 6517-3 and 6631-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Oh, by the way, Marc asked me to send his irrigation questionnaires to you next season. You will be receiving four questionnaires in October instead of the two you normally get. Lucky you! If you have any questions, please contact me.

Sincerely,

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