

Name of Applicant: Walter SoulekAddress: 38001 295th St, Lake Andes SD 57356Phone: 605 487-7279Amount of Water Claimed: 2.44 cfsTotal Acres: 189.6Source of Water Supply: Missouri RiverWater to be used for: irrigationCounty: Charles Mix

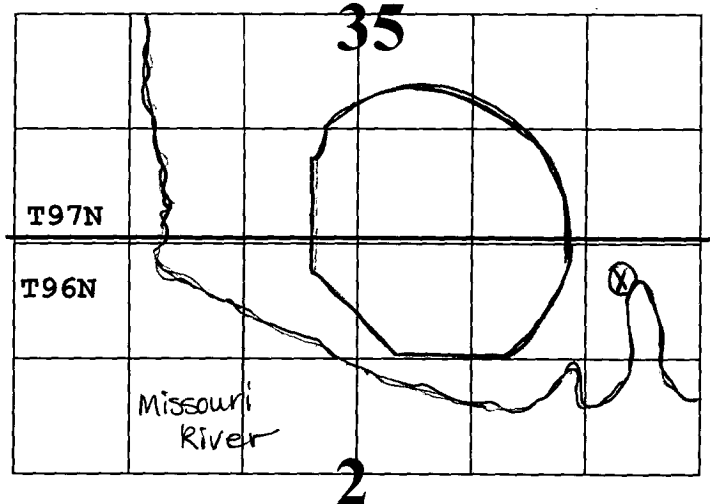
Type of Waste Disposal System:

Location: 15 miles south of PlattePRIORITYDate Received: 10-19-04Application/License Fee: \$325

Corrected Application Received:

Period of Annual Use: April 1 – Oct 31Remarks: Land has been irrigated for several years.Diversion Point: NW ¼ NW ¼ Sec 1-T96N-R58W

Land to be Irrigated: SE ¼, E ½ SW ¼ Sec 35-
T97N-R68W and NE ¼ NW ¼, N ½ NE ¼ Sec 2-
T96N-R68W

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerialPrepared by: Eric GronlundReviewed and the Number Assigned on: 10-21-04By: Karen Schlaak

Notice of Hearing - date to intervene: _____

ESX 10/14/04

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6543-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Platte Enterprise, Platte</u>	

RECEIVED
OCT 19 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.) _____

- Name of Applicant Walter Soulek Phone 605 487 7279
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 38001 295th Street Lake Andes State SD 57356
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.44 *CFS or 1100 **GPM ***AF Total Acreage 189.6
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 NW 1/4 Section 1, T96N-R68W County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used April through October 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
see attachment			

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

Land has been irrigated for a number of years under my belief that a water right was in place.

STATE OF SOUTH DAKOTA) SS

County of CHARS MIX

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, WALTER J SOULEK, 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 Walter J Soulek

Subscribed and sworn to before me this 18th day of October 20 04

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6543-3**

Date of first receipt of application October 19, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6543-3 to Walter Soulek, 38001 295th St, Lake Andes SD 57356 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. 6543-3 appropriates 2.44 cubic feet of water per second from the Missouri River located in the NW ¼ NW ¼ Section 1-T96N-R68W to irrigate 189.6 acres located in the SE ¼, E ½ SW ¼ Section 35-T97N-R68W and N ½ NE ¼, NE ¼ NW ¼ Section 2; all in T96N-R68W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 19, 2004.
4. The date of approval of Permit No. 6543-3 is December 20, 2004.
5. One-fifth of the construction is to be completed on or before June 20, 2007.
6. All construction is to be completed on or before December 20, 2009.
7. Water is to be put to beneficial use on or before December 20, 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6543-3 authorizes a maximum diversion rate of 2.44 cfs from the river for the irrigation of 189.6 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

APR 19 2005

date



Acreege for Walter Soulek's Irrigation

Section 35 T97N-R68W	NWSE	17.3
Section 35 T97N-R68W	NESE	4.9
Section 35 T97N-R68W	SWSE	40.0
Section 35 T97N-R68W	SESE	30.5
Section 35 T97N-R68W	NESW	2.9
Section 35 T97N-R68W	SESW	19.7
Section 2 T96N-R68W	NENW	11.5
Section 2 T96N-R68W	NWNE	39
Section 2 T96N-R68W	NENE	23.8
Total		189.6

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 19, 20 04

RECEIVED OF Walt Soulek, 38001 295th St., Lake Ardes SD 57356-6850

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

Fee for Application for Permit No. <u>6543-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6543-3</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	325.00

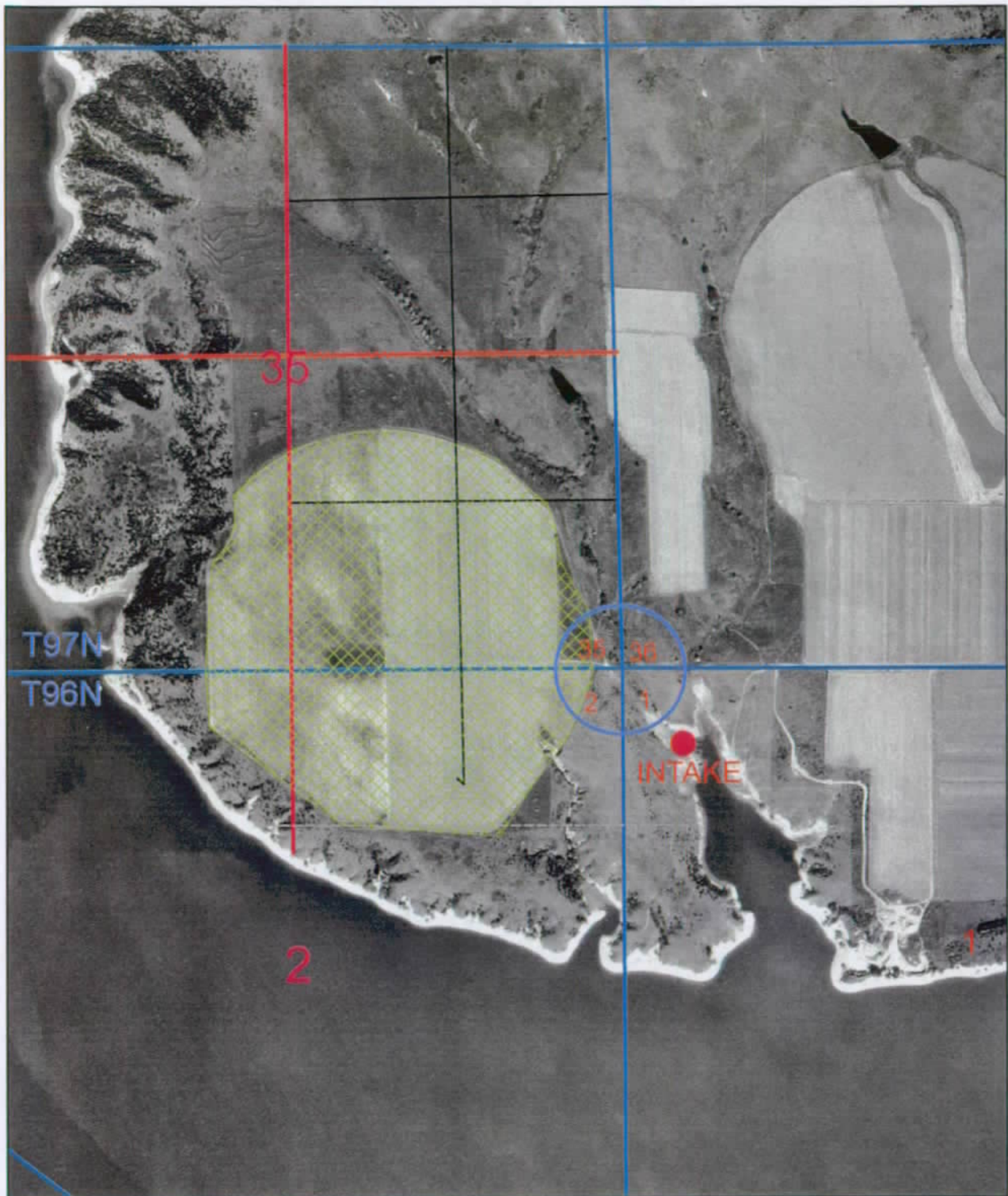
No.

001127

By

Darland Abels
Chief Engineer
gm

Water PErmit Application for Walter Soulek



Intake located in the NW 1/4 NW 1/4 of Section 1, T96N, R68W
Acreage located in the SE 1/4, E 1/2 SW1/4 Section 35, T97N, R68W
and the N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 2, T96N, R68W

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

6543-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2003

Walter Soulek
38001 295th Street
Lake Andes South Dakota 57356

Dear Mr. Soulek:

Recently, I became aware of your application to the Corps of Engineers to construct a Missouri River intake structure for irrigation in Charles Mix County. The proposed intake is to be located in the NW ¼ of Section 1, T96N, R68W.

I reviewed our water rights records and found that you hold water rights located in R65W which is a significant distance from this proposed intake. Specifically, the intake for three water rights held in your name is located in Section 30, T96N, R68W (three townships away). The only water right that I found in our records at this new proposed intake site is held by De Haan Livestock and Grain.

This leads me to the conclusion that either you acquired existing irrigated property or you are developing a new irrigation system. If you acquired property with an existing water right, a notice of transfer of ownership form will need to be filed to put the water right in your name. The other conclusion is that you intend to develop acreage for new irrigation. If this is the case, a water right permit will need to be obtained. I have enclosed application forms to file for a water right permit.

Mr. Soulek, if I am mistaken about what your intentions are or believe that a water right is in place for the proposed irrigation intake, please contact me. If a water right permit is needed, I am willing to help you through the process in order to get the necessary water right permit in place.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352
eric.gronlund@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 2004

Walter Soulek
38001 295th Street
Lake Andes SD 57356

Dear Mr. Soulek:

Thank you for stopping in the Water Rights office to discuss the irrigation you have in the Section 2, T96N, R68W and Section 35, T97N, R68W. After you left, we scoured our files and conducted a search for those specific acres to find out whether there is a water right in existence for the land. Unfortunately, we have been unsuccessful in finding these lands ever being covered by a water right.

I am enclosing a partially completed application and map for you to complete in order to get this acreage under permit. Please review the information and map carefully to ensure it correctly reflects the acreage. You will need to do the following to complete application:

- Complete the diversion rate (capacity of the pump) under Item No. 2. This is the lake pump used to operate the pivot.
- Sign the application in the presence of a notary public.
- Submit the application filing/licensing fee which is \$325 for irrigation of 189.6 acres

I have enclosed a self addressed stamped envelope for you to use to return the application. If you have any questions, please do not hesitate to call.

Sincerely,

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

enclosure

REPORT ON WATER PERMIT APPLICATION No. 6543-3

Walter Soulek
38001 295th St.
Lake Andes, SD. 57356
November 10, 2004

Water Permit Application No. 6543-3, proposes to appropriate 2.44 cubic feet of water per second (cfs) from the Missouri River in the NW1/4 NW1/4 of Section 1, T96N- R68W to irrigate 189.6 acres located in the SE1/4, E1/2 SW1/4 Section 35-T97N-R68W and N1/2 NE1/4, NE1/4 NW1/4 Section 2; all in T96N-R68W. The annual period of use would be April 1 through October 31.

The proposed project is located approximately 15 miles South of Platte, SD.

Review of Water Source

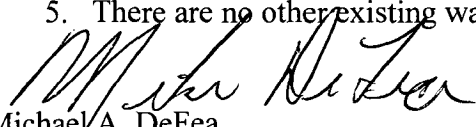
The water source for this project is the Missouri River. Water availability is not a concern for appropriations from the Missouri River. South Dakota Codified Law (SDCL) 46-5-6.1 allows for the appropriation of water from the Missouri River for irrigation purposes without the one cfs per seventy-acre restriction contained in SDCL 46-5-6.

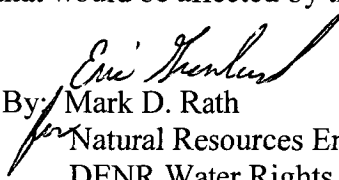
Review of the Proposed Project and Existing Water Rights

The applicant currently possesses four permits; Water Right Nos. 1407-3, 1928-3, and 4623-3 located in Sec.30 T96N-R65W, and 5795-3 located in Sec.1 T96N-R68W authorizing a combined diversion rate of 23.7 cfs of water from the Missouri River for irrigation of 1562 acres. Presently there are three water rights within a one mile radius which appropriate 4.69 cfs of water from the Missouri River for irrigation purposes since there is an abundance of non-appropriated water available in the Missouri River, Application No. 6543-3 is unlikely to cause any adverse effects to the river, and should not affect other existing water rights.

Conclusions

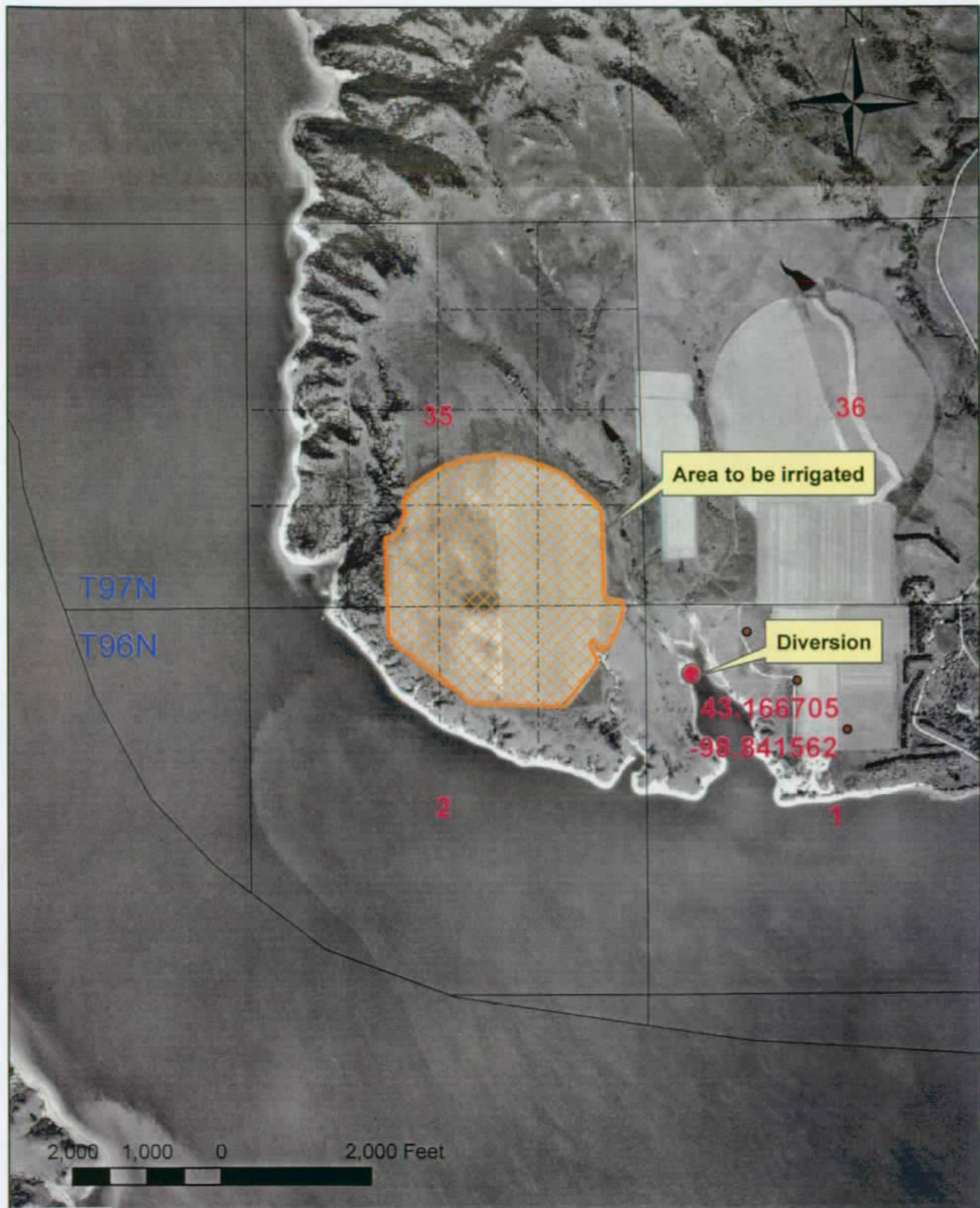
1. This application proposes to appropriate 2.44 cfs from the Missouri River to irrigate 189.6 acres of farm land.
2. There is non-appropriated water available in the Missouri River for Application No. 6543-3.
3. South Dakota Codified Law (SDCL) 46-5-6.1 allows for the appropriation of water from the Missouri River for irrigation purposes without the one cfs per seventy-acre restriction contained in SDCL 46-5-6. .
4. Approval of Water Permit Application 6543-3 is in the public interest and constitutes beneficial use of the water.
5. There are no other existing water rights that would be affected by this project.

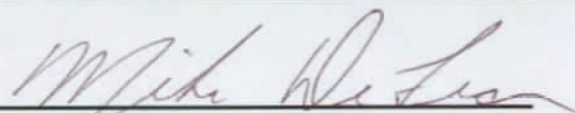

Michael A. DeFea
Natural Resources Engineer
DENR Water Rights Program


Reviewed By Mark D. Rath
Natural Resources Engineer Specialist
DENR Water Rights Program

Application for Water Permit
Walter Soulek
38001 295th St.
Lake Andes, SD. 57356
November 5, 2004

Permit No. 6543-3




Mike DeFea
Natural Resources Engineer
Department of Environment and Natural Resources

Application for Water Permit
Walter Soulek
38001 295th St.
Lake Andes, SD. 57356
November 5, 2004

Permit No. 6543-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6543-3, Walter Soulek**

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. 6543-3, Walter Soulek, 38001 295th Street, Lake Andes SD 57356.

The Chief Engineer is recommending APPROVAL of Application No. 6543-3 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:

2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6543-3 authorizes a maximum diversion rate of 2.44 cfs from the pond for the irrigation of 189.6 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
November 19, 2004

THE PLATTE ENTERPRISE

Platte, South Dakota 57369

Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice, and said newspaper is printed either in whole or in part in the office maintained at the above place of publication, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said notice, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed

Notice of Application No. 6543-3 to Appropriate Water a printed copy of which is hereunto attached, was printed and published in The Platte Enterprise for two issues, the first publication being made on Thursday, the 2nd day of Dec., A.D., 20 04 and the succeeding publications were made severally on...

Thursday, the _____ day of _____ A.D., 20 _____

Thursday, the _____ day of _____ A.D., 20 _____

Thursday, the _____ day of _____ A.D., 20 _____

Thursday, the _____ day of _____ A.D., 20 _____

Thursday, the _____ day of _____ A.D., 20 _____

Thursday, the _____ day of _____ A.D., 20 _____

and the last publication being made on Thursday, the 9th of Dec., A.D. 20 04

That the publication fee for publishing said notice is the sum of \$.

Sharon Huizenga

Subscribed and sworn to before me this 20 day of Dec., A.D. 20 04

[Signature]
Notary Public for Charles Mix County, SD

RECEIVED
DEC 22 2004
WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION

NO. 6543-3 to Appropriate Water

Notice is given that Walter Soulek, 38001 295th St., Lake Andes, SD 57356 has filed an application for a water permit to appropriate 2.44 cubic feet of water per second from the Missouri River located in the NW 1/4 NW 1/4 Section 1-T96N-R68W to irrigate 189.6 acres located in the SE 1/4, E 1/2 SW 1/4 Section 35-T97N-R68W and N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 2; all in T96N-R68W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6543-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is beneficial use of water, and 4) it is 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 this application. Notice of the hearing will be given to the applicant

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 December 20, 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
(12-2-9)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

November 22, 2004

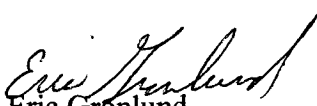
Walter Soulek
38001 295th Street
Lake Andes SD 57356

Dear Mr. Soulek:

Water Permit Application No. 6543-3 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 Platte Enterprise printed at Platte, SD (Ph # 605-337-3101). 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

November 22, 2004

Platte Enterprise
PO Box 546
Platte SD 57369-0546

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6543-3 to Appropriate Water to be published twice. Please publish the first notice on December 2, 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 Walter Soulek, 38001 295th Street, Lake Andes, SD 57356 (Ph # 605-487-7279).

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. 6543-3

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

Date _____

We are in receipt of your letter of November 22, 2004 enclosing Notice to Appropriate Water by Application No. 6543-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 2, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6543-3 to Appropriate Water

Notice is given that Walter Soulek, 38001 295th St, Lake Andes SD 57356 has filed an application for a water permit to appropriate 2.44 cubic feet of water per second from the Missouri River located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1-T96N-R68W to irrigate 189.6 acres located in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35-T97N-R68W and N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2; all in T96N-R68W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6543-3 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 December 20, 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.



APR 19 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Walter Soulek
38001 295th
Lake Andes SD 57356

Dear Mr. Soulek:

Enclosed is Water Permit No. 6543-3 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date

4/22/05

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

WALTER J SOULEK

(name)

38001 295th ST.

(address)

LATE WINDS DR 57356

(city, state, zip)

6054877279

(phone)

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

Water Permit No. 6543-3 states that the water use system is to be constructed by

Dec 20 2009
(date)

, and water is to be put to beneficial use by

Dec 20 2013
(date)

The water use system was completed on

8/24/04
(date)

Applying the water to beneficial use was completed on

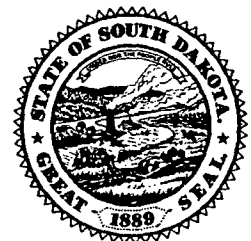
6/24/04
(date)

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

Walter J Soulek
(signature)

RECEIVED

APR 26 2005

WATER RIGHTS
PROGRAM

6543-3

RECEIVED

November 13, 2003

NOV 21 2003

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

SURFACE WATER PROGRAM

Walt Soulek
388001 295th Street
Lake Andes, South Dakota 57356

Dear Mr. Soulek:

Reference is made to your application for a Department of the Army permit to construct an irrigation intake structure in the Missouri River/Lake Francis Case at mile 897.0, located in the Northwest Quarter of Section 1, Township 96 North, Range 68 West, Charles Mix County, South Dakota.

Based on the information submitted, the proposed project, as described on the enclosed drawings, meets the criteria established for General Permit 90-04 and has been assigned application number 200330384.

Accordingly, for the purposes of Section 10 of the Rivers and Harbor Act (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), and in accordance with 33 CFR Part 325.5(c)(1), the construction of the intake structure is authorized without further processing provided the stipulations, conditions and criteria of General Permit 90-04 (copy enclosed) are strictly adhered to.

As a special condition to this permit, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Any changes to the size, location or withdrawal rate of this structure from that identified herein may require additional Department of the Army Authorization. **The attached Compliance Certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.**

NOTE: The above determination does not obviate the requirement to obtain state, tribal or local assent as required by law.

If you have any questions regarding the above, please feel free to contact this office at the above Regulatory Office address, or telephone Thomas A Lowin of my staff, or myself, at (605) 224-8531.

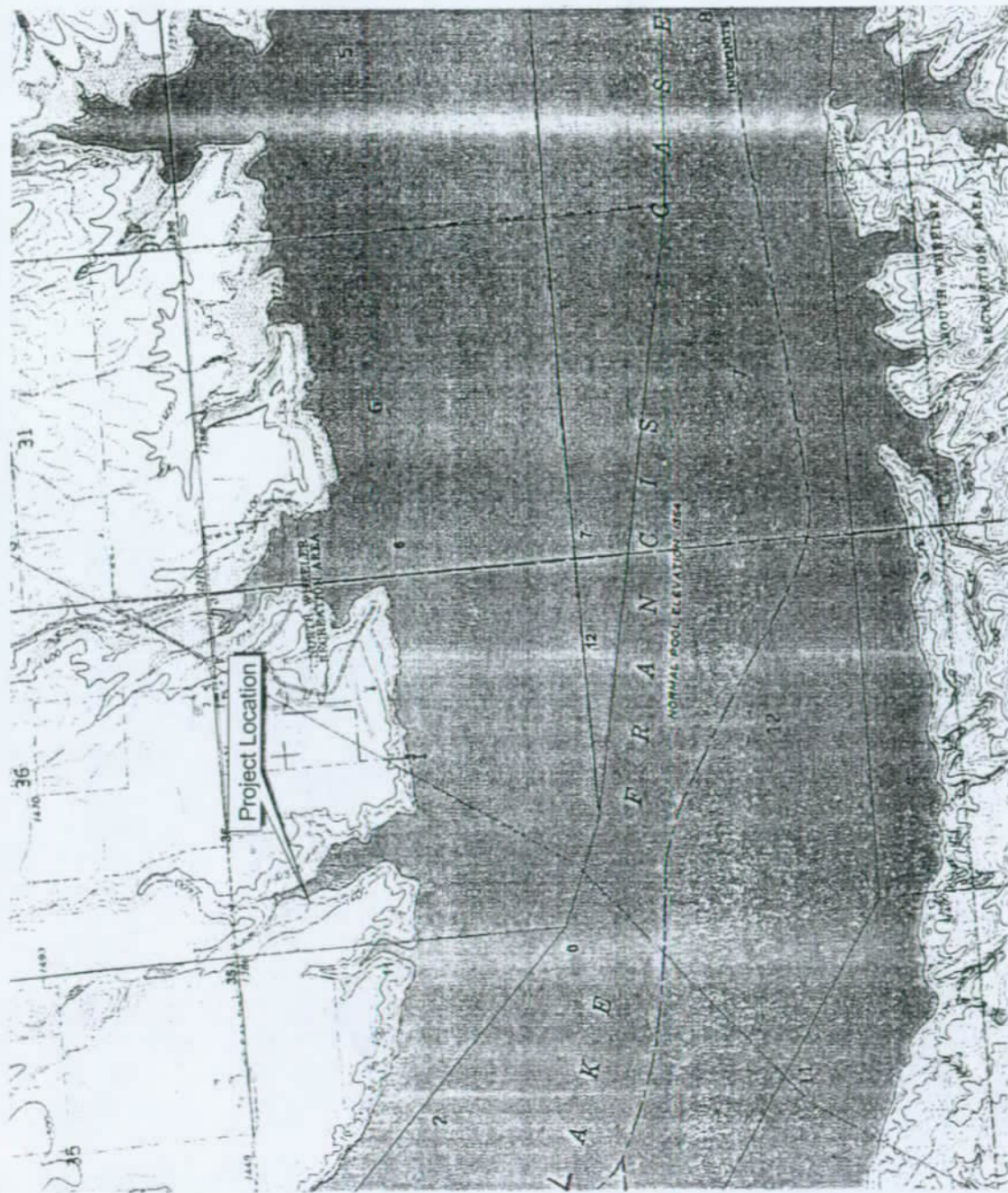
Sincerely,

Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures

cf: Gober; US Fish and Wildlife Service, Pierre
Fletcher; US Environmental Protection Agency, Denver
Petersen; SD Dept. Game, Fish, and Parks, Pierre
Miller; SD Dept. Environment and Natrl Rsrcs, Pierre
Wilson; Corps of Engineers (CENWO-OD-FR), Pickstown

Location Map

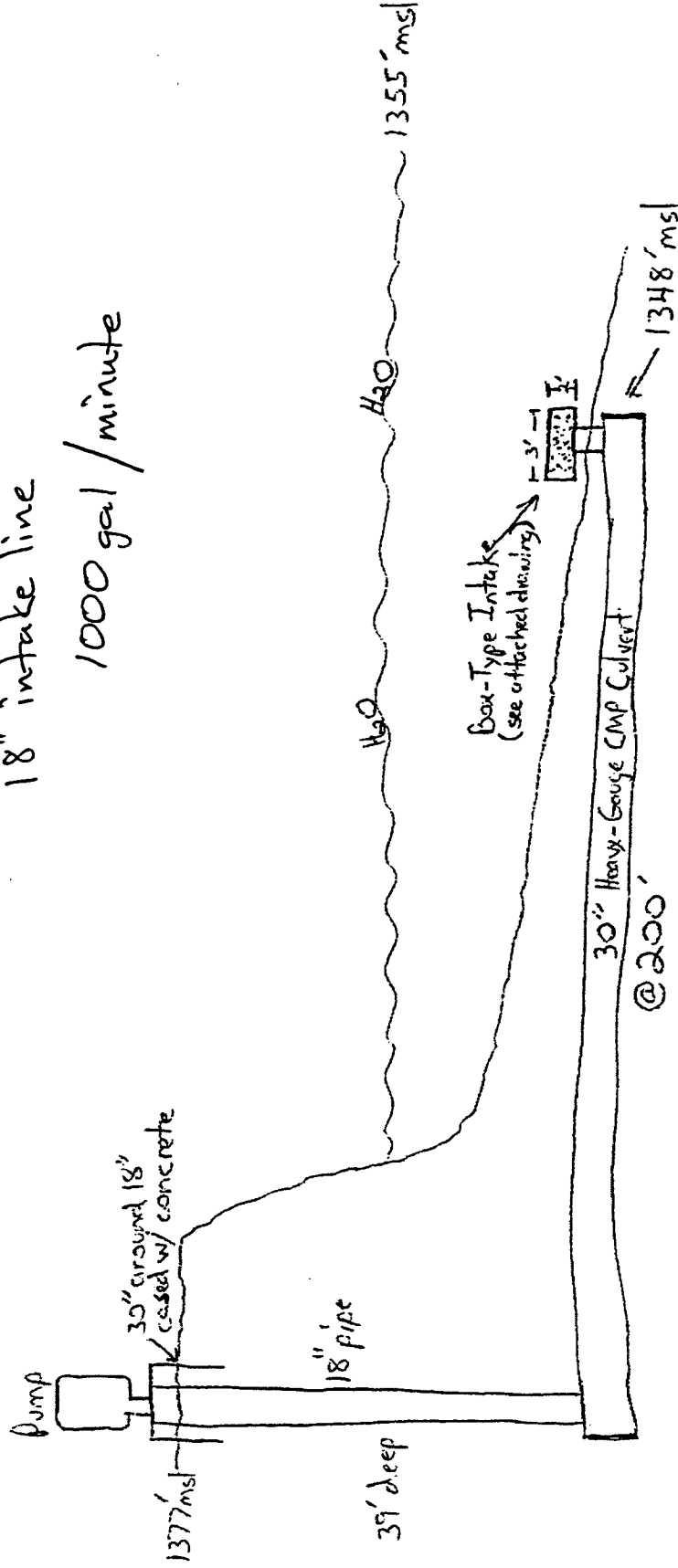


Pump Specs

3-Phase Electric Motor, 100 Horsepower

18" intake line

1000 gal/minute

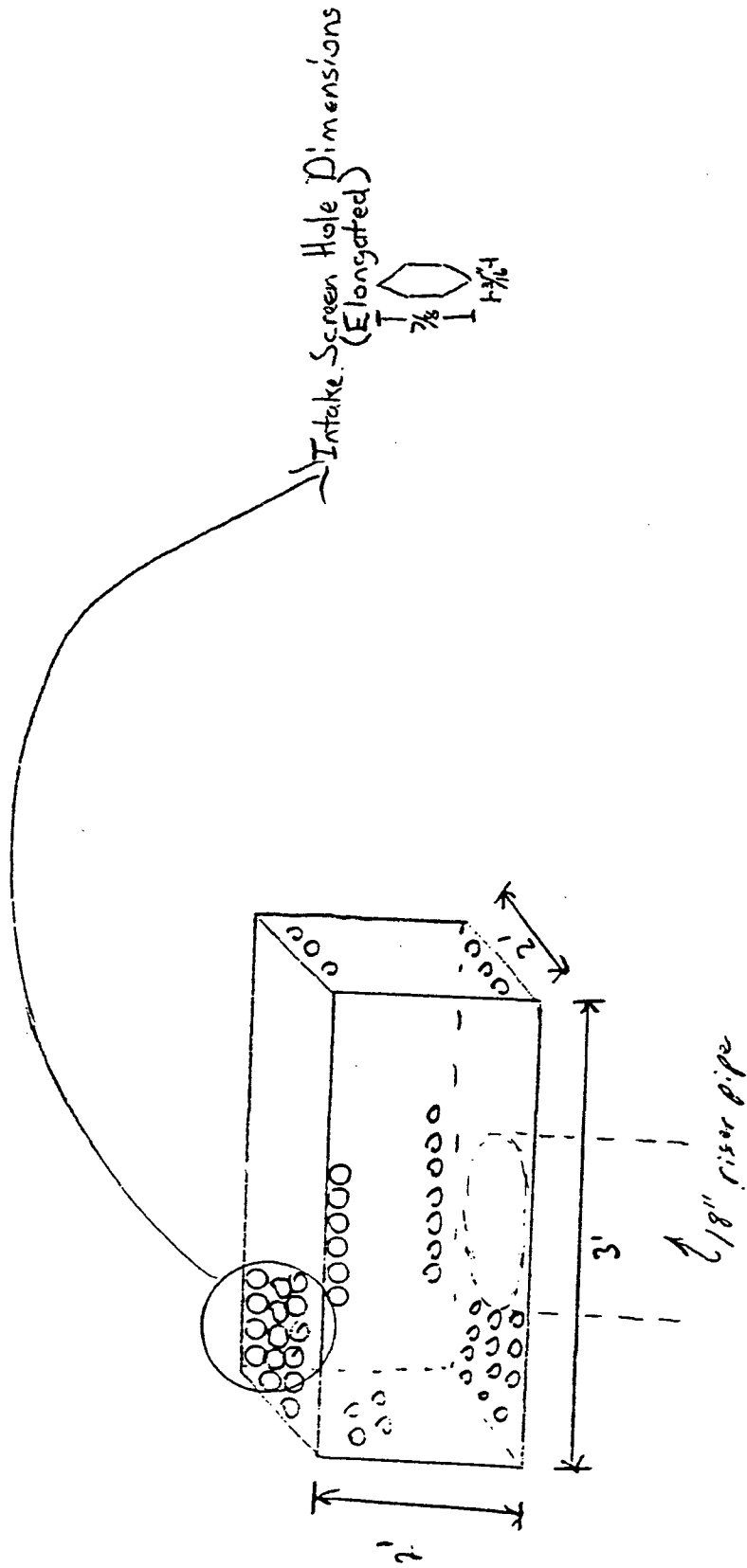


PURPOSE: Intake/Irrigation
APPLICATION BY: Walt Soulek

IN Missouri River/Lake Francis Case
 Mile 897.0

AT Sec. 1/T96N/R68W
COUNTY Charles Mix
DATE 11/13/03
SHEET 2 of 3

No. 200330384, GP 90-04



Intake Screen

PURPOSE: Intake/Irrigation
APPLICATION BY: Walt Soulek

IN Missouri River/Lake Francis Case
 Mile 897.0

AT Sec. 1/T96N/R68W

COUNTY Charles Mix

DATE 11/13/03

SHEET 3 of 3

No. 200330384, GP 90-04



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 10, 2003

Walter Soulek
38001 295th Street
Lake Andes South Dakota 57356

Dear Mr. Soulek:

Recently, I became aware of your application to the Corps of Engineers to construct a Missouri River intake structure for irrigation in Charles Mix County. The proposed intake is to be located in the NW ¼ of Section 1, T96N, R68W.

I reviewed our water rights records and found that you hold water rights located in R65W which is a significant distance from this proposed intake. Specifically, the intake for three water rights held in your name is located in Section 30, T96N, R68W (three townships away). The only water right that I found in our records at this new proposed intake site is held by De Haan Livestock and Grain.

This leads me to the conclusion that either you acquired existing irrigated property or you are developing a new irrigation system. If you acquired property with a existing water right, a notice of transfer of ownership form will need to be filed to put the water right in your name. The other conclusion is that you intend to develop acreage for new irrigation. If this is the case, a water right permit will need to be obtained. I have enclosed application forms to file for a water right permit.

Mr. Soulek, if I am mistaken about what your intentions are or believe that a water right is in place for the proposed irrigation intake, please contact me. If a water right permit is needed, I am willing to help you through the process in order to get the necessary water right permit in place.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352
eric.gronlund@state.sd.us

enclosure

Permit No. 6543-3
Missouri 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, July 11, 2006, made a thorough examination of the water use system constructed by Walter Soulek of 38001 295th Street, Lake Andes SD 57356 holder of Permit No. 6543-3, bearing the priority of October 19, 2004 authorizing the diversion of 2.44 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Walter Soulek**

A. Works used to divert the water:

Pump:

- 1) Make Western Land Roller
- 2) Capacity 1,100 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. 404TP WPI
- 3) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 3,000 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsey
- 2) Number of towers 9
- 3) End gun Y
- 4) Low pressure
- 5) Capacity 1,100 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. 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

Report of Examination of Works

Permit No. 6543-3

The system is in good condition with the point of diversion located as follows: Missouri River: 1,175 feet S and 700 feet E from the NW corner section 1-T96N-R68W (Latitude 43.16597, Longitude -98.84179 -- NW¼NW¼ sec 1). The works are capable of diverting and conveying to the place of use 2.44 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

NE¼SE¼	sec 35-97N-68W	5 ac	NE¼NE¼	sec 2-96N-68W	21 ac
NW¼SE¼	sec 35-97N-68W	16 ac	NW¼NE¼	sec 2-96N-68W	38.6 ac
SW¼SE¼	sec 35-97N-68W	40 ac	NE¼NW¼	sec 2-96N-68W	14 ac
SE¼SE¼	sec 35-97N-68W	31 ac			
NE¼SW¼	sec 35-97N-68W	2 ac	Total acreage		189.6 ac
SE¼SW¼	sec 35-97N-68W	22 ac			

comprising a total of 189.6 acres of land and the license should be issued for 2.44 cfs.

All structures, wells and lands on map Y

| Comments or other permit(s) associated with the project: **none**



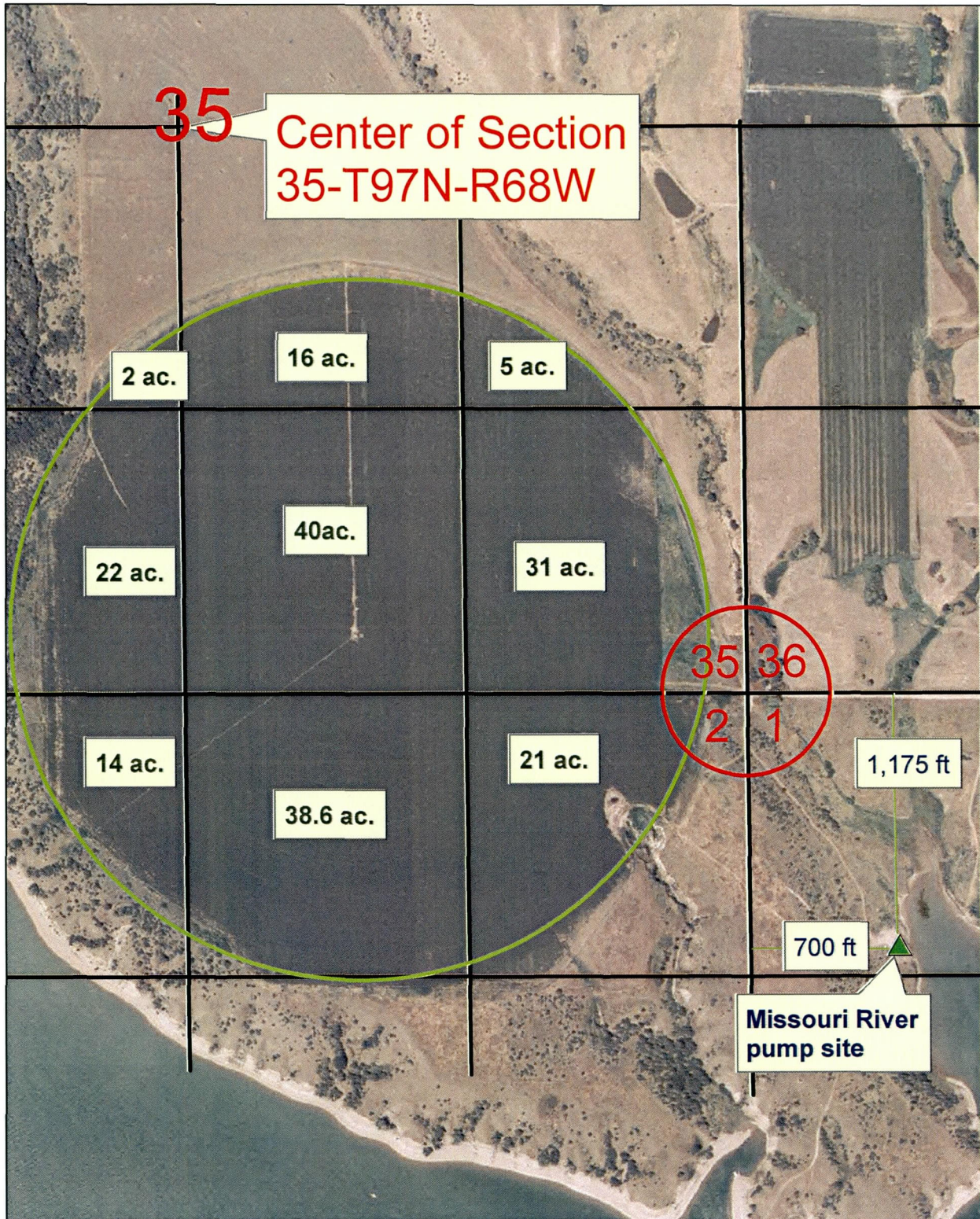
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 28, 2006

Scale: 1 inch equals 701 feet

980

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: 8/28/06

Water Right No. 6543-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 03 2006

6543-3

Walter Soulek
38001 295th St
Lake Andes SD 57456

Dear Mr. Soulek:

Enclosed is Water License No. 6543-3 and a copy of the map prepared by the staff engineer who conducted the field investigation. Water License No. 6543-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6543-3

(1) Walter Soulek, 38001 295th St, Lake Andes SD 57356 made Application No. 6543-3, October 19, 2004 for a water permit to divert 2.44 cubic feet of water per second from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 6543-3, with a priority date of October 19, 2004 was approved December 20, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 20, 2009 and for the application to beneficial use of said water on or before December 20, 2013.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on April 26, 2005. The "*Notice*" stated the water use system was completed on May 24, 2004 and the water placed to beneficial use on June 24, 2004.

(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 2.44 cubic feet of water per second for beneficial use. The location of the diversion point is 1,175 feet S and 700 feet E of the NW corner of Section 1, T96N, R68W (NW ¼ NW 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 a total of 189.6 acres located as follows:

Section 35, T97N, R68W				Section 2, T96N, R68W	
NE ¼ SE ¼	5.00 acres	NE ¼ SW ¼	2.00 acres	NE ¼ NE ¼	21.00 acres
NW ¼ SE ¼	16.00 acres	SE ¼ SW ¼	22.00 acres	NW ¼ NE ¼	38.60 acres
SW ¼ SE ¼	40.00 acres				
SE ¼ SE ¼	31.00 acres			NE ¼ NW ¼	14.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Walter Soulek, 38001 295th St, Lake Andes SD 57356 the holder and/or owner of Water Right No. 6543-3 is issued a license to appropriate water, the right to use 2.44 cubic feet of water per second from the Missouri River with a priority date of October 19, 2004 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. 6543-3 and subject to the following qualifications:

- Pursuant to SDCL 46-5-6 which allows for a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Water Right No. 6543-3 authorizes a maximum diversion rate of 2.44 cfs from the river for irrigation of 189.6 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

NOV 03 2006
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 8, 2022

WJ Soulek Family Land LLLP
38001 295th St
Lake Andes SD 57356

RE: Water Right Nos. 330-3, 1407-3, 1928-3, 4623-3 and 6543-3

Dear Sir:

Thank you for returning the 2022 irrigation questionnaires by the deadline. Based on the notations on each form, all five water rights need to be transferred.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (\$250 total). The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
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

May 25, 2023

WJ SOULEK FAMILY LAND LLLP
38001 295TH ST
LAKE ANDES, SD 57356

Dear Soulek Family:

I am writing to acknowledge the receipt of your transfer forms and filing fees.

The ownership changes have all been completed. The water rights under Walter's name are now listed under WJ Soulek Family Land LLLP.

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

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

MAY 12 2023

Ck#

Rec't#

6543-3

No. 6543-3

Date: 5-9-23

I/We request that Water Right No.

formerly owned by: Walter Soulek

be transferred to: (name & address)

WJ SOULEK FAMILY LAND LLLP

38001 295th St

Lake Andes, SD 57356 Telephone No.

605-645-7672

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

189.6 acres – SE ¼ & E ½ SW ¼ Section 35, T97N, R68W and

N ½ NE ¼, NE ¼ NW ¼ Section 2, T96N, R68W

I/We understand that the validity of Water Right No. 6543-3 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 **WJ SOULEK FAMILY LAND LLLP** the new owner, certify that the above information is true and correct.

38001 295th St
Lake Andes, SD 57356

Paul Soulek Partner

Joyce Soulek Partner
(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.

RECEIVED

MAY 12 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 12, 2023

RECEIVED OF Wj Soulek Family Land LLLP 38001 295th ST., Lake Andes, SD 57356

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6543-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
me



**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: PAUL SOULEK, 38001 295TH ST, LAKE ANDES, SD 57356

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 330-3, 1407-3 & 1928-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4623-3 & 6543-3 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) 4623-3 & 6543-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 330-3, 1407-3 & 1928-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: QNAFUR**

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 30, 2025

330-3, 1407-3, 1928-3
4623-3, 6543-3

WJ Soulek Family Land LLLP
c/o Paul Soulek
38001 295th St
Lake Andes SD 57356

Dear Mr. Soulek:

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). 330-3, 1407-3, 1928-3, 4623-3 & 6543-3. 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