

WATER PERMIT NO. 6631-3

Name of Applicant: Pierre & Marc Bernard

Address: 48134 332nd St, Jefferson SD 57038

Phone: 605 966-5668

Amount of Water Claimed: 1.67 cfs

Total Acres: 120

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 1 mile southwest of Jefferson

PRIORITY

Date Received: 6-6-05

Application/License Fee: \$275

Corrected Application Received: 6-10-05

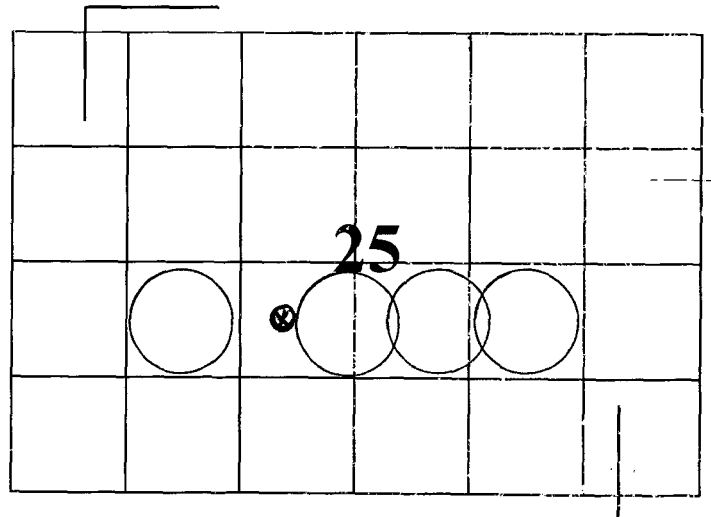
Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 25-T90N-R49W

Land to be Irrigated: N ½ SW ¼, N ½ SE ¼ Sec

25-T90N-R49W



Depth of Well: 172 feet deep

Well Driller: : Dakota Drilling & Backhoe, Inc.

Remarks:

Type of Map: aerial

Prepared by: Rachael Kirkebak, NRCS

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6631-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader Courier, Elk Point</u>

RECEIVED
JUN - 6 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant Pierre + Marc Bernard ☒ Owner ☐ Tenant/Lessee Phone 966-5668
(check one)
- Mailing Address 48134 332nd Street, Jefferson State SD 57038
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.67 *CFS or 750 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4, SW 1/4, Sec 25, Twp 90N,
Rg 49W
County Union
5. County or counties where water will be used Union
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
NW	SW 1/4, SW 1/4, Sec 25, T90N, R49W	30		
NE	SE 1/4, SW 1/4, Sec 25, T90N, R49W	30		
NW	SW 1/4, SE 1/4, Sec 25, T90N, R49W	30		
NE	SE 1/4, SE 1/4, Sec 25, T90N, R49W	30		

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

This is a 4-tower towable T-L irrigation system. Well feeds
underground pipe w/ 4 risers (one in each 1/4 of the 1/4).

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)

STATE OF SOUTH DAKOTA)

County of Union ss

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

Signed [Signature]

Subscribed and sworn to before me this 2nd day of June 2005

[Signature]
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 6631-3**

Date of first receipt of application June 6, 2005.

Date of return to applicant for corrections, amendments or changes June 6, 2005.

Date of receipt of corrected application June 10, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6631-3 to Pierre & Marc 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. 6631-3 appropriates 1.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 172 feet deep) located in the NE ¼ SW ¼ Section 25 to irrigate 120 acres located in the N ½ SW ¼, N ½ SE ¼ Section 25; all in T90N-R49W.
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 June 6, 2005.
4. The date of approval of Permit No. 6631-3 is August 29, 2005.
5. One-fifth of the construction is to be completed on or before March 1, 2007.
6. All construction is to be completed on or before August 29, 2010.
7. Water is to be put to beneficial use on or before August 29, 2014.
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. 6631-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbe

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

9 SEP 30 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 172'
- b) Casing Type PVC, Sch. 40 Diameter 16" Thickness Sch. 40
- c) Screen Type PVC, slot 50 Diameter 16" Thickness Sch 40
- d) Gravel Pack Thickness 4" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 98'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
On applicants property 7250' On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) drain field, septic tank
- b) System Capacity (gallons) 1200 gal c) Year Constructed 2000
- d) Connected to the City of N/A 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

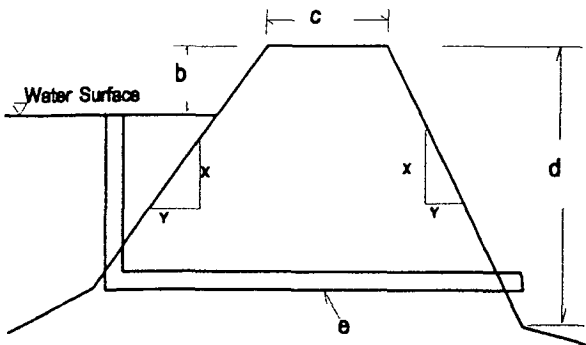
Upstream _____

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 June 9, 20 05

RECEIVED OF Bernard Farms, 48134 332nd St, Jefferson SD 57038

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

Fee for Application for Permit No. <u>4631-3</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>4631-3</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. 001879

By Garland Esbey
Chief Engineer

115



The circles represent the 4 pivot points of the
towable irrigation system.

6631-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

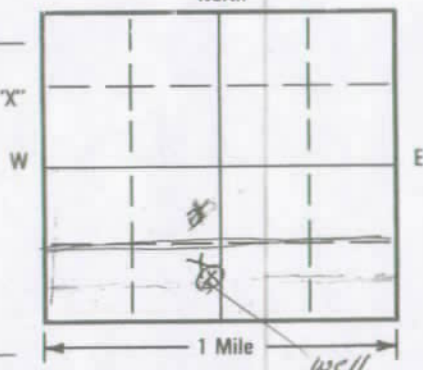
07-92

Location NE 1/4 SW 1/4 Sec 25 Twp 90N Rg 49W

County Union

North

Please mark well location with an "X"



Well Completion Date

12-15-04

Well Owner:

Business Name:

Address:

WELL LOG:

DEPTH

FORMATION

FROM

TO

Clay

0 41

Sand

41 65

Clay

65 79

Sand

79 98

Med. gravel

98 175

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? 300 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>54.4</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>172</u> FT	<u>22</u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>		lb./gal	<u>10</u> ft.	<u>10</u> ft.
		lb./gal		

Describe grouting procedure Pumped in from bottom

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 60 FEET

Material PVC

Slot Size 50 Set From 112 Feet to 172 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION:

Was well disinfected upon completion?

YES, How: chlorine

Laboratory sent to for water quality analysis

NO, Why Not? irrigation

STATIC WATER LEVEL

25

Feet

If flowing: closed in pressure

PS

GPM flow through

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped

Describe: Not completed

☐ Bailed

to date

☐ Other

Pumping Level Below Land Surface

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

If pump installed, pump rate GPM

REMARKS

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm DeKato Drilling & Reclamation, Inc.

Signature of License Representative:

Vernon E. DeKato

Signature of Well Owner or Equitable Property Holder:

Date:



June 6, 2005

Pierre & Marc Bernard
48134 332nd St
Jefferson SD 57038

Dear Sirs:

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 map needs to reference a government section corner or quarter corner. Also, on the map, please outline the 120 acres you intend to irrigate.
- The application/license filing fee will be \$275.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECEIVED

JUN 10 2005

AIR QUALITY
PROGRAM

Water Rights Program - File Documentation

NAME: Pierre Bernard

ADDRESS: Jefferson SD

DATE: 6-13-05 **COUNTY:** Union **TELEPHONE:** 605 966-5668

RE: Pending application

COMMENTS:

I called Pierre Bernard to clarify the location of the lands he is proposing to irrigate. The lands to be irrigated are located in the N ½ SW ¼ and N ½ SE ¼ Section 25-T90N-R49W.

I told Mr. Bernard that I would change his application accordingly.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6631-3
For Pierre & Mark Bernard
July 13, 2005

Application No. 6631-3 proposes to appropriate 1.67 cfs (750 gpm) from a well approximately 172 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 25 to irrigate 120 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 25; all in T90N R49W in Union County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under artesian conditions at this site but is predominantly under water table conditions in this area. The Missouri Elk Point aquifer as described by Hedges roughly corresponds and is basically equivalent to the Missouri aquifer as described by Niehus. The Missouri 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 is hydraulically connected to both the Missouri and Big Sioux Rivers. Also in this portion of Union County (southern area) the aquifer directly overlies the Dakota Formation and ground water probably moves upward into the Missouri Elk Point aquifer from the Dakota aquifer. Ground water movement is from northwest to southeast and locally toward the Missouri or Big Sioux Rivers (Niehus, 1994).

A test well log filed with the application indicates clay from the surface to 41 feet, sand from 41 to 65 feet, clay from 65 to 79 feet, sand from 79 to 98 feet followed by medium gravel from 98 to 175 feet all below land surface. The test well had a static water level of about 25 feet below land surface. This test information fits in good with surrounding irrigation logs, observation well data and county study test well information. The aquifer is very prolific and specific capacities ranging from about 60 to 150 gpm/ft of drawdown are reported in the same township as this application (Water Rights Well Files, 2005).

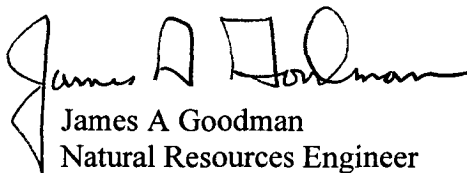
The Water Rights Program monitors an observation well (UN-77P) completed into the Missouri Elk Point aquifer and located about one northwest of the well for this application. Ground water levels for this observation well mirror climatic conditions well. During wet years water levels rise (recharge) and gradually decline during dry years. Overall periods of drought or extremely wet conditions are also shown by the hydrograph. A hydrograph for this observation well is included with this report (Water Rights, 2005).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well located about one-half mile west of this proposed well. This well is for Water Right No. 2008-3 (1.93 cfs for irrigation of 132 acres). Interference is not expected to be a concern. There are numerous irrigation wells in the area and drawdown measured in the observation wells is not significant. There have never been any complaints or problems with water availability in the area.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to be under artesian conditions in this area however the water level behavior is consistent with a water table situation. Drawdown created by pumping is not significant. This is shown by the observation well hydrographs. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. There have never been any water availability complaints or well interference complaints from the area of the state or from this aquifer.



James A Goodman
Natural Resources Engineer

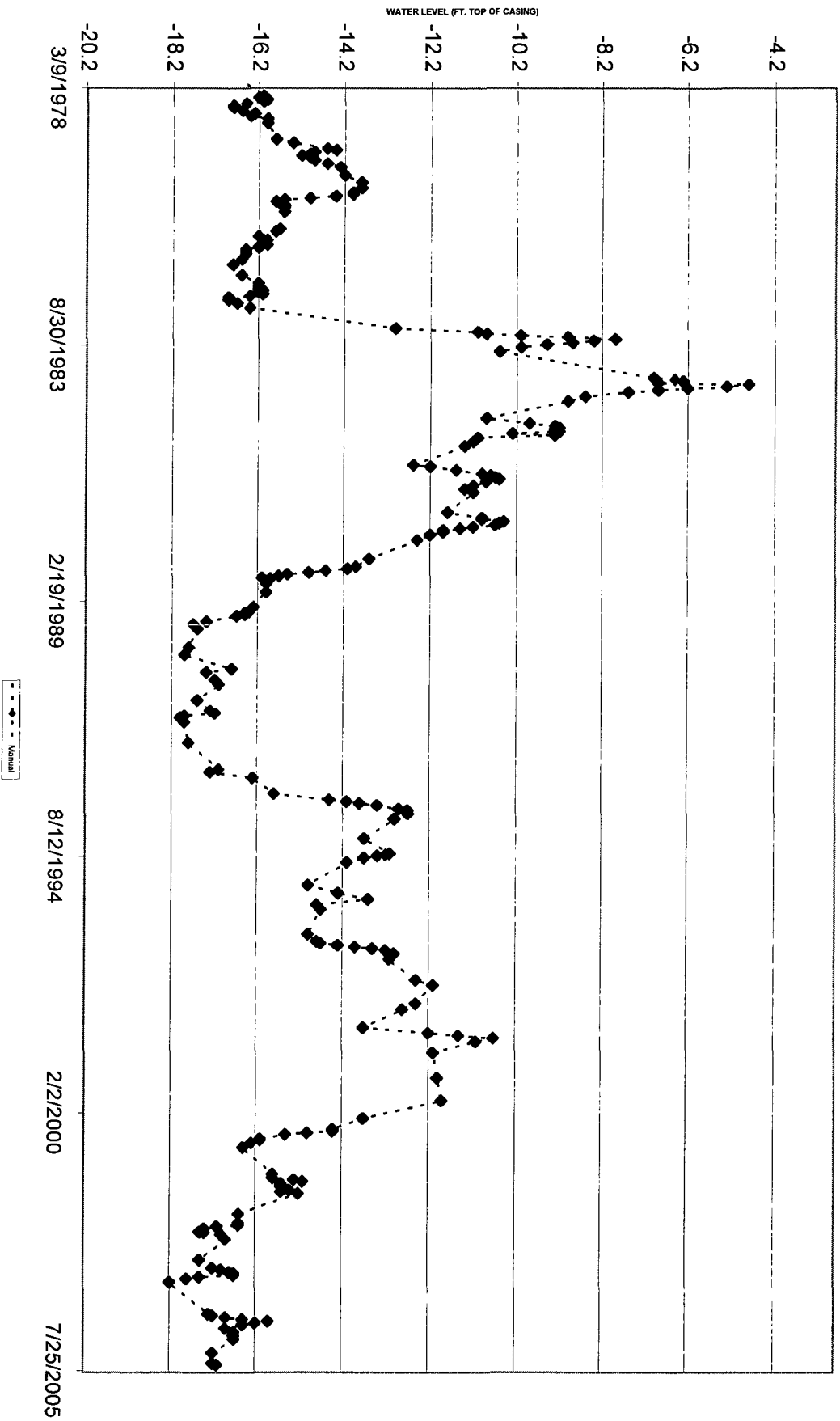
BIBLIOGRAPHY

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, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights Well Files, 2005, Unpublished County Well Completion Reports for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL UN-77P





**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. 6631-3, Pierre and Marc 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. 6631-3, Pierre and Marc Bernard, 48134 332nd Street, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 6631-3 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. 6631-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 29, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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 1, 2005

Pierre & Marc Bernard
48134 332nd Street
Jefferson SD 57038

Dear Mr. Bernard:

Water Permit Application No. 6631-3 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

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

August 1, 2005

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6631-3 to Appropriate Water to be published twice. Please publish the first notice on August 11, 2005 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 & Marc 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. 6631-3

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

Date _____

We are in receipt of your letter of August 1, 2005 enclosing Notice to Appropriate Water by Application No. 6631-3 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 August 11, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6631-3 to Appropriate Water

Notice is given that Pierre & Marc Bernard, 48134 332nd St, Jefferson SD 57038 have filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 172 feet deep) located in the NE ¼ SW ¼ Section 25 to irrigate 120 acres located in the N ½ SW ¼, N ½ SE ¼ Section 25; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6631-3 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 August 29, 2005.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Union) SS

I, Susan Odson

certify that the attached printed Notice was
 taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 11, 2005

August 18, 2005

Cost of Printing \$38.19

Susan Odson

(Signature)

Affidavits Coordinator

(Title)

8-18-05

(Date Signed)

**NOTICE OF APPLICATION
 NO. 6631-3 TO
 APPROPRIATE WATER**

Notice is given that Pierre and Marc Bernard, 48134 332nd St., Jefferson SD 57038 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 172 feet deep) located in the NE1/4 SW1/4 Section 25 to irrigate 120 acres located in the N1/2 SW1/4, N1/2 SE1/4 Section 25; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6631-3 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 August 29, 2005.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish August 11 and 18, 2005
 32-12-68 38.19

RECEIVED

AUG 19 2005

WATER RIGHTS
 PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

SEP 30 2005

Pierre & Marc Bernard
48134 332nd St
Jefferson SD 57038

Dear Mr. Bernard:

Enclosed is Water Permit No. 6631-3 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

6631-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 2/8/2006

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

FROM: Pierre Bernard

(name)

48134 332nd Street

(address)

SDSD57038

(city, state, zip)

(605) 966-5668

(phone)

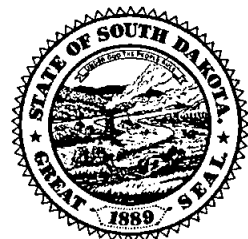
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6631-3 states that the water use system is to be constructed by 8/29/2010 , and water is to be put to beneficial use by 8/29/2010 .
(date) (date)

The water use system was completed on 7/15/2005 .
(date)

Applying the water to beneficial use was completed on 9/30/2005 .
(date)

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





6631-3

**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.



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

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



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: FFWKEY**

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.

6631-3



**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