

WATER PERMIT NO. 6947-3

Name of Applicant: **Joel Adler**

Address: **48353 149th St, Milbank SD 57252**

Phone: **605 467-1002**

Amount of Water Claimed: **1.71 cfs**

Total Acres: **no additional acres**

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

Water to be used for: **irrigation**

County: **Grant**

Type of Waste Disposal System:

Location: **5 miles east of Milbank**

PRIORITY

Date Received: **1-10-08**

Application/License Fee: **\$200**

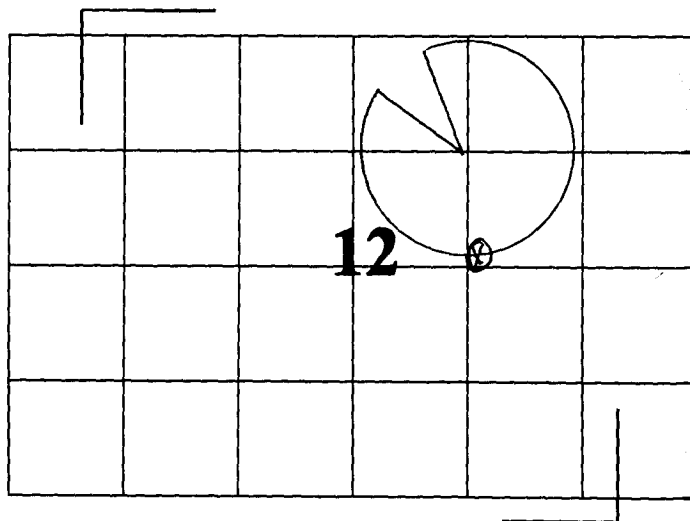
Corrected Application Received: **1-23-08**

Period of Annual Use: **March 1 – November 30**

Remarks: **Water Right No. 3234B-3 authorizes irrigation of the 120 acres**

Diversion Point: **SE ¼ NE ¼ Sec 12-T120N-R48W**

Land to be Irrigated: **NE ¼ Sec 12-T120N-R48W**



Depth of Well: **85 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Rosann Lichtsiun**

Reviewed and the Number Assigned on: **1-24-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

RECEIVED

JAN 10 2008

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6947-3</u> (office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota, Whitestone</u>
	Newspaper <u>Grant Co. Review P0390</u>
	<u>605-432-4516</u> <u>Melbank 57252</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant Joel Adler Phone 605-467-1002
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 48353 149th St Melbank SD 57252
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.71 *CFS or 833 **GPM ***AF Total Acreage No Additional
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply New Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Grant

1 Well, SE 1/4 of NE Quarter of Section 12 120-48

5. County or counties where water will be used Grant

6. Annual period during which water is to be used March 1 to Nov. 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 of NE 1/4 Sec 12-120-48	33		
SE 1/4 of NE 1/4 Sec 12-120-48	33		
SW 1/4 of NE 1/4 Sec 12-120-48	33		
NW 1/4 of NE 1/4 Sec 12-120-48	21		

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

I own NE 1/4 of 12-120-48, which is already irrigated. The well that supplies it is owned by Mike Johnson. I need to put my own well in on my property. The land has been irrigated since 1977. The permit has to be redone, on Mike's and mine.

STATE OF SOUTH DAKOTA) SS
County of Grant

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)

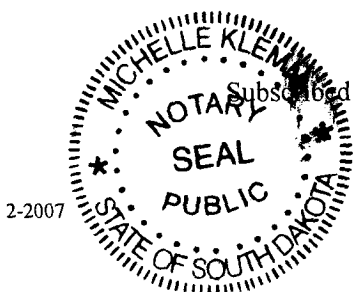
I, Joel Adler, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Joel Adler

Subscribed and sworn to before me this 13th day of December 20 07

Michelle Klemm

Notary Public signature



2-2007

My Commission Expires
January 15, 2012

**SOUTH DAKOTA
WATER PERMIT NO. 6947-3**

Date of first receipt of application January 10, 2008.

Date of return to applicant for corrections, amendments or changes January 18, 2008.

Date of receipt of corrected application January 23, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6947-3 to Joel Adler, 48353 149th St, Milbank SD 57252 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. 6947-3 appropriates 1.71 cubic feet of water per second (cfs) from one well to irrigate acres authorized by Water Right No. 3234-3. Water Right No. 3234-3 appropriates 2.0 cfs from one well located in the NE ¼ SE ¼ of section 12 to irrigate 240 acres located in the E ½ of section 12-T120N-R48W. This permit appropriates 1.71 cfs by constructing a new well approximately 85 feet deep (Veblen Aquifer) located in the SE ¼ NE ¼ of section 12-T120N-R48W to supply irrigation water to 120 acres in the NE ¼ of section 12 that is currently authorized by Water Right No. 3234-3. The two pivots located in the E ½ of section 12 will be able to operate independently of each other. There is no increase in the number of acres authorized for irrigation by this permit.
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: March 1 – November 30.
3. The date from which applicant may claim right is January 10, 2008.
4. The date of approval of Permit No. 6947-3 is April 21, 2008.
5. One-fifth of the construction is to be completed on or before October 21, 2010.
6. All construction is to be completed on or before April 21, 2013.
7. Water is to be put to beneficial use on or before April 21, 2017.
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. 6947-3 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. The well shall be located a minimum of 1,320 feet from the existing irrigation well located in the NE ¼ SE ¼ of Section 12, T120N, R48W.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

JUL 24 2008

date



Form 2A Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 85'
- b) Casing Type PUC Diameter 12" Thickness 3/4 SDR-17
- c) Screen Type SS Diameter 12" Thickness 304SS Johnson
- d) Gravel Pack 3/8" Pennock Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 52'
- f) Depth to Water (ground surface to water level) 27'
- g) Distance to nearest existing domestic well:
- On applicants property 1/3 mile On property owned by others 1/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

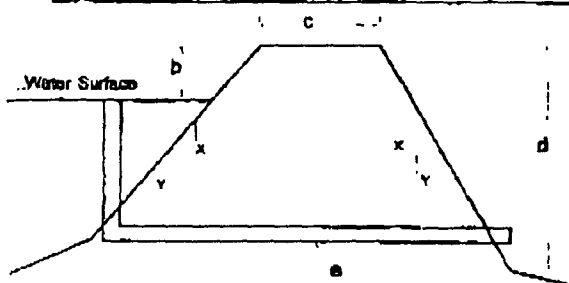
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/10, 20 08

RECEIVED OF Joel Adler 48353 149th St Milbank SD 57252

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	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. _____	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	225 00

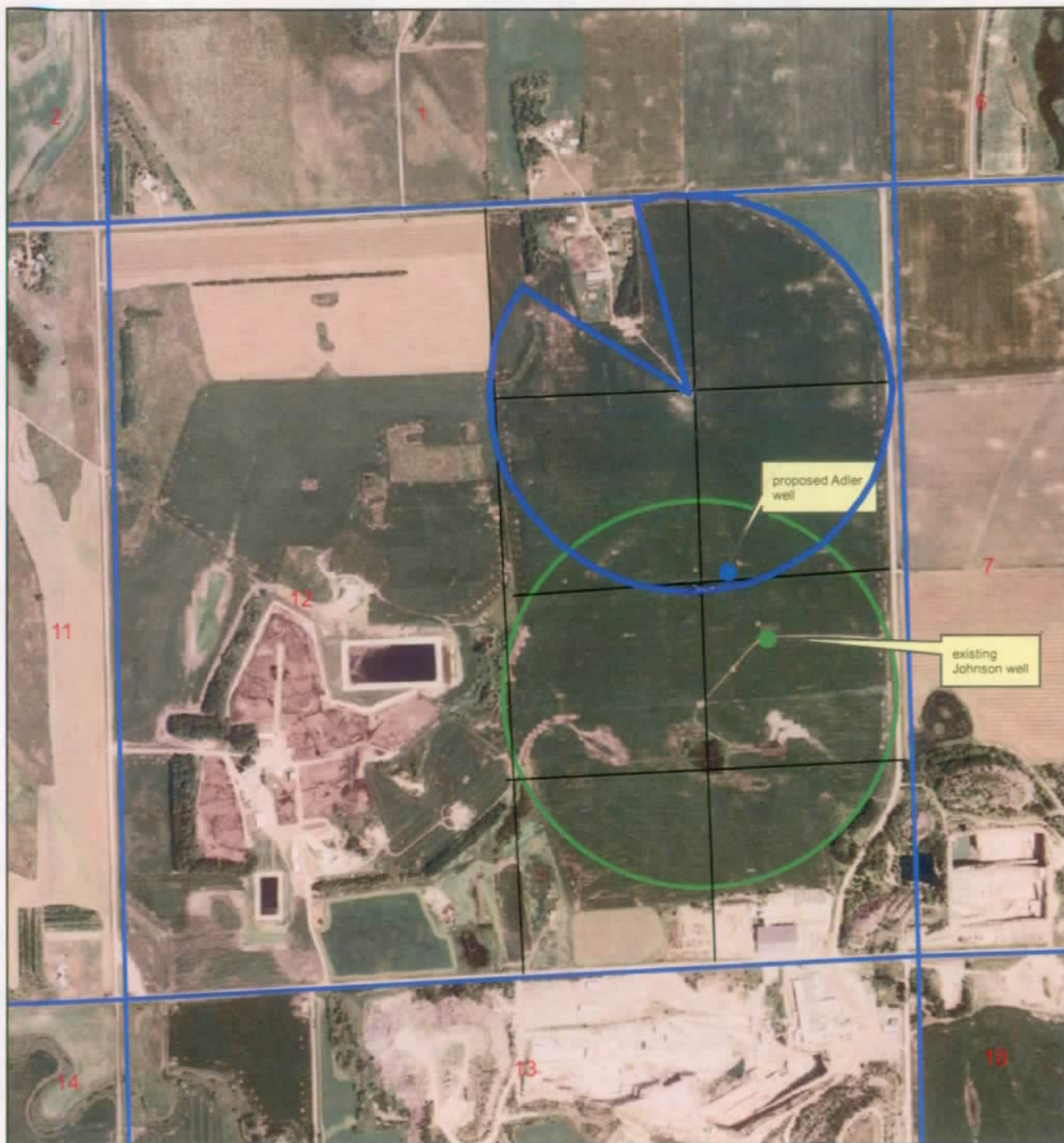
No.

03551

By

Michael Erdahl
Chief Engineer

[Signature]



ALL in Section 12, T20N, R48W

Adler's pivot	
NW 1/4 NE 1/4 -	21 acres
NE 1/4 NE 1/4 -	33 acres
SW 1/4 NE 1/4 -	33 acres
SE 1/4 NE 1/4 -	33 acres
TOTAL	120 acres

Johnson pivot	
NW1/4 SE 1/4 -	38 acres
NE 1/4 SE 1/4 -	38 acres
SW 1/4 SE 1/4 -	17 acres
SE 1/4 SE 1/4 -	17 acres
SW 1/4 NE 1/4 -	3 acres
SE 1/4 NE 1/4 -	3 acres
TOTAL	116 acres

07/23/2008

PAYMENT REQUEST FORM

PAYEE: Joel Adler
48553 149th St
Milbank SD 57252

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for overpayment on Water Permit No. 6947-3

AMOUNT: \$75.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Marla E. Eide 7/23/08

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

Joel Adler
48353 149th Street
Milbank SD 57252

Michael Johnson
14962 483rd Avenue
Milbank SD 57252

Dear Mr. Adler and Mr. Johnson:

Mr. Adler has filed a water right permit application to drill a new well to irrigate the NE $\frac{1}{4}$ Section 12, T120N, R48W. Currently, Water Right No. 3234-3 appropriates 2.0 cubic feet of water per second (900 gpm) to irrigate a total of 240 acres in the E $\frac{1}{2}$ of Section 12. Essentially, the existing well serves two center pivots on an alternating basis. The water right is held in Michael Johnson's name but it is our understanding that the NE $\frac{1}{4}$ is owned by Joel Adler and the SE $\frac{1}{4}$ is Johnson property. Mr. Adler's application is to drill a new well on his property so each system can run independently and the water right can be held in each landowner's name. I have enclosed the original water right and a map representing the irrigated land. Please note that the map includes a breakdown of acreage for each pivot.

I am writing to Mr. Adler with issues that need to be addressed as part of the application process and am including Mr. Johnson so that he is informed.

1. Enclosed is a partially completed transfer of ownership form for Mr. Adler. The submitting of a transfer of ownership will cause the water right to be split according to land ownership. It is our understanding that it is acceptable to Mr. Adler that the diversion rate authority be retained for the existing well that will be on Johnson's water right. The Johnson pivot is irrigating 116 acres (this excludes the overlap of acreage in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of the section). Mr. Adler, please complete transfer of ownership along with the \$2.50 filing fee and return in the enclosed self addressed stamped envelope.
2. The statutory limit for irrigation of 116 acres by the Johnson pivot is 1.66 cubic feet of water per second (750 gallons per minute).
3. The Adler pivot is irrigating 120 acres which equates to a statutory limit of 1.71 cfs (770 gpm). The amount of water claimed from the well should be the statutory limit based on the acres irrigated unless justification is given for a greater amount of water. The application will be processed for this amount unless we hear differently from Mr. Adler.
4. The map shows that the two pivots overlap and irrigate some of the same property. For the purpose of splitting the water right, the majority of overlapping acres are being assigned to

Mr. Adler since he is the owner of the NE ¼ of Section 12. If this is incorrect, please let me know.

5. The new well to supply the Adler pivot in the NE ¼ is proposed to be located along the southern edge of the SE ¼ NE ¼ Section 12 (see map). What is the reason for placing the well at this location? It appears more logical to locate the well near the pivot point.

Please contact me with any questions regarding the splitting of the water right or the pending application filed by Mr. Adler.

Sincerely,



Eric Gronlund
Water Rights Program, DENR
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

March 25, 2008

Michael Johnson
14962 483rd Avenue
Milbank SD 57252

Dear Mr. Johnson:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 6947-3 filed by Joel Adler. The public notice is scheduled to be published April 2 and 9, 2008 in the Grant Count Review.

This information is being sent to inform you of this application since you irrigate in the SE ¼ of Section 12 and the well on your property historically supplied water to these acres.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Granite View Farms, Inc.

Mike & Nancy Johnson
14962 483rd Ave
Milbank, SD 57252
(605) 432-5600

RECEIVED

'APR 10 2008

**WATER RIGHTS
PROGRAM**

April 8, 2008

Garland Erbele, Chief Engineer
Water Rights Program
Foss Building, 523 E Capitol
Pierre, SD 57201

Dear Garland:

I am writing to comment on the Water Permit Application for Joel Adler, Application No. 6947-3. I agree fully with a recommendation that you have prepared in regards to locating the well at least 1320 feet from our existing well located in SE1/4 of Section 12.

We currently also own a Water Permit No. 4735-3 for irrigating which is located in the SW1/4 of Section 18. Visually, this well is already within 1320 ft of the irrigation well that exists for Water Permit 3234-3 in SE1/4 of Section 12. If Joel Adler proceeds in locating a well closer than 1320 ft of our existing well, that would mean there would be (3) irrigation wells within a radius of 1320 ft.

I know that there is considerable draw down of water during the summer months when we are irrigating. There is a considerable amount of expense involved with drilling and making operable an irrigation well. An investment of this magnitude should be protected and it would not be practical for Mr. Adler to go through the expense to not have a guaranteed water supply. Not only that, it protects my investment. For this reason, I am agreeing with the recommendation that Joel Adler locates his well no closer than 1320 ft of the two existing wells that I operate.

Also, please note that we are in the process of replacing and relocating the center pivot irrigation on the SE1/4 of Section 12. There will *not* be any overlapping of irrigation onto Adler's 120 acres in the NE1/4.

If the Water Permit is approved with the conditions in place, I do not oppose his application. Please call if you have any questions or are not in agreement with this.

Cordially,


Mike Johnson

cc: Joel Adler



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6947-3, Joel Adler**

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. 6947-3, Joel Adler, 48353 149th Street, Milbank SD 57252.

The Chief Engineer is recommending APPROVAL of Application No. 6947-3 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 qualification:

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. 6947-3 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. The well shall be located a minimum of 1,320 feet from the existing irrigation well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T120N, R48W.
4. 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
March 24, 2008

NOTE: In order to avoid the potential for interference with the neighboring well to the south, the recommendation includes a condition requiring the new well to be at least 1,320 feet away from the existing well. If you desire to locate the well approximately 600 feet north of the existing well, a testing must be conducted which demonstrates that the proposed distance is adequate.

REPORT ON WATER PERMIT APPLICATION NO. 6947-3

For Joel Adler
February 13, 2008

Application No. 6947-3 proposes to appropriate 1.71 cfs (770 gpm) from one well to irrigate acres already authorized by Water Right No. 3234-3. Water Right No. 3234-3 appropriates 2.0 cfs from one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 12 to irrigate 240 acres located in the E $\frac{1}{2}$ of section 12, T120N R48W. The applicant proposes to appropriate 1.71 cfs by constructing a new well approximately 85 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 12, T120N R48W to supply irrigation water to 120 acres in the NE $\frac{1}{4}$ of section 12 already authorized by Water Right No. 3234-3. The two pivots located in the E $\frac{1}{2}$ of section 12 will be able to operate independently of each other. There is no increase in the number of acres authorized for irrigation by this application. This application is simply a request for another diversion point and additional diversion authority.

AQUIFER – VEBLEN (VEB)

The Veblen aquifer is a predominantly buried outwash (sand and gravel) that appears to be under water table conditions in this area. However, this can change in this area depending upon the location of the well. It appears the existing irrigation well is under water table conditions but that the aquifer is under confined conditions just to the north. The aquifer underlies 260 square miles and contains an estimated 700,000 acre-feet of water in storage in Grant County (Hansen, 1990). Ground water movement appears to be from the west to the east and toward the Whetstone River (Hansen, 1990). The aquifer recharges by infiltration of rainfall and snowmelt directly into the aquifer. The available estimates for recharge to the aquifer range from 0.24 to 5.2 inches per year (Hedges, 1983). There is no real solid estimate for recharge rates in this area.

The applicant based the proposed depth of this well on the existing well which is located about 600 feet to the north (log says 72 feet, inspection report says 82 feet). There is also a domestic well located in section 12 that indicates sand and gravel from 58 to 70 feet below land surface. Apparently no test well was constructed at this proposed site.

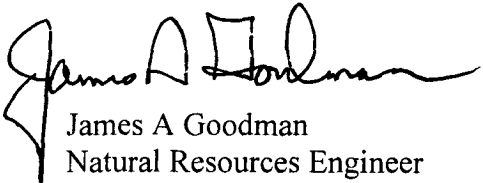
The Water Rights Program monitors three observation wells completed into the Veblen aquifer and located within two miles of this application. These are GT-77P located about two miles west, GT-77Q located about one and one-half miles to the south and GT-83B located about three-fourths mile to the northwest. Water levels for these wells show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 3234-3 with the well located about 600 feet to the south of this proposed well. Drawdown will occur with both wells pumping and there will be interference. At this point determining whether interference would be adverse is a concern. The saturated thickness of the aquifer does not appear to be sufficient to allow another well to be located this close the existing well. Because the applicant did not construct test wells and because there are indications the aquifer does extend to the north these well should be spaced further apart. It only makes sense to put this proposed well in the center of the NE $\frac{1}{4}$ of section 12 and minimize the potential for interference. Also because there are two individual owners of these lands it only makes good common sense to separate the wells.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. The aquifer appears to be under water table conditions at this site. However, in the area the aquifer can be under confined conditions. Interference is likely at this proposed distance between wells. It is not known if this would be adverse without adequate testing. It would make more sense to move the proposed well to the center of the NE $\frac{1}{4}$ of section 12 and avoid the potential for adverse interference. This well should be moved or testing required demonstrating that the proposed distance between wells is adequate.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Approval of this application effectively reduces existing Water Right No. 3324-3 to a total of 116 acres and an approved diversion rate of 2.0 cfs. Logically this diversion rate should be reduced to 1.66 cfs but technically the 2.0 cfs could be maintained if necessary to operate the system as constructed.
5. There is an overlap of these two irrigation systems. The combined volume of water used on this overlap area can not exceed two acre-feet per acre.
6. The Water Right issue seems fairly simple. However there are two separate owners, and an irrigation system that overlaps which would appear to me create potential conflict. Water Right No. 3342-3 should be limited to lands located in the SE $\frac{1}{4}$ of section 12 only as this application is limited to the NE $\frac{1}{4}$ of section 12.
7. This application allows another diversion point, increases the diversion rate, and receives a new priority date.



James A Goodman
Natural Resources Engineer

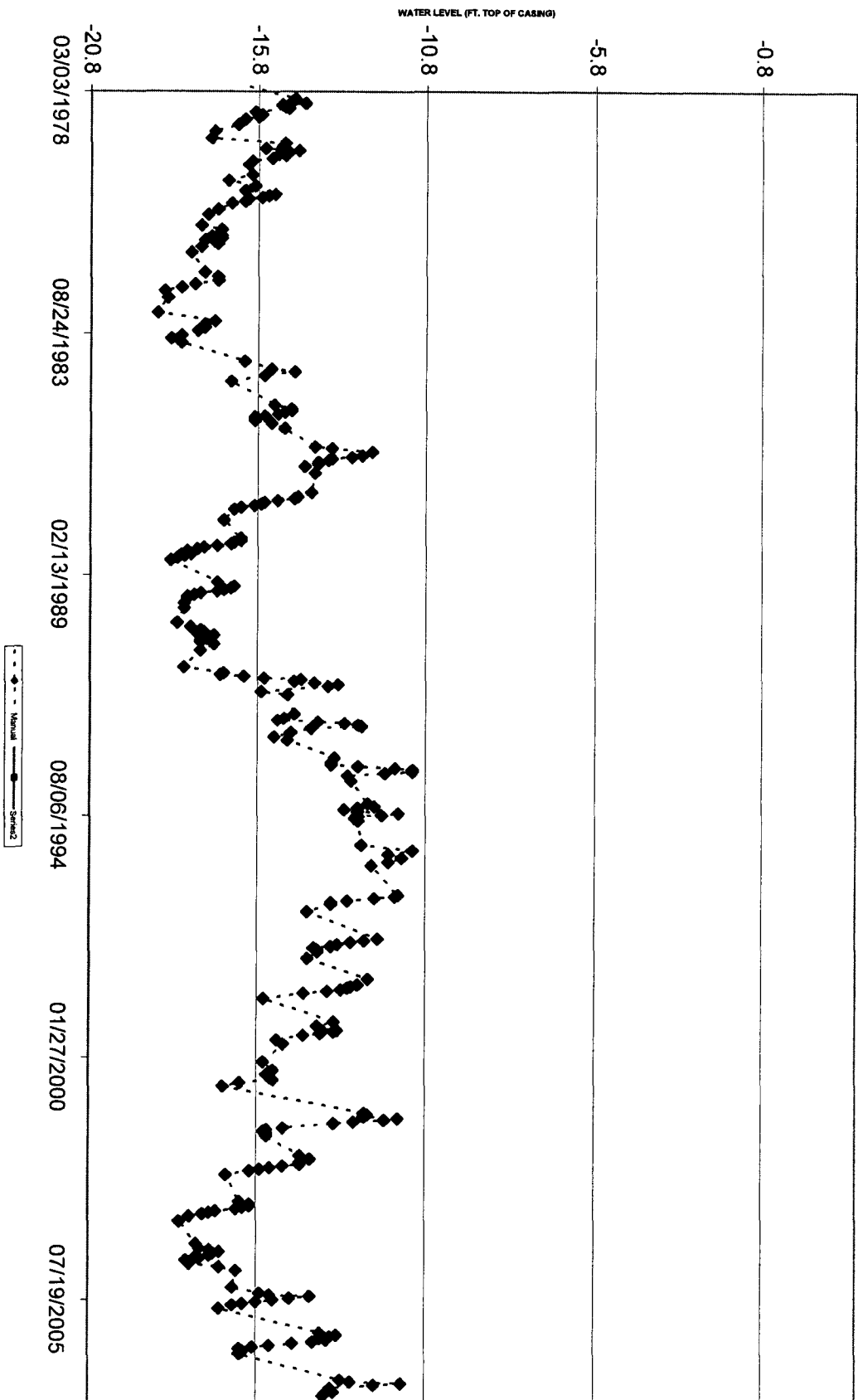
BIBLIOGRAPHY

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

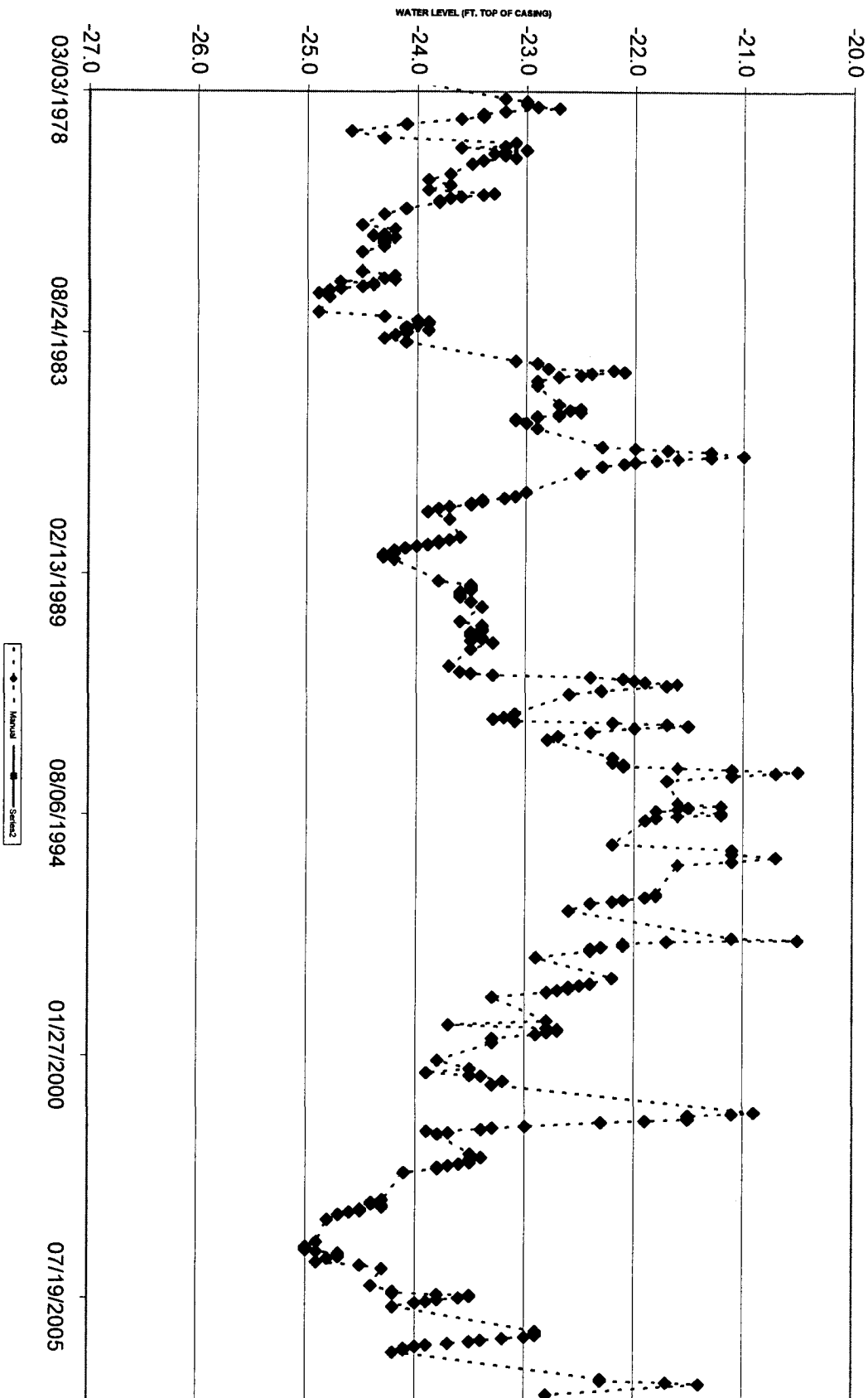
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57325.

Water Rights, 2008, Unpublished Observation Well Records for Grant County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

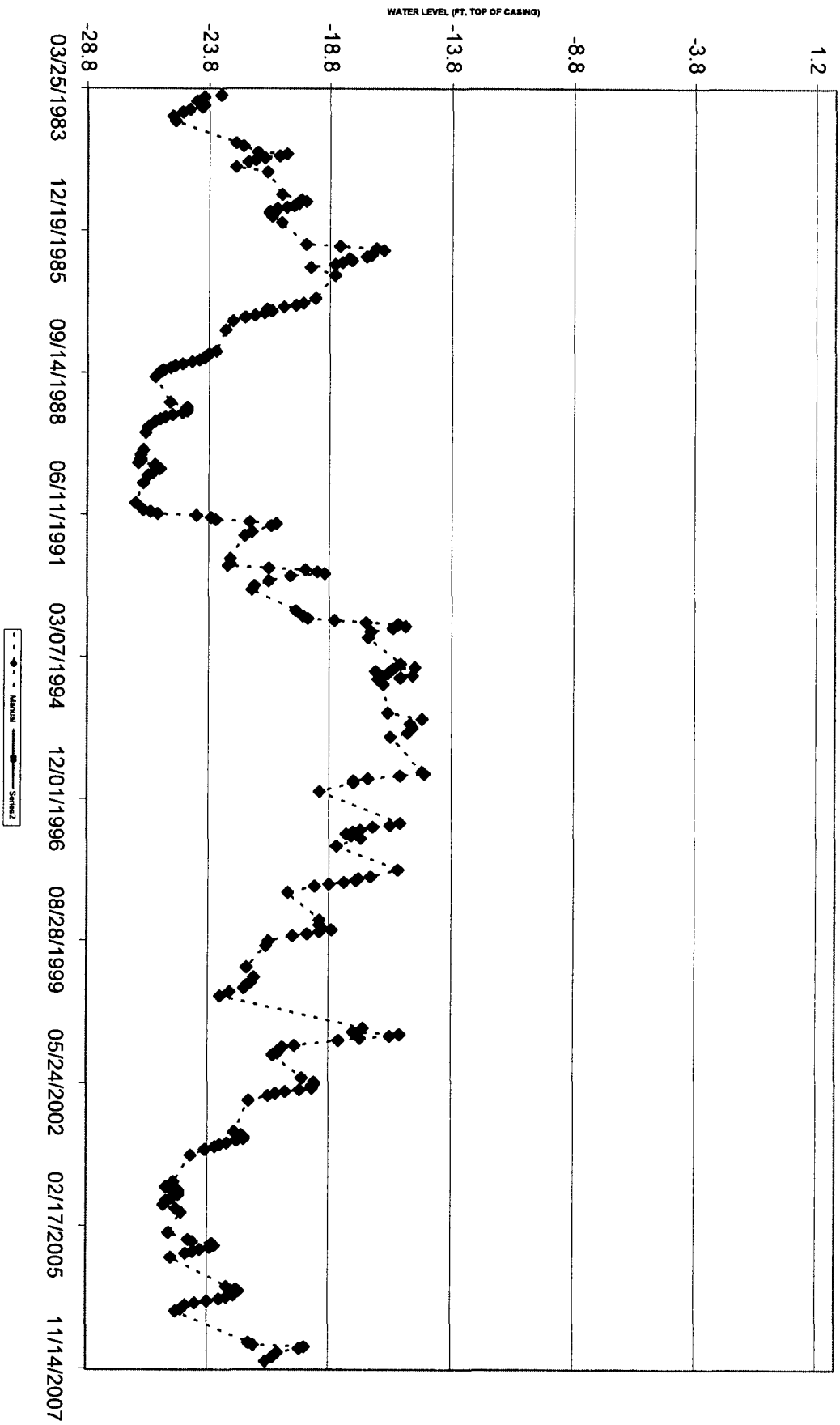
**WATER RIGHTS' OBSERVATION WELL
GT-77P**



WATER RIGHTS' OBSERVATION WELL GT-77Q



**WATER RIGHTS' OBSERVATION WELL
GT-83B**



Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Advertising Manager of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 6947-3 to Appropriate Water

_____ a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>April 2</u>	<u>20 08</u>	<u>20</u>
<u>April 9</u>	<u>20 08</u>	<u>20</u>
<u>20</u>		<u>20</u>

That \$ 51.10, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn before me this 9th day of April 2008

Debra L Hemmer
Notary Public, Grant County, South Dakota

NOTICE OF APPLICATION NO. 6947-3 to Appropriate Water

Notice is given that Joel Adler, 48353 149th St., Milbank, SD 57252 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second (cfs) from one well to irrigate acres authorized by Water Right No. 3234-3. Water Right No. 3234-3 appropriates 2.0 cfs from one well located in the NE 1/4 SE 1/4 of section 12 to irrigate 240 acres located in the E 1/2 of section 12, T120N R48W. The applicant proposes to appropriate 1.71 cfs by constructing a new well approximately 85 feet deep (Veblen Aquifer) located in the SE 1/4 NE 1/4 of section 12, T120N R48W to supply irrigation water to 120 acres in the NE 1/4 of section 12 that is currently authorized by Water Right No. 3234-3. The two pivots located in the E 1/2 of section 12 will be able to operate independently of each other. There is no increase in the number of acres authorized for irrigation by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6947-3 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 this 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 and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations 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 April 21, 2008.



DEBRA HEMMER
Notary Public - GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2008

RECEIVED

APR 10 2008

WATER RIGHTS
PROGRAM

Publication Fee	\$ <u>51.10</u>
Notarial Fee	\$ <u> </u>
Total	\$ <u>51.10</u>

**Printer's Affidavit of Publication
and Attorney's Affidavit Ex-Rel. Fees**

In _____ Court

STATE OF SOUTH DAKOTA
COUNTY OF GRANT }
ss. _____

Filed in the office of _____

on the

_____ day of _____, 20____

Attorney for _____

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.

April 8

April 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

March 25, 2008

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6947-3 to Appropriate Water to be published twice. Please publish the first notice on April 2, 2008 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 Joel Adler, 48353 149th St, Milbank SD 57252 (Ph # 605-467-1002).

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. 6947-3

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

Date _____

We are in receipt of your letter of March 25, 2008 enclosing Notice to Appropriate Water by Application No. 6947-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

March 24, 2008

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

Water Permit Application No. 6947-3 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 Grant County Review printed at Milbank SD (Ph # 605-432-4516). 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 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.

Instruction to Newspaper - Publish first Notice on April 2, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6947-3 to Appropriate Water

Notice is given that Joel Adler, 48353 149th St, Milbank SD 57252 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second (cfs) from one well to irrigate acres authorized by Water Right No. 3234-3. Water Right No. 3234-3 appropriates 2.0 cfs from one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 12 to irrigate 240 acres located in the E $\frac{1}{2}$ of section 12, T120N R48W. The applicant proposes to appropriate 1.71 cfs by constructing a new well approximately 85 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 12, T120N R48W to supply irrigation water to 120 acres in the NE $\frac{1}{4}$ of section 12 that is currently authorized by Water Right No. 3234-3. The two pivots located in the E $\frac{1}{2}$ of section 12 will be able to operate independently of each other. There is no increase in the number of acres authorized for irrigation by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6947-3 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 this 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 and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations 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 April 21, 2008.

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

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

JUL 24 2008

Joel Adler
48553 149th St
Milbank SD 57252

Dear Mr. Adler:

Enclosed is Reissued Water License No. 3234B-3 and transfer fee receipt. Water Right No. 3234-3 authorizing irrigation of the E ½ Section 12-T120N-R48W has been divided and reissued based on an ownership change.

Also, enclosed is Water Permit No. 6947-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The application was submitted with a filing fee of \$275.00 which was more than required. Therefore, \$75.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234B-3 & 6947-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3234B-3 & 6947-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3234B-3 & 6947-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

6947-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6388
Status: **Delivered**

Your item was delivered at 12:08 PM on January 24, 2009 in MILBANK, SD 57252. The item was signed for by J ADLER.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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No FEAR Act EEO Data

FOIA

U.S. Postal Service® Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6388

JOEL ADLER
48353 149TH ST
MILBANK SD 57252

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2009

3234B-3
6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 3234B-3 and Water Permit No. 6947-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

6947-307-92

Date: 5-23-08



6947-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234B-3 & 6947-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 3234B-3 & 6947-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 3234B-3 & 6947-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

6947-3

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Track & Confirm

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Label/Receipt Number: 2303 2160 0000 0803 0088

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:39 pm on January 24, 2011 in MILBANK, SD 57252. The item was signed for by J ADLER.

Track & Confirm

Enter Label/Receipt Number.

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Detailed Results:

- **Delivered, January 24, 2011, 2:39 pm, MILBANK, SD 57252**
- **Notice Left, January 22, 2011, 12:47 pm, MILBANK, SD 57252**
- **Out for Delivery, January 22, 2011, 10:33 am, MILBANK, SD 57252**
- **Sorting Complete, January 22, 2011, 10:23 am, MILBANK, SD 57252**
- **Arrival at Post Office, January 22, 2011, 7:57 am, MILBANK, SD 57252**

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0803 0088

JOEL ADLER
48353 149TH ST
MILBANK SD 57252

waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2011

3234B-3
6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 3234B-3 and Water Permit No. 6947-3. 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
email: genny.mcmath@state.sd.us



6947-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234B-3 & 6947-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3234B-3 & 6947-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3234B-3 & 6947-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

6947-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2018

3234B-3
6947-3

Joe Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 3234B-3 and Water Permit No. 6947-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'. The signature is written in a cursive, flowing style.

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



6947-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234B-3 & 6947-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3234B-3 & 6947-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3234B-3 & 6947-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



6947-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

3234B-3
6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right/Permit Nos. 3234B-3 & 6947-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6947-3 & 3234B-3**

I have this day, September 5, 2018, made a thorough examination of the water use system constructed by Joel Adler of 48353 149th St, Milbank SD 57252 holder of Permit Nos. 6947-3 and 3234B-3, bearing the priority of January 10, 2008 authorizing the diversion of 1.71 cu. ft. per second of the waters of ground water (Veblen Aquifer) for irrigation use purposes, in Grant County.

Inspection contact & relationship to permit holder, if applicable: Joel Adler, owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Jennings Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 76 feet
- 4) Well log is available Y If no, explain in comments

Comments: none

Casing:

- 1) Diameter 12 inches
- 2) Length 51 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 25 feet
- 3) Static water level 38 feet

Pump:

- 1) Make NA
- 2) Model submersible
- 3) Size NA
- 4) Capacity 650 GPM

Motor:

- 1) Make NA
- 2) Model No. submersible

3) Horsepower rating 40 hp

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

1) Type PVC 2) Size 6 inches 3) Length 920 feet

Comments: **none**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 650 GPM

Chemigation Equipment:

1) Does chemigate N

Comments: **none**

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by Y

If no, describe: **none**

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

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

3) Exceptions to compliance are: **none**

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: **From the NE corner of Sec 12, T120N, R48W - 2110 ft-S & 1890 ft W with a latitude 45.217595 and a longitude of -96.52410, (SW 1/4 NE 1/4).**

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

Irrigated acres all in Sec 12 T120N-R48W

NE 1/4 NE 1/4 - 33 ac

SE 1/4 NE 1/4 - 33 ac

SW 1/4 NE 1/4 - 33 ac

NW 1/4 NE 1/4 - 21 ac

comprising a total of 120 acres of land and the license should be issued for 1.45 cfs.

3. All structures, wells and lands on map Y

If no, describe: NA

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

The authorized diversion point for a well was to be located in the SE ¼ NE ¼ of Sec 12, but the inspection found the well is located in the SW ¼ NE ¼ of Sec 12; all in T120N-R48W.



Mark D Rath
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 01-03-2019

From the NE corner of
Sec 12 T120N-R48W
2110 ft S & 1890 ft W

Latitude 45.21759
Longitude -96.52410

Irrigated acres all in
Sec 12 T120N-R48W

NE 1/4 NE 1/4 - 33 ac
SE 1/4 NE 1/4 - 33 ac
SW 1/4 NE 1/4 - 33 ac
NW 1/4 NE 1/4 - 21 ac

Well

Sec 12 T120N R48W



0 0.125 0.25 0.5 Miles

Mark D Rath

Mark D Rath
Natural Resources Engineer
January 3, 2019

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

NAME: Joel Adler

ADDRESS: 48353 149th St, Milbank SD 57252

DATE: 01/03/2019 COUNTY: Grant TELEPHONE: 605-467-1002

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to develop one well into the Veblen Aquifer in the SE ¼ NE ¼ Sec 12 T120N-R48W to irrigate 120 acres. The inspection of the water permit found one well into the Veblen aquifer located in the SW ¼ NE ¼ Sec 12 T120N-R48W had been developed for this project.

AUTHORITY:

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

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

The well was constructed into the Veblen Aquifer as permitted

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

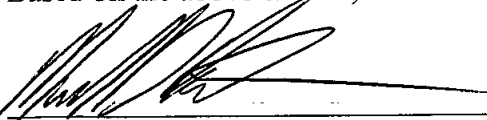
No additional acres beyond 120 acres permitted are being irrigated

- **Review of Existing Diversions**

This well location is in the SW ¼ NE ¼ Sec 12 T120N-R48W. The closest existing well is in the NE ¼ SE ¼ of Section 12 and owned by Michael Johnson. Pumping from this well should not adversely impact the existing right.

RECOMMENDED ACTION

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



Mark D. Rath, Natural Resources Engineer
Water Rights Program

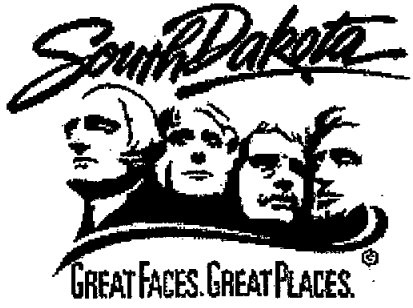
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

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



Jeanne Goodman, Chief Engineer
Water Rights Program

6947-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 19 2019

3234B-3
6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

Enclosed is Water License No. 6947-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 3234B-3 were incorporated into Water License No. 6947-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6947-3**

(1) Joel Adler, 48353 149th St., Milbank SD 57252 made Application No. 6947-3, January 10, 2008 for a water permit to divert 1.71 cubic feet of water per second from ground water, one well (Veblen Aquifer), Grant County, South Dakota for irrigation purposes. Permit No. 6947-3, with a priority date of January 10, 2008 was approved April 21, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 21, 2013 and for the application to beneficial use of said water on or before April 21, 2017.

Water Right No. 3234-3 authorized diversion of 2.00 cfs from one well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 to irrigate the E $\frac{1}{2}$ of Section 12, all in T120N, R48W. Due to an ownership change, the water right was divided and reissued as Nos. 3234A-3 (SE $\frac{1}{4}$) and 3234B-3 (NE $\frac{1}{4}$).

Water Permit No. 6947-3 was obtained to add a well and diversion authority to allow the pivots to run independently. The well authorized under No. 6947-3 was to be constructed in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12. The well was actually drilled in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, all in T120N, R48W. Pursuant to SDCL 46-5-13.1 and ARSD 74:2:01:14.01, the Chief Engineer made a finding that the additional diversion point does not increase the potential for adverse effects to existing diversions.

The applicable portions of Water Right No. 3234B-3 are incorporated into Water License No. 6947-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.71 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,110'S & 1,890'W of the NE corner of Section 12, T120N, R48W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 45.217595, Longitude -96.52410

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

T120N, R48W Section 12	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
	Total	120 acres

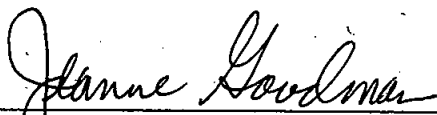
(4) Pursuant to South Dakota Water Law 46-5-30.1 Joel Adler, 48353 149th St., Milbank SD 57252 the holder and/or owner of Incorporated Water Right No. 6947-3 is issued a license to appropriate water, the right to use 1.71 cubic feet of water per second from ground water, one well (Veblen Aquifer) with a priority date of January 10, 2008 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6947-3 and subject to the following qualifications:

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

continued

- The well authorized by Permit No. 6947-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in June, 2008 by Jennings Well Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- The well shall be located a minimum of 1,320 feet from the existing irrigation well located in the NE ¼ SE ¼ Section 12, T120N, R48W.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 19 2019

date





6947-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6947-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6947-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6947-3 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: LGXNQX**

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.

6947-3

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FAQs >

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MILBANK, SD 57252

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January 24, 2020, 1:08 pm
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MILBANK, SD 57252

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MILBANK, SD 57252

January 24, 2020, 1:43 am
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January 23, 2020, 10:44 pm
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Product Information



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FAQs



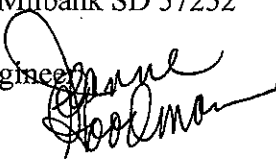
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

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

TO: Joel Adler, 48353 149th St, Milbank SD 57252

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 6947-3

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Right No. 6947-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

6947-3

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

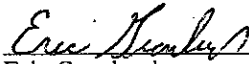
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



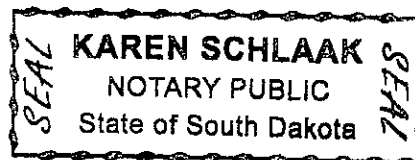
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 2020

6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

On February 26th the Water Management Board ordered Water Right No. 6947-3 suspended if the 2019 irrigation questionnaire was not received prior to March 26, 2020. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352

6947-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 2021

6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 6947-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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

6947-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6947-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6947-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6947-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: ITANQO**

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.



6947-3

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

January 20, 2022

NOTICE

TO: JOEL ADLER, 48353 149TH ST, MILBANK, SD 57252

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) 6947-3. 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) 6947-3 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) 6947-3 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: KUQEIP**

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

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DATE	TIME	LOCATION	STATUS
Jan 22	10:36 AM	Milbank, SD, United States	Delivered, individual picked up at post office
Jan 21	1:16 PM	Milbank, SD, United States	Notice left (no authorized recipient available)
Jan 21	8:13 AM	Milbank, SD, United States	Out for delivery
Jan 21	8:02 AM	Milbank, SD, United States	Arrived at post office
Jan 21	12:16 AM	Huron Sd Distribution Center	Departed USPS regional facility

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6947-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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March 3, 2022

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

TO: Joe Adler, 48353 149th St, Milbank SD 57252

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 6947-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right No. 6947-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaire.

If the 2021 irrigation questionnaire is received prior to April 4, 2022, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaire is submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2021 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

6947-3

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434
 Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001
 Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

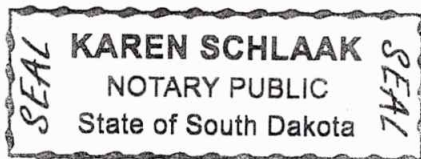
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025



6947-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2022

6947-3

Joel Adler
48353 149th St
Milbank SD 57252

Dear Mr. Adler:

On March 2, 2022, the Water Management Board ordered Water Right No. 6947-3 be suspended if the 2021 irrigation questionnaire was not received prior to April 4, 2022. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352