

WATER PERMIT NO. 7043-3

Name of Applicant: **Donald & Dianna Stotz**

Address: **14850 328th Ave, Tolstoy SD 57475** Phone: **605 442-2477**

Amount of Water Claimed: **no add'l** Total Acres: **68.48 acres**

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

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

Type of Waste Disposal System:

Location: **½ mile north of Tolstoy**

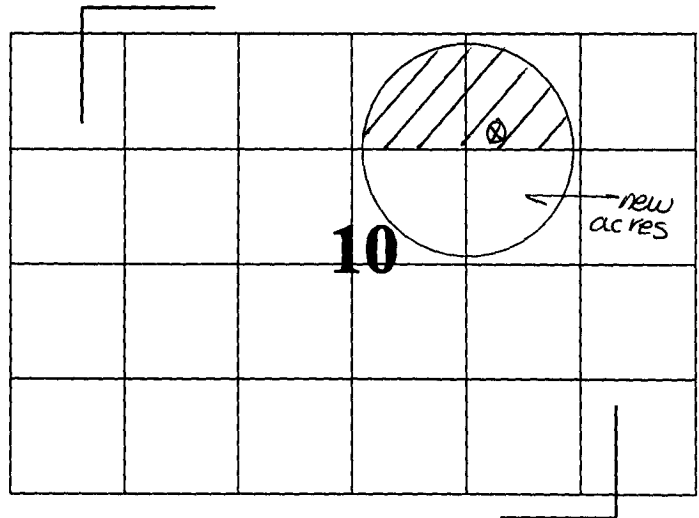
PRIORITY Date Received: **6-25-08** Application/License Fee: **\$275**

Corrected Application Received: Period of Annual Use: **March 1 – November 30**

Remarks: **Acres in NE ¼ Sec 10 was covered by Water Right No. 4415-3. Water use in the S ½ NE ¼ as been forfeited.**

Diversion Point: **NE ¼ NE ¼ Sec 10-T120N-R73W**

Land to be Irrigated: **NE ¼ Sec 10-T120N-R73W**



Depth of Well: **70 feet deep**

Well Driller: : **Huron Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **MKay Schmidt, Potter Co FSA**

Reviewed and the Number Assigned on: **6-25-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7043-3</u> (office use only)
	Basin <u>Missouri River</u>
	Newspaper <u>Aiken Review PO Box 37 57450</u>
	<u>605-948-2110 (Thurs)</u>

RECEIVED
JUN 25 2008
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. ~~12453~~
(Use predates Mar 2, 1955)

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

- Name of Applicant Donald & Dianna Stotz Phone 605-442-2477
(check one) XX Owner _____ Tenant/lessee _____
Mailing Address 14850 328th Ave Tolstoy State SD
add'l (Street, RR, or Box and City) 68.48 add'l (Zip Code)
- Amount of water claimed 2.00 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 128.48
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well Located in the NE1/4, NE1/4 of Sec 10 T120N, R73W
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
County Potter
- County or counties where water will be used Potter
- Annual period during which water is to be used March 1 - November 30
- 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
NW1/4, NE 1/4 of 10-120-73	2.12		
NE1/4, NE1/4 of 10-120-73	2.12		
SW1/4, NE1/4 of 10-120-73	32.12		
SE1/4, NE1/4 of 10-120-73	32.12		

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

A New Pivot is to be installed on 10-120-73, Water use on the S1/2 of ~~NE~~1/4 of 10-120-73 Have been forfeited for non use and this application is to apply for a new permit on these acres and on the additional 4.22 acres on the N1/2 of NE1/4 10-120-73 that the new pivot will cover

STATE OF SOUTH DAKOTA) SS

County of Potter

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, Donald & Dianna Stotz, 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 Donald Stotz Dianna Stotz

Subscribed and sworn to before me this 25 day of June 20 08

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7043-3**

Date of first receipt of application June 25, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7043-3 to Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475 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. 7043-3 authorizes irrigation of an additional 68.48 acres to reissued Water Right No. 4415-3. No. 4415-3 appropriates 2.00 cubic feet of water per second (cfs) from one well completed into the Bowdle:Edmunds Aquifer (67 feet deep) located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 to irrigate 60 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10; all in T120N-R73W. This permit authorizes irrigation of 68.48 additional acres in the NE $\frac{1}{4}$ Section 10 from the existing well. This will allow a center pivot to make full rotation in the NE $\frac{1}{4}$ of Section 10-T120N- R73W. This permit and reissued Water Right No. 4415-3 authorize a total diversion rate of 2.0 cfs for irrigation of 128.48 acres.
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 June 25, 2008.
4. The date of approval of Permit No. 7043-3 is August 25, 2008.
5. One-fifth of the construction is to be completed on or before February 25, 2010.
6. All construction is to be completed on or before August 25, 2013.
7. Water is to be put to beneficial use on or before August 25, 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. 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

OCT 30 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

please

See water permit #

*4415-3 or prior #
3111-3*

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) *AS of June 1, 2008 Approximately 15 ft*
- g) Distance to nearest existing domestic well: _____

On applicants property _____

On property owned by others _____

Leland stb2

SE 1/4 15-120-73

NE 1/4 15-120-73

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 _____

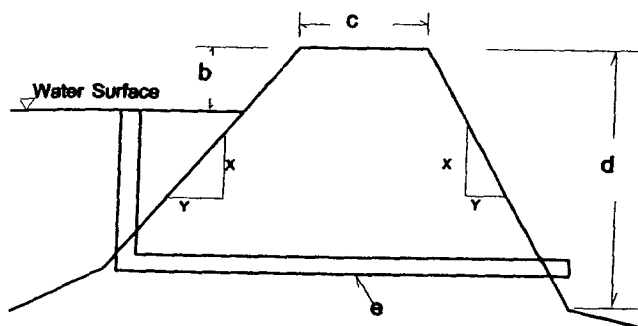
3. Dugout Information

- 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:



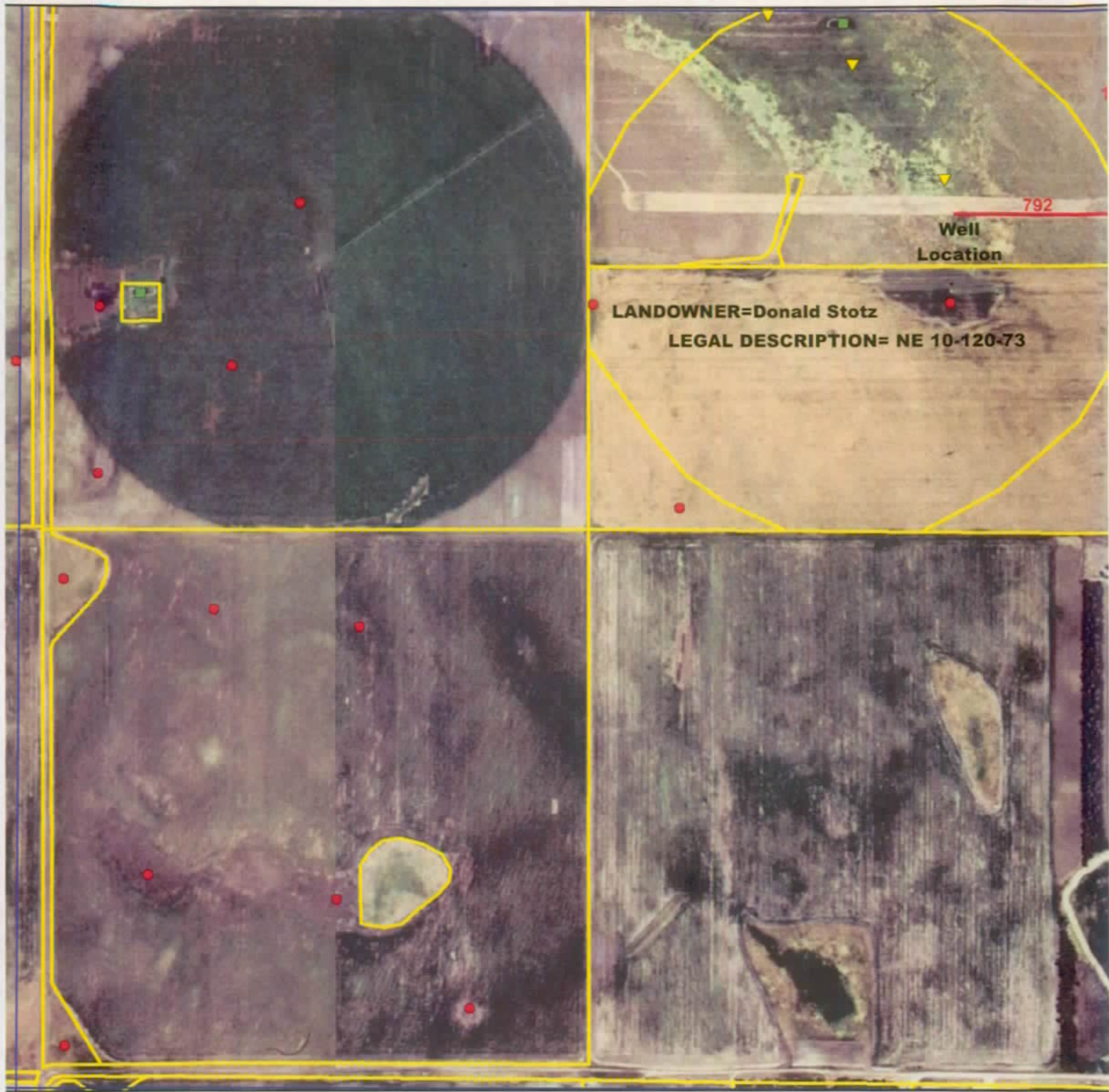
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

Application for Amendment to Irrigation Permit # 4415-3

This application is to Amend Water Permit # 4415-3. A new pivot system is purchased and being installed on the NE1/4 of Sec 10-T120N-R73W in Potter County. This Pivot will replace an old system that was non operational. Due to nonuse of water, part of the current Permit will be canceled. This application is to re-apply for water appropriation on the acres that the new pivot will cover.

The current Tenant of the land- Corey K. Johannsen of 502 Main Street, Tolstoy SD, Phone # 605-442-2588 and cell # 605-769-0317 has added the Landowners in the application process and can be contacted for supplemental information if needed.

Donald and Dianna Stotz can also be reached at 605-442-2477



USDA - Farm Service Agency

Potter County, SD

10-120N-73W

June 18, 2008

1:7,677

*Prepared by McKay Schmidt
GIS program tech
Potter Co FSA*

USDA FSA maps are for FSA Program administration only. There is no guaranteed or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions





Pivot 1

Pivot Area: **118.47** acres
 Endgun Area: **10.00** acres
 Total Area: **128.47** acres

System Length: **1281.67** ft
 # of Spans: **7 + overhang**
 Deg. of Sweep: **360.0°**
 Endgun Throw: **100.0** ft

Color on map:



Spans

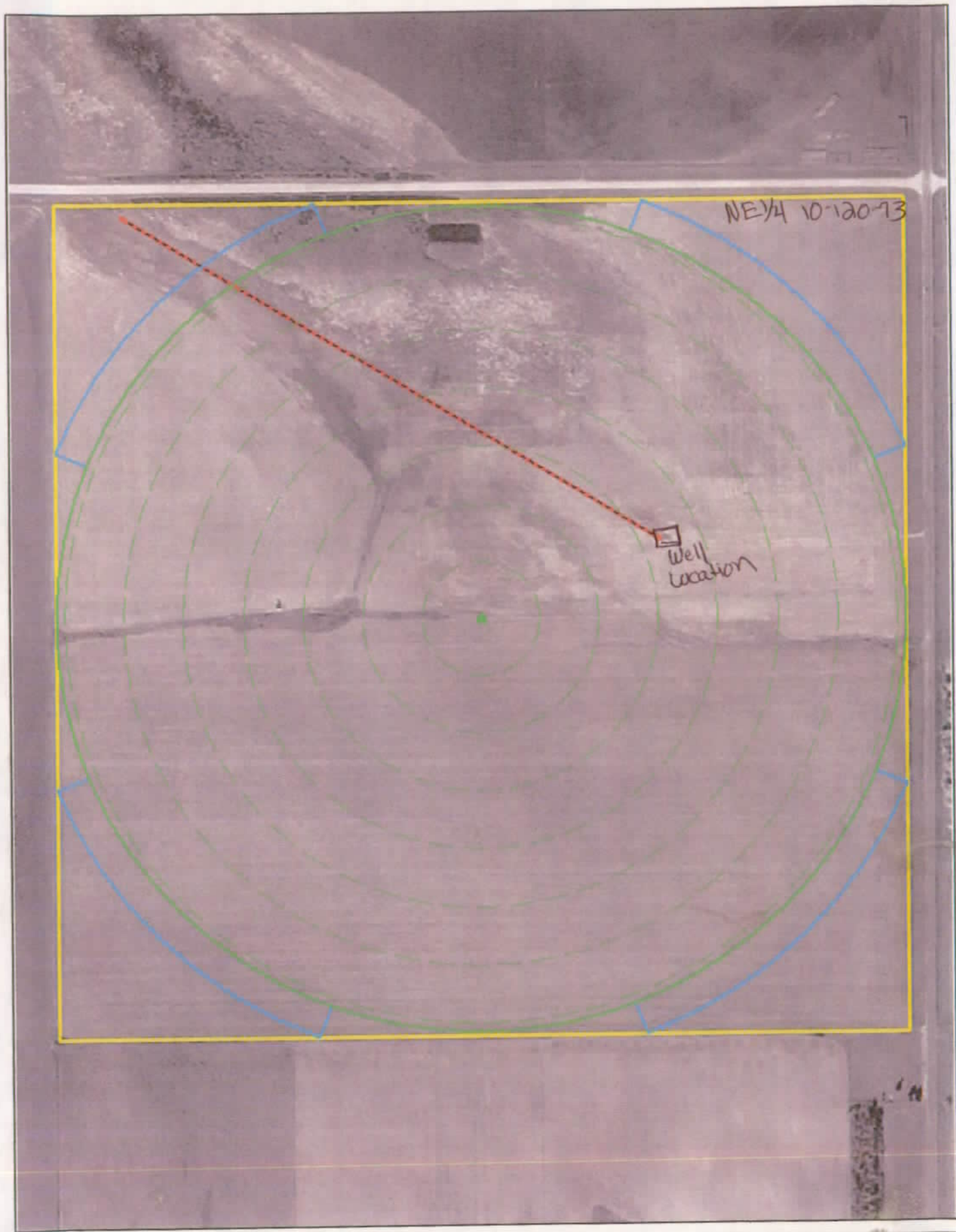
# of Spans: 7	Span 1 (180.2)	Span 2 (359.1)	Span 3 (538.0)	Span 4 (716.9)	Span 5 (895.8)	Span 6 (1074.8)	Span 7 (1253.7)	Overhang (1281.7)
Length:	179	179	179	179	179	179	179	22 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 100.0 ft)

# of Areas: 4	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	20.5° / 67.4°	- NA - / - NA -	45° 13' 49.628" -99° 37' 4.439"	45° 13' 42.644" -99° 36' 54.178"	2.50
Area 2	111.8° / 158.6°	- NA - / - NA -	45° 13' 33.075" -99° 36' 54.075"	45° 13' 25.982" -99° 37' 4.183"	2.50
Area 3	200.5° / 247.4°	- NA - / - NA -	45° 13' 25.912" -99° 37' 16.982"	45° 13' 32.895" -99° 37' 27.243"	2.50
Area 4	291.8° / 338.6°	- NA - / - NA -	45° 13' 42.464" -99° 37' 27.348"	45° 13' 49.559" -99° 37' 17.240"	2.50

General Irrigation Inc." For all your irrigation needs!"



* Red Line indicates buried electrical line

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/25, 20 08

RECEIVED OF Corey Johannesen Harvesting & farms Po Box 35 Tolstoy SD 57475

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	275 00

No.

03686

By

Michael Erbe
Chief Engineer

Frank Zweber
32043 S.D. Hwy 20
Hoven S.D. 57450
948-2488 769-1670

RECEIVED

MAY 30 2008

WATER RIGHTS
PROGRAM

May 27 '08

Dear Chief Engineer Enbele,

My name is Frank Zweber. I am the holder of water permit No. 6474-3 NW $\frac{1}{4}$ 10-120-73 Potter Co. S.D.

In a recent conversation with General Irr Company, Oaks N.D., I was informed of the purchase of a center pivot to irrigate the NE $\frac{1}{4}$ - 10-120-73 Potter Co, by Donald Stotz. Stotz has a water licence for said property and a $\frac{1}{4}$ section of land $\frac{1}{2}$ mile North.

I have farmed along side of Donald Stotz for MORE than 15 years and have not seen any irrigation for many years. The pivot on the North $\frac{1}{4}$ was removed and sits in Toktoy at the old elevator. The pivot on the south quarter has been rusted out and lying on the ground for about 10 years. The North $\frac{1}{2}$ - 80 acres of NE 10-120-73 has been in CRP for quite a while but the south 80a has not.

As a permit holder I request that a formal investigation as to whether Mr. Stotz has a viable Licence be undertaken. I hope that all the rules and regulations would be made to apply to Mr. Stotz.

Sincerely, Frank Zweber

PAGE NO. 1

Everett Lodge

FOREMAN

[illegible]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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May 30, ²~~1~~008

Donald Stotz
14850 328th Avenue
Tolstoy SD 57475

Dear Mr. Stotz:

As I informed you on the phone, the Water Rights Program received a request to investigate the status of Water Right No. 4415-3 (copy enclosed). A copy of the letter is attached.

I explained to you that Water Rights records indicate that the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 has been enrolled in CRP until 2007. Water rights law provides that land placed in an acreage reserve program protects the land from being subject to forfeiture for nonuse if 1) the source is not fully appropriated, 2) it is preventing approval of a new permit, and 3) the land had been irrigated prior to participation in the reserve program.

This still leaves a question on the status of the water right for the lands in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10 and the NE $\frac{1}{4}$ Section 3. You indicated that it was not your intention to again irrigate the NE $\frac{1}{4}$ of Section 3 but were in the process of setting up a new system for irrigation of the NE $\frac{1}{4}$ Section 10.

In response to my question regarding irrigation of the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, you responded that this land had been leased to a gentleman who basically wrecked the system by letting it tip over and also ran into the pivot with a tractor. You recalled the last year that irrigation took place on this 80 acre parcel was approximately 2004.

Water Rights records indicate that 2002 was the last year that irrigation was reported on this acreage. I am enclosing a copy of the irrigation questionnaires submitted for Water Right No. 4415-3 from 2000 thru 2007.

Please review this information carefully. I have also attached a sheet with applicable statutes. As you can see the last year the system operated is very relevant. In addition, you may be able to provide legal excuse as set forth on the sheet for why irrigation did not take place.

Finally, I am enclosing water permit application forms for you to apply to obtain a new permit for the acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 if you agree that this portion of the water right is subject to forfeiture for nonuse.

The Chief Engineer will investigate this matter and make a determination whether to proceed with cancellation of those acres that have not been enrolled in CRP. Ultimately, if a cancellation proceeding is warranted, a hearing will be scheduled before the Water Management Board. At that time you would have the opportunity to present reasons for the nonuse of water on those acres not enrolled in CRP.

I will attempt to contact you next week once you have had a chance to look this information over. Please feel free to contact me anytime as I am willing to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures

Schlaak, Karen

From: Gronlund, Eric
Sent: Thursday, June 05, 2008 1:23 PM
To: Schlaak, Karen; McMath, Genny; Goodman, Jim
Subject: RE: WR No. 4415-3, Stotz from Tolstoy, Potter County

Corey Johannsen called in response to the letter sent to Mr. Stotz. He is the tenant on the ground for Mr. Stotz. He indicated that he would be applying for the S 1/2 NE 1/4 Section 10 which he agrees has not been being irrigated. The N 1/2 NE 1/4 of this section just came out of CRP. He is allowed to set up and operate the pivot on this parcel. I told him the well information is on file as well as the map under 4415-3.

I told him that as part of processing this application, the NE 1/4 Section 3 and S 1/2 NE 1/4 Section 10 under this permit will be cancelled and this water license reissued to reflect the diversion rate from the well to irrigate the N 1/2 NE 1/4 Section 10.

I will send a letter to Mr. Zweber explaining this issue.

-----Original Message-----

From: Gronlund, Eric
Sent: Tuesday, May 27, 2008 1:17 PM
To: Erbele, Garland; McMath, Genny; Goodman, Jim
Cc: Duvall, Ron
Subject: WR No. 4415-3, Stotz from Tolstoy, Potter County

Frank Zweber called to complain that Stotz's were putting up a new irrigation system on two quarters that hasn't been in existence for a number of years. He thinks they should apply for a new permit with a current day priority date.

He indicated the system on one quarter has been in a rust heap for over ten years and the other quarter hadn't been irrigated for years.

The IQ questionnaire shows the one quarter last irrigated in 2002. The other quarter has had 80 acres that came out of CRP in 2007.

I explained that this water right has not been brought before the Board for cancellation and until such time the water right is in place. However, it still could be subject to cancellation if greater than three years of nonuse exists without legal excuse. I explained that the enrollment in the CRP was legal excuse but he quickly pointed out that only 80 acres were enrolled.

Finally, I told him that if he want us to investigate the status of the water right, he would need to submit a formal request. He said it would be in the mail today.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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June 10, 2008

Donald Stotz
14850 328th Avenue
Tolstoy SD 57475

Corey Johannsen
502 Main Street
Tolstoy SD 57475

Dear Mr. Stotz and Mr. Johannsen:

I received a call from Mr. Johannsen regarding the letter I sent on the status of Water Right No. 4415-3. It is my understanding that Mr. Johannsen is the tenant of the land in question.

Mr. Johannsen confirmed that an irrigation system is being installed in the NE ¼ Section 10, T120N, R73W and that the N½ NE¼ was enrolled in the Conservation Reserved Program through 2007 and the intention is to begin irrigating it from the existing well. Based on the information presented, the 60 acres authorized by Water Right No. 4415-3 is not subject to forfeiture for nonuse because it was in an acreage reserve program. Re-establishing the irrigation on this land that had been historically irrigated prior to being enrolled in CRP is acceptable.

He acknowledged that the S ½ NE ¼ of Section 10 and the NE ¼ Section 3 was not in CRP and had not been irrigated for a number of years. We briefly discussed the reasons the land was not irrigated but Mr. Johannsen indicated a desire just to apply for a new permit to irrigate the S ½ NE ¼ Section 10 so that the pivot can make full rotation in the NE ¼ Section 10. He then indicated it was not in the immediate plans to put up a new system in the NE ¼ Section 3.

I explained that as part of processing a new application for the S ½ NE ¼ Section 10, the Water Rights Program will pursue cancellation of the portions of Water Right No. 4415-3 that have been forfeited and ultimately Water Right No. 4415-3 will be reissued for the well to serve the authorized 60 acres that had been in CRP.

Mr. Johannsen, something to keep in mind when you are filing the application is that only 60 acres were authorized in the N ½ NE ¼ Section 10. Generally standard pivots irrigate 132 to 136 acres which would equate to 66 acres in this parcel. If more than 60 acres will be irrigated in this parcel, now is the time to apply for it.

A copy of the letter sent to Mr. Zweber is attached. Please let me know if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
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June 10, 2008

Frank Zweber
32043 SD Hwy 20
Hoven SD 57450

Dear Mr. Zweber:

The Water Rights Program received your request for an investigation of the status of Water Right No. 4415-3 held by Donald Stotz. This water right appropriates 2.00 cubic feet of water per second from a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 to irrigate 254 acres the NE $\frac{1}{4}$ Section 3 and NE $\frac{1}{4}$ Section 10; all in T120N, R73W. The priority date is October 1, 1976 for the NE $\frac{1}{4}$ Section 10 and May 4, 1979 for the NE $\frac{1}{4}$ Section 3.

As part of an investigation, I reviewed water right records and contacted Mr. Stotz and his tenant, Mr. Johannsen. They confirmed that a center pivot is being installed to irrigate the NE $\frac{1}{4}$ Section 10.

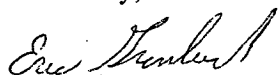
The N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 had been enrolled in the Conservation Reserve Program (CRP) through 2007. Water rights law provides that land placed in an acreage reserve program is protected from being subject to forfeiture for nonuse if 1) the source is not fully appropriated, 2) it is not preventing approval of a new permit, and 3) the land had been irrigated prior to participation in the reserve program. Records indicate that this land was irrigated prior to enrollment in CRP and its status has not prevented approval of new permit from the source. Therefore, the Water Rights Program will not at this time pursue cancellation of the portion of water right (60 acres) located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10 which has a priority date of October 1, 1976.

The irrigated acres authorized for irrigation located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10 and the NE $\frac{1}{4}$ Section 3 were not placed in CRP and therefore are not afforded the same protection from forfeiture for nonuse. Mr. Johannsen verbally indicated to me their intention to apply for a new permit to irrigate the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10 so the pivot can make full rotation. Any new application will receive a priority date based on the filing date. I will provide you notice when this application is to be published in the local newspaper. I was told that constructing a new system in the NE $\frac{1}{4}$ Section 3 is not immediately planned but they understood that at such time a water right permit will be necessary.

It is the Water Rights Program's intention to cancel those portions of Water Right No. 4415-3 that have been forfeited for non-use during the processing of a new application. However, Mr. Stotz has the right to assert legal excuse for the periods of nonuse. If that occurs, the Water Management Board will ultimately decide on the status of the water right.

Please let me know if you have questions or disagree with this conclusion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

605 773-3352

c: Donald Stotz
Corey Johannsen



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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July 30, 2008

Frank Zweber
32043 SD Hwy 20
Hoven SD 57450

Dear Mr. Zweber:

Please find attached the report, recommendation and public notice for a water right permit application filed by Donald and Dianna Stotz. This information is being sent to you based on the letter you submitted regarding them setting up a new irrigation system in the NE ¼ Section 10, T120N, R73W.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures



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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7043-3, Donald and Dianna Stotz**

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. 7043-3, Donald and Dianna Stotz, 14850 328th Avenue, Tolstoy SD 57475,

The Chief Engineer is recommending APPROVAL of Application No. 7043-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 30, 2008

REPORT ON WATER PERMIT NO. 7043-3
For Donald and Dianna Stotz
July 28, 2008

Application No. 7043-3 proposes to irrigate an additional 68.5 acres to Water Right No. 4415-3. Water Right No. 4415-3 appropriates 2.00 cfs from one well approximately 67 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 10 to irrigate 254 acres located in the NE $\frac{1}{4}$ of section 3 and the NE $\frac{1}{4}$ of section 10; all in T120N R73W. Sixty acres of the 254 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 10 have been in the Conservation Reserve Program through 2007 and will retain an October 1, 1976 priority date since enrollment in an acreage reserve program is legal excuse for nonuse of water. The remainder of the original irrigated acres is forfeited for non-use of water. This application is proposing to obtain a new permit to irrigate approximately 68.5 additional acres in the NE $\frac{1}{4}$ of section 10 from the existing well. This will allow a center pivot to make a full rotation in the NE $\frac{1}{4}$ of section 10 of T120N R73W in Potter County. This application if approved and Water Right No. 4415-3 will authorize a total diversion rate of 2.0 cfs for irrigation of 128.5 acres.

AQUIFER – BOWDLE EDMUNDS (B-E)

The Bowdle Edmunds is a surficial outwash (sand and gravel) under water table conditions in this area. The aquifer underlies 46,900 acres in Walworth, Edmunds, Potter and Faulk Counties and contains an estimated 135,000 acre-feet of recoverable water in storage (Hedges, 1982). The aquifer has not been well defined in Potter County and no county study has been conducted in Potter County. Most information that is available is from test well drilling, existing irrigation and domestic wells and Water Rights observation wells.

This well for this application appears to have been drilled in the fall of 1976. As built, the well appears to be 67 feet deep and cased with 42 feet of 15 inch PVC and 25 feet of 100 slot stainless steel Johnson screen. No pumping or test data is available for this well. It can not be determined if the well is constructed in accordance with SD Well Construction Standards.

The Water Rights Program monitors an observation well PT-81B located about one-half mile northwest of this existing well. Water levels for this well show good response to climatic conditions that is water levels rise during wet years and gradually decline during dry years. In general, the hydrograph indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

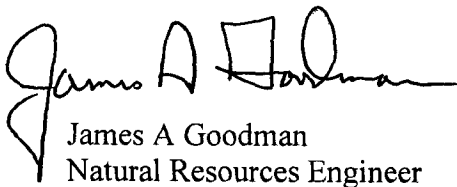
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing irrigation wells within one mile of this application. The closest irrigation well is probably about one-half mile to the northwest. At this distance drawdown should not be significant. Interference is not expected to be a concern. This is

a relatively thin aquifer and the amount of saturated thickness can vary from year to year because of drought. It appears the observation well has fluctuated about 15 feet from the absolute highest to the lowest water levels recorded for the period of record. This indicates that an extended drought could affect the ability of the irrigation wells to produce the amount of water needed even though drawdown may not be significant.

CONCLUSIONS

1. Water is available from the Bowdle Edmunds aquifer.
2. The aquifer is under water table conditions in this area and drawdown created by pumping should not be significant. Interference is not expected to be a problem.
3. Portions of Water Right No. 4415-3 should be cancelled because of abandonment and forfeiture. Only the applicable portion of that water right located in the N $\frac{1}{2}$ of section 10 can be included with this new permit application. The original priority date established by Water Right No. 4415-3 can be retained for those lands. The entire Water Right cannot be cancelled. At some time, the forfeited portion can be cancelled and Water Right 4415-3 reissued. Ultimately, Water Right 4415-3 and 7043-3 will be incorporated with two priority dates.

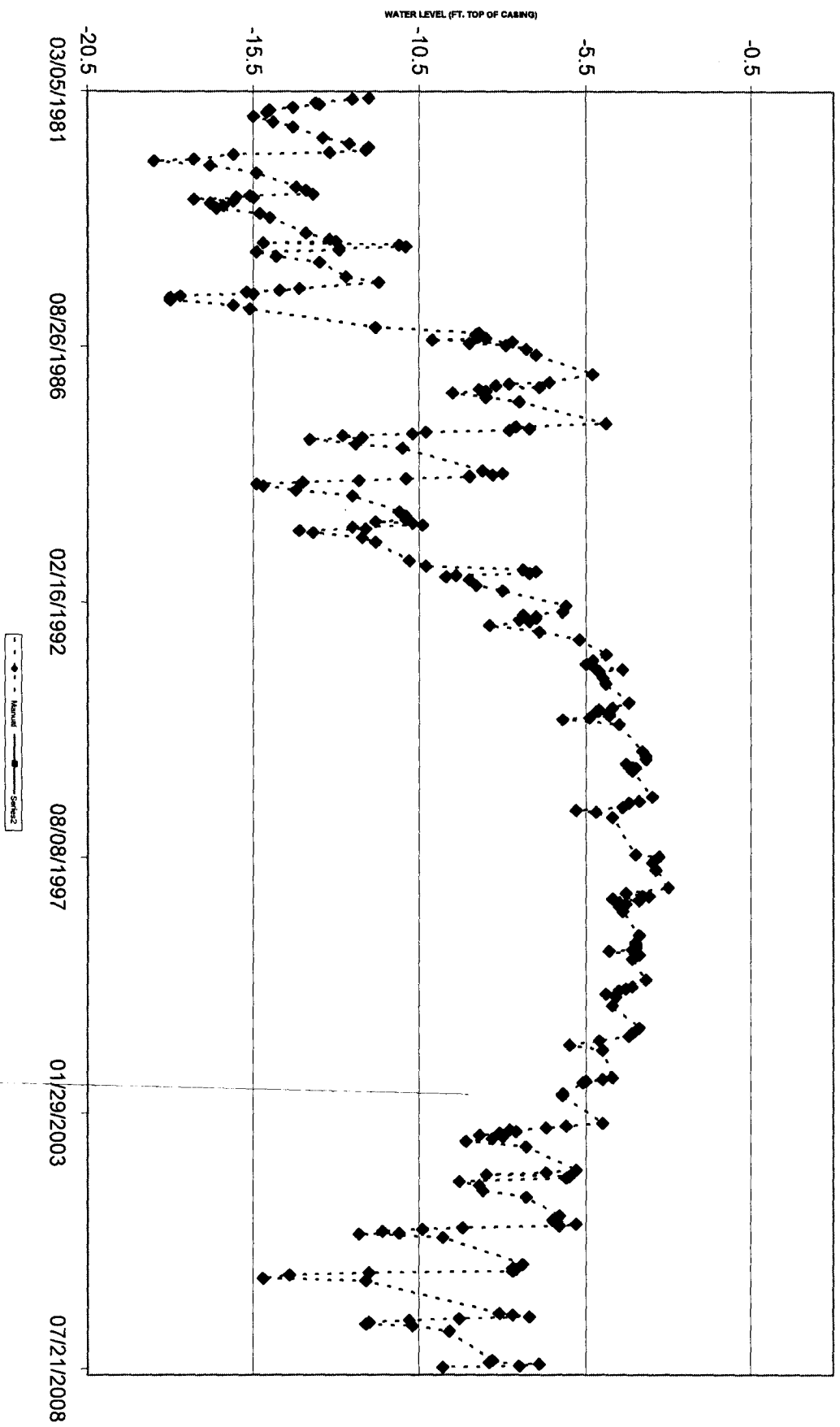


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2008, Unpublished Observation Well Data for the Bowdle Aquifer, SD DES, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
PT-81B**



RECEIVED

AUG 21 2008

WATER RIGHTS
PROGRAMAFFIDAVIT OF PUBLICATION
STATE OF SOUTH DAKOTA
COUNTY OF POTTER**NOTICE OF
APPLICATION****NOTICE OF APPLICATION
NO. 7043-3**

Notice is given that Donald and Dianne Stotz, 14850 328th Ave, Tolstoy SD 57475 have filed an application to irrigate an additional 68.5 acres to Water Right No. 4415-3. This water rights appropriates 2.00 cubic feet of water per second from one well completed into the Bowdle; Edmunds Aquifer (67 feet deep) located in NE 1/4 NE 1/4 Section 10 to irrigate 254 acres located in the NE 1/4 Section 3 and NE 1/4 Section 10; all in T120N-R73W. Sixty acres of the 254 acres located in the N 1/2 NE 1/4 Section 10 have been in the Conservation Reserve Program through 2007 and will retain an October 1, 1976 priority date since enrollment in an acreage reserve program is legal excuse for non-use of water. The remainder of the irrigated acres has been forfeited for non-use. Therefore, the application is proposing to obtain a new permit to irrigate 68.48 additional acres in the NE 1/4 Section 10 from the existing well. This will allow a center pivot to make full rotation in the NE 1/4 of Section 10, T120N, R73W. This application, if approved, and Water Right No. 4415-3, will authorize a total diversion rate of 2.0 cfs for irrigation of 128.5 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7043-3 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 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 25, 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.

(Published in The Hoven Review August 7 and 14, 2008.)

TWILA GRIESE, OF SAID COUNTY BEING FIRST DULY SWORN, ON OATH SAYS THAT SHE IS A REPRESENTATIVE OF *THE HOVEN REVIEW*, A WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN HOVEN IN SAID COUNTY OF POTTER AND HAS FULL AND PERSONAL KNOWLEDGE OF ALL THE FACTS HEREIN STATE: THAT SAID NEWSPAPER IS A LEGAL NEWSPAPER AND HAS A BONIFIDE CIRCULATION OF AT LEAST TWO HUNDRED COPIES WEEKLY, AND HAS BEEN PUBLISHED WITHIN SAID COUNTY FOR FIFTY-TWO SUCCESSIVE WEEKS PRIOR TO THE PUBLICATION NOTICE HEREIN MENTIONED, AND WAS AND IS PRINTED WHOLLY OR IN PART IN AN OFFICE MAINTAINED AT SAID PLACE OF PUBLICATION: that the

Donald + Diane Stotz

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

2 weeks

174 Lines x 0.391 =

That the full amount of the fee for the publication of the annex notice is

\$ 68.03

Twila Griese

Subscribed and sworn to for me this

20 day of *August*, 20*08*.

Sean L. Dries

Notary Public

Walworth County, South Dakota

My commission expires _____.

My Commission Expires 09/15/2010



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 30, 2008

Hoven Review
PO Box 37
Hoven SD 57450

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7043-3 to Appropriate Water to be published twice. Please publish the first notice on August 7, 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 Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475 (Ph # 605-442-2477).

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. 7043-3

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

Date _____

We are in receipt of your letter of July 30, 2008 enclosing Notice to Appropriate Water by Application No. 7043-3 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.

July 30, 2008

Donald & Dianna Stotz
14850 328th Ave
Tolstoy SD 57475

Dear Mr. & Mrs. Stotz

Water Permit Application No. 7043-3 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 Hoven Review printed at Hoven SD (Ph # 605-948-2110). 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

cc: Corey Johannsen, 502 Main St, Tolstoy SD 57475

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 August 7, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7043-3

Notice is given that Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475 have filed an application to irrigate an additional 68.5 acres to Water Right No. 4415-3. This water rights appropriates 2.00 cubic feet of water per second from one well completed into the Bowdle:Edmunds Aquifer (67 feet deep) located in NE ¼ NE ¼ Section 10 to irrigate 254 acres located in the NE ¼ Section 3 and NE ¼ Section 10; all in T120N-R73W. Sixty acres of the 254 acres located in the N ½ NE ¼ Section 10 have been in the Conservation Reserve Program through 2007 and will retain an October 1, 1976 priority date since enrollment in an acreage reserve program is legal excuse for nonuse of water. The remainder of the irrigated acres has been forfeited for non-use. Therefore, the application is proposing to obtain a new permit to irrigate 68.48 additional acres in the NE ¼ Section 10 from the existing well. This will allow a center pivot to make full rotation in the NE ¼ of Section 10, T120N, R73W. This application, if approved, and Water Right No. 4415-3, will authorize a total diversion rate of 2.0 cfs for irrigation of 128.5 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7043-3 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 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 25, 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

OCT 30 2006

Donald & Dianna Stotz
14850 328th Ave
Tolstoy SD 57475

Dear Mr. & Mrs. Stotz:

Enclosed is Water Permit No. 7043-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Also, enclosed is reissued Water License No. 4415-3.

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

7043-3
RECEIVED

FEB - 5 2009

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 2-4-2009TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Donald Stotz

(name)

14850 328th Ave

(address)

Tolsen SD 57425

(city, state, zip)

605-442-2477

(phone)

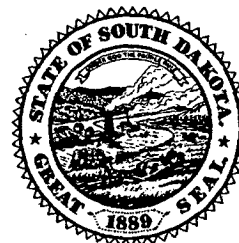
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7043-3 states that the water use system is to be constructed by Aug 25 2013 , and water is to be put to beneficial use by Aug 25 2017 .
(date) (date)

The water use system was completed on Aug 15 2008 .
(date)

Applying the water to beneficial use was completed on Aug 26 2008 .
(date)

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

Donald Stotz
(signature)

7043-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2009

4415-3
7043-3

Donald Stotz
Stotz Farms
14850 328th Ave
Tolstoy SD 57475

Dear Mr. Stotz:

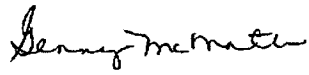
I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4415-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We also received the "Completion of Works" form for Water Permit No. 7043-3. The system is now ready for inspection. Inspections are done on a county-by-county basis and the intervening time between submission of the form and the actual inspection has no bearing on your water permit.

As requested, future irrigation questionnaires will be mailed directly to Corey Johannsen as the tenant on the property.

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

c: Corey Johannsen



7043-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: COREY JOHANNSSEN, RENTER, 502 MAIN ST, TOLSTOY, SD 57475
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4415-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 7043-3 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) 7043-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the 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>

c: DONALD & DIANNA STOTZ, 14850 328TH AVE, TOLSTOY SD 57475

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.

7043-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1406

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

Your item was delivered at 10:40 am on January 22, 2011 in TOLSTOY, SD 57475. The item was signed for by D STOTZ.

Track & Confirm

Enter Label/Receipt Number.

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- Delivered, January 22, 2011, 10:40 am, TOLSTOY, SD 57475
- Out for Delivery, January 22, 2011, 8:47 am, TOLSTOY, SD 57475
- Sorting Complete, January 22, 2011, 8:37 am, TOLSTOY, SD 57475
- Arrival at Post Office, January 22, 2011, 8:19 am, TOLSTOY, SD 57475

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1406	DONALD & DIANNA STOTZ 14850 328 TH AVE TOLSTOY SD 57475	
	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		

7043-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1390

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

Your item was delivered at 2:26 pm on January 24, 2011 in TOLSTOY, SD 57475. The item was signed for by C JOHANNSEN.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 24, 2011, 2:26 pm, TOLSTOY, SD 57475
- Notice Left, January 22, 2011, 9:04 am, TOLSTOY, SD 57475
- Out for Delivery, January 22, 2011, 8:47 am, TOLSTOY, SD 57475
- Sorting Complete, January 22, 2011, 8:37 am, TOLSTOY, SD 57475
- Arrival at Post Office, January 22, 2011, 8:19 am, TOLSTOY, SD 57475

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1390

COREY JOHANNSEN, RENTER
502 MAIN ST
TOLSTOY SD 57475

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

MAILING.

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

February 23, 2011

4415-3
7043-3

Corey Johannsen
502 Main St
Tolstoy SD 57475

Dear Mr. Johannsen:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 4415-3 and Water Permit No. 7043-3. 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

c: Donald & Dianna Stotz

**Permit No. 7043-3
Potter County**

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

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

I have this day, **August 20, 2013** made a thorough examination of the water system used by **Donald & Dianna Stotz, 14850 328st Ave, Tolstoy, SD 57475**, holder of **Water Permit No. 7043-3**, bearing the priority date of **June 25, 2008** and authorizing the irrigation of **68.48 acres** with **2.0 cubic feet per second appropriated under Water Right No. 4415-3**. This water comes from one well completed into the Bowdle: Edmunds aquifer at approximately 70 feet deep in the **NE ¼ NE ¼ of Section 10, T120N-R73W in Potter County**. Water Permit No. 7043-3 does not authorize an increase in the rate at which water is pumped from the well authorized by Water Right No. 4415-3.

No additional equipment was installed to irrigate the acres in order to irrigate the additional acres authorized by Water Permit No. 7043-3. The acres authorized by Water Permit No. 7043-3 are the completion of a full rotation done by the pivot which was already irrigating the **N ½ NE ¼ of Section 10** under Water Right No. 4415-3 and the well and pump were already in place to supply the pivot.

The system is in the following condition: well maintained. The well associated with Water Permit No. 7043-3 is located in the **NE ¼ NE ¼ of Section 10, T120N-R73W**. The exact location of the well is as follows:

- 1) **1,056 feet south and 792 feet west of the northeast corner of Section 10. Lat 45.22780N Lon 99.61749W.**

The lands irrigated by the fore mentioned well are as follows:

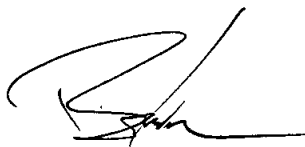
- 1) **34.24 acres in the SE ¼ NE ¼ of Section 10 (7043-3).**
- 2) **34.24 acres in the SW ¼ NE ¼ of Section 10 (7043-3).**
- 3) **30.0 acres in the NW ¼ NE ¼ of Section 10 (4415-3).**
- 4) **30.0 acres in the NE ¼ NE ¼ of Section 10 (4415-3).**

License should be issued for the irrigation of **68.48 additional acres** for a **total of 128.48 acres** including Water Right No. 4415-3, with no increase in the diversion rate of 2.0 cfs.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **June 4, 2014**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7043-3

DATE OF INVESTIGATION:	August 20, 2013
NAME & ADDRESS OF PERMIT HOLDER	Donald and Dianna Stotz
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Donald Stotz
DIVERSION POINT LEGAL LOCATIONS	1,056 feet south and 792 feet west of the northeast corner of Section 10. Lat 45.22780N Lon 99.61749W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Dakota Boring Company
- 2) Number of Wells: **1**
- 3) Depth: **70 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment: **Well was already inspected under Water Right Nos. 3111-3 and 4415-3.**

Screen

- 1) Type:
- 2) Length:
- 3) Static Water Level:

Motor

- 1) Make:
- 2) Model No:
- 3) Power:

Pumps

- 1) Make:
- 2) Model:
- 3) Size:
- 4) Capacity:

System Type

- 1) Make: **Olsen**
- 2) Overall length: **1180 feet**
- 3) Number of Towers: **10**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **900 gpm**

Casing

- 1) Diameter:
- 2) Length:
- 3) Type:

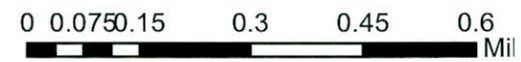
CHEMIGATION EQUIPMENT: Yes, see Water Right No. 4415-3 Inspection Report for details.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, began irrigating in 2008**

COMMENTS:

- 1) Since the well and pivot have already been inspected during a licensing inspection for Water Permit Nos. 3111-3 and 4415-3, this inspection verified the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 was being irrigated by the same pivot which had been operating on the N $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 10. The well and irrigation pivot were not inspected during this inspection.



Legend

- Existing Water Rights/Permits



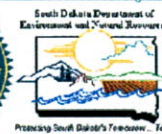
Legend

- Irrigated Acres
- Section Boundaries - PLSS
- Well Location



0 0.05 0.1 0.2 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JUN 18 2014

4415-3

7043-3

Donald & Dianna Stotz
14850 328th Ave
Tolstoy SD 57475

Dear Mr. & Mrs. Stotz:

Enclosed is Water License No. 7043-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7043-3, 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.

Upon licensing, the applicable portions of Water Right No. 4415-3 were incorporated into Water License No. 7043-3. 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7043-3**

(1) Donald & Dianna Stotz, 14850 328th Ave., Tolstoy SD 57475 made Application No. 7043-3, June 25, 2008 for a water permit to add acreage to an existing water right to be irrigated from ground water - one existing well (Bowdle Edmunds Aquifer), Potter County, South Dakota. Permit No. 7043-3, with a priority date of June 25, 2008 was approved August 25, 2008 and issued to the applicantS for diversion of water with construction of the described water supply system to be completed on or before August 25, 2013 and for the application to beneficial use of said water on or before August 25, 2017.

Water Right No. 4415-3 authorizes diversion of 2.00 cubic feet of water per second (cfs) to irrigate 60 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, T120N, R73W. The additional acreage authorized by Water Permit No. 7043-3 in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10 allowed the center pivot to make a full rotation. Water Right No. 4415-3 carries a priority date of October 1, 1976.

The applicable portions of Water Right No. 4415-3 have been incorporated into this water license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,056 feet south and 792 feet west of the NE corner of Section 10, T120N, R73W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)

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

Section 10, T120N, R73W			
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34.24 acres	June 25, 2008 priority date	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.24 acres	June 25, 2008 priority date	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.00 acres	October 1, 1976 priority date	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.00 acres	October 1, 1976 priority date	
Total	128.48 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald & Dianna Stotz, 14850 328th Ave., Tolstoy SD 57475 the holders and/or owners of Incorporated Water Right No. 7043-3 are issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Bowdle Edmunds Aquifer) with priority dates of October 1, 1976 and June 25, 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 Incorporated Water Right No. 7043-3 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.
- 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

JUN 18 2014

date





7043-3
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: COREY JOHANSEN, RENTER, 502 MAIN ST, TOLSTOY, SD 57475
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7043-3. 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) 7043-3 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) 7043-3 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>

c: DONALD & DIANNA STOTZ, 14850 328TH AVE, TOLSTOY SD 57475

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
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February 22, 2018

7043-3

Corey Johannsen
502 Main St
Tolstoy SD 57475

Dear Mr. Johannsen:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 7043-3. 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

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



7043-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 25, 2019

NOTICE

TO: COREY JOHANNSEN, RENTER, 502 MAIN ST, TOLSTOY, SD 57475
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) 7043-3. 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) 7043-3 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) 7043-3 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>

c: DONALD & DIANNA STOTZ, 14850 328TH AVE, TOLSTOY SD 57475

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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DEPARTMENT of ENVIRONMENT
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March 7, 2019

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

TO: Corey Johannsen, 402 Main St, Tolstoy SD 57475
Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program *Jeanne Goodman*

SUBJECT: One Year Suspension of Water Right No. 7043-3

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

Effective April 6, 2019, Water Right No. 7043-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

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

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation 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.

7043-3

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www.denr.sd.gov

March 11, 2019

7043-3

Corey Johannsen
402 Main St
Tolstoy SD 57475

Dear Mr. Johannsen:

On March 6th the Water Management Board ordered Water Right No. 7043-3 suspended if the 2018 irrigation questionnaire was not received prior to April 6, 2019. The questionnaire information was received March 8, 2019.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2019 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
605 773-3352

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



7043-3
DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 23, 2020

NOTICE

TO: COREY JOHANNSEN, RENTER, 502 MAIN ST, TOLSTOY, SD 57475

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) 7043-3. 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) 7043-3 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) 7043-3 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: NSFOHJ**

c: DONALD & DIANNA STOTZ, 14850 328TH AVE, TOLSTOY SD 57475

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.

7043-3

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TOLSTOY, SD 57475

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January 23, 2020, 10:44 pm
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DEPARTMENT of ENVIRONMENT
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www.denr.sd.gov

February 27, 2020

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

TO: Corey Johannsen, 502 Main St., Tolstoy SD 57475
Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 7043-3

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

Effective March 26, 2020, Water Right No. 7043-3 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.

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, Harrold 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

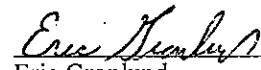
Both Suspend and Amendments

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

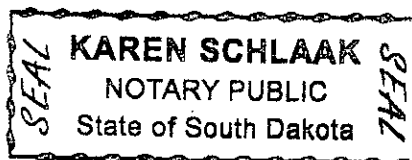
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


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



7043-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2020

7043-3

Corey Johannsen
502 Main St
Tolstoy SD 57475

Dear Mr. Johannsen:

On February 26th the Water Management Board ordered Water Right No. 7043-3 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
email: genny.mcmath@state.sd.us

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



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: COREY JOHANNSEN, RENTER, 502 MAIN ST, TOLSTOY, SD 57475

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) 7043-3. 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) 7043-3 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) 7043-3 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: ADOAEW**

c: DONALD & DIANNA STOTZ, 14850 328TH AVE, TOLSTOY SD 57475

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.

7043-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 2, 2022

7043-3

Corey Johannsen
502 Main St
Tolstoy SD 57475

Dear Mr. Johannsen:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 7043-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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