

WATER PERMIT NO. 7114-3

Name of Applicant: **Mike Koslowski**

Address: **13329 443rd Ave, Waubay SD 57273**

Phone: **605 880-2097**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **210**

Source of Water Supply: **Waubay Lake**

Water to be used for: **irrigation**

County: **Day**

Type of Waste Disposal System: **NA**

Location: **10 miles northwest of Waubay**

PRIORITY

Date Received: **3-18-09**

Application/License Fee: **\$325**

Corrected Application Received: **3-25-09**

Period of Annual Use: **May 1 – Sept 30**

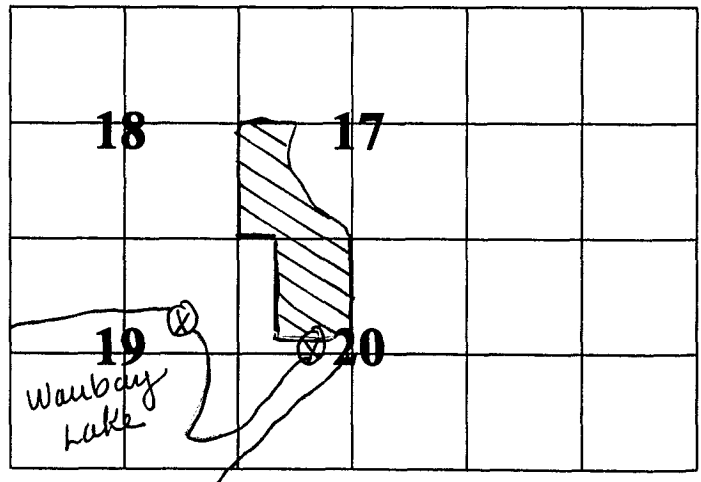
Remarks:

Diversion Point: **S ½ NE ¼ Sec 19 and SW ¼ NW**

¼ Sec 20; all in T123N-R54W

Land to be Irrigated: **NW ¼ Sec 20 and SW ¼ Sec**

17; all in T123N-R54W



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **? Day County FSA**

Reviewed and the Number Assigned on: **3-25-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	7114-3	(office use only) Hydrologic Unit	10160010
	Basin	James River		
	Newspaper	Waubay Clipper POB 47		
		605-947-4501 57273		

RECEIVED
MAR 18 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Mike Koslowski Phone 605-880-2097
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 13329 443rd Ave. Waubay State SD Zip Code 57273
(Street, RR, or Box and City)
2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 210
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply Waubay Lake
4. Location of point of diversion (example: 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Day
SW 1/4 of the NW 1/4 Sec 19 123-54 Pump to Sec 17 S 1/2 NE 1/4
Sec 20 123-54 Pump to Sec 20
5. County or counties where water will be used Day
6. Annual period during which water is to be used May- Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 of the NW 1/4 Sec 20	40	SW 1/4 of the SW 1/4 Sec 17	40
SE 1/4 of the NW 1/4 Sec 20	40	NW 1/4 of the SW 1/4 Sec 17	40
SW 1/4 of the NW 1/4 Sec 20	10	SE 1/4 of the SW 1/4 Sec 17	15
NW 1/4 of the NW 1/4 Sec 20	10	NE 1/4 of the SW 1/4 Sec 17	15

8. Give a description of the project. (Attach sheet if more space is needed) all in T123N R54W

STATE OF SOUTH DAKOTA) SS
County of Day

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, Michael Koslowski, 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 Michael Koslowski

Subscribed and sworn to before me this 16th day of March 2009

Margaret Kwasniewski
Notary Public signature

MARGARET KWASNIEWSKI, NOTARY PUBLIC
MY COMMISSION EXPIRES JANUARY 15, 2013

**SOUTH DAKOTA
WATER PERMIT NO. 7114-3**

Date of first receipt of application March 18, 2009.

Date of return to applicant for corrections, amendments or changes March 19, 2009.

Date of receipt of corrected application March 25, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7114-3 to Mike Koslowski, 13329 443rd Ave, Waubay SD 57273 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. 7114-3 appropriates 1.78 cubic feet of water per second from Waubay Lake located in the S ½ NE ¼ Section 19 and SW ¼ NW ¼ Section 20 to irrigate 210 acres located in the NW ¼ Section 20 and SW ¼ Section 17; all in T123N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is March 18, 2009.
4. The date of approval of Permit No. 7114-3 is June 22, 2009.
5. One-fifth of the construction is to be completed on or before December 22, 2011.
6. All construction is to be completed on or before June 22, 2014.
7. Water is to be put to beneficial use on or before June 22, 2018.
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 South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 639-3 for 28,320 acre feet of water per year. This is the quantity of water necessary to offset evaporation and maintain the lake at its outlet elevation. Permit No. 7114-3 does not authorize diversion of water from Waubay Lake when the lake is at an elevation of 1,797.1 feet mean sea level or less.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The irrigation intake in Waubay Lake for this project shall be constructed so that intake velocities at the intake point do not exceed 0.25 feet per second and that the intake is screened with openings no larger than 0.25 inches to avoid entrainment and impinging fish.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 04 2009

date





Service Agency
Day County, SD
19-123N-54W
1:8,625
January 08, 2009

- Legend**
- Tract Boundaries
 - Section-Township-Range
 - Easements
 - CRP
 - Common Land Units
 - Rangeland
- Wetland Determination Identifiers**
- Restricted Use
 - Limited Restrictions
 - Exempt from Conservation Compliance Pro

USDA - Farm Service Agency
Day County, SD
20-123N-54W
1:7,900
January 08, 2009

- Legend**
- Tract Bound
 - Section-Tow
 - Easements
 - CRP
 - Common Li
 - Rangeland
- Wetland Determinatic**
- Restricted Use
 - Limited Restrictions
 - Exempt from Conse

or representation to the user as to the accuracy, currency, suitability or reliability of the data as is and assumes all risks associated with its use. The user accepts the data as is and assumes all risks associated with its use. No warranty is made by the Service Agency for the data as is and assumes all risks associated with its use. No warranty is made by the Service Agency for the data as is and assumes all risks associated with its use.

USDA - Farm Service Agency
The user accepts the data as is and assumes all risks associated with its use. No warranty is made by the Service Agency for the data as is and assumes all risks associated with its use. No warranty is made by the Service Agency for the data as is and assumes all risks associated with its use.

USDA - Farm Service Agency
The user accepts the data as is and assumes all risks associated with its use. No warranty is made by the Service Agency for the data as is and assumes all risks associated with its use. No warranty is made by the Service Agency for the data as is and assumes all risks associated with its use.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/18, 2009

RECEIVED OF Koslowski Farms 13329 443rd Ave Waubay SD 57272

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

Fee for Application for Permit No. <u>7114-3</u> to Appropriate Water, to construct and to put water to beneficial use	255 00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7114-3</u>	50 00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL
	325 00

No.

04078

By Laird Erbe
Chief Engineer



RECEIVED

MAR 25 2009

WATER RIGHTS
PROGRAM

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 19, 2009

Mike Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Day County. In order to complete the application, the following needs to be clarified.

- On Item No. 4 of the application, you indicate the location of one diversion point as being in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 19-T123N-R54W. The location marked on the map as Pump #2 indicates the location to be in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19-T123N-R54W. *yes MK*
- On Item No. 7 of the application, you indicate proposed irrigation in the SW $\frac{1}{4}$ Section 6-T124N-R53W. Based on the map submitted, it appears the location would be the SW $\frac{1}{4}$ Section 17-T124N-R53W. *MK*

Do you agree with both of these changes on the application? *yes MK* *no MK*

- Are you requesting 800 gallons per minute from each diversion point? If so, you should be aware that State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated which is less than 800 gpm for each system. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project). If your request is 800 gpm total from both diversion points, you will be under the statutory limit for 210 acres. *yes MK*
- Do you own the land where the Waubay diversion points will be located?

Upon answer of the above questions, return of the application and map, we will continue review of your application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

Mike Koslowski

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7114-3, Mike Koslowski**

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. 7114-3, Mike Koslowski, 13329 443rd Avenue, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 7114-3 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 South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 639-3 for 28,320 acre feet of water per year. This is the quantity of water necessary to offset evaporation and maintain the lake at its outlet elevation. Permit No. 7114-3 does not authorize diversion of water from Waubay Lake when the lake is at an elevation of 1,797.1 feet mean sea level or less.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The irrigation intake in Waubay Lake for this project shall be constructed so that intake velocities at the intake point do not exceed 0.25 feet per second and that the intake is screened with openings no larger than 0.25 inches to avoid entrainment and impinging fish.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 26, 2009

NOTE: This irrigation project will require significant capital investment. The permit holder must recognize that in the future Waubay Lake's water level may recede to below the outlet elevation and irrigation will be required to cease in order to protect Game, Fish and Parks prior water right.

REPORT ON WATER PERMIT APPLICATION NO. 7114-3

Mike Koslowski

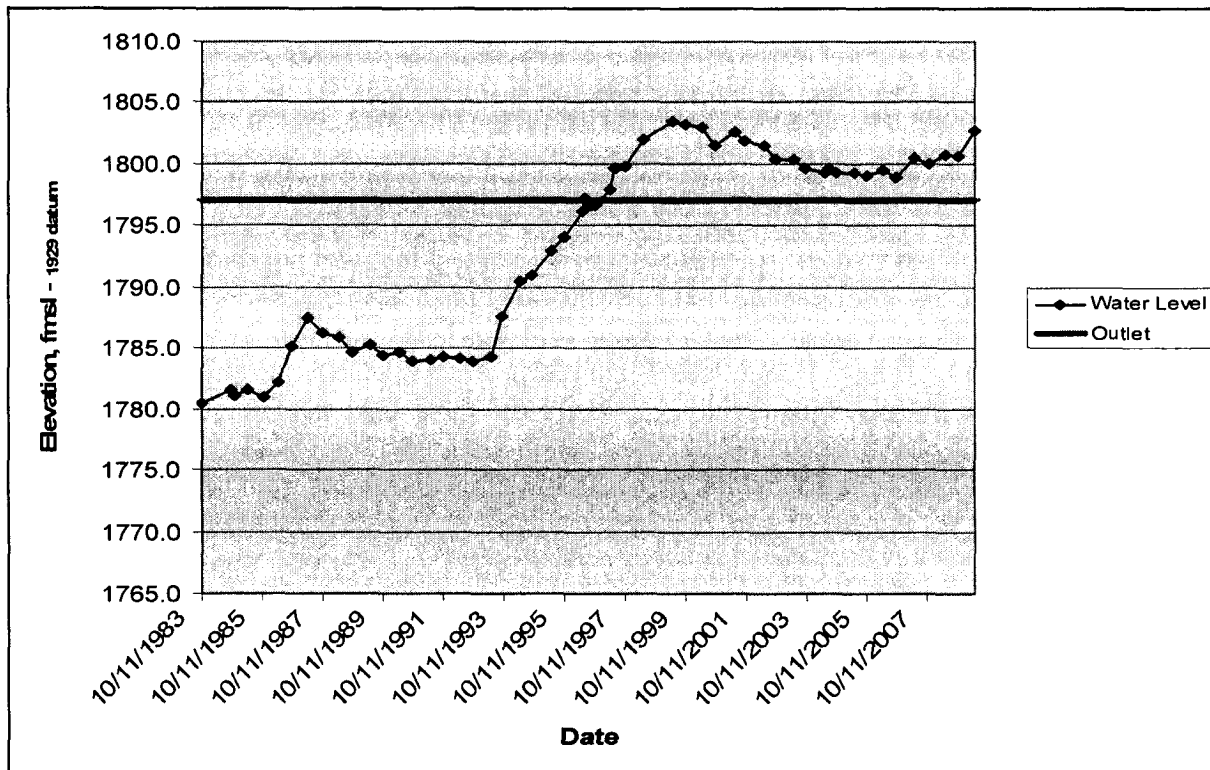
May 18, 2009

Application No. 7114-3, Mike Koslowski of 13329 443rd Ave, Waubay SD 57273 proposes to appropriate 1.78 cubic feet of water per second from Waubay Lake located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20 to irrigate 210 acres located in the NW $\frac{1}{4}$ Section 20 and SW $\frac{1}{4}$ Section 17; all in T123N-R54W. The proposed project is located approximately 11 miles northeast of the town of Webster in Day County.

Review of Existing Water Rights and the Proposed Project

The South Dakota Department of Game Fish and Parks holds Recognized Vested Water Right No. 639-3 with a priority date of South Dakota statehood in 1889 for Waubay Lake. This vested water right has never been validated but the claimed storage is associated to the volume required to fill the lake to its outlet elevation. In 1983, the Water Management Board established the outlet elevation for Waubay Lake at 1797.1 fmsl. The Water Rights Program has semi-annually measured Waubay Lake level beginning in the fall of 1983 until the present, Figure 1. During this period of time the water levels on lake reached the outlet elevation for first time since records were kept, in the spring of 1996. Since that time, water levels of the lake have exceeded the outlet elevation.

Figure1. Measured water levels on Waubay Lake, 1983 – Present.



Lake levels can typically fluctuate a few feet year to year based upon climatic conditions. A large change in levels of several feet, similar to what was experienced in the 1990's, takes a multi-year shift from average, whether wetter or drier. Based upon current water levels, water availability for this irrigation project would not be expected to be a problem.

Conclusions

1. The applicant proposes to irrigate 210 acres from Waubay Lake.
2. The Department of Game Fish and Parks holds Recognized Vested Water Right No. 639-3 claiming storage up to the outlet elevation of 1797.1 fmsl.
3. Water levels in Waubay Lake have exceeded the outlet elevation consistently since the spring of 1996.



for Mark D. Rath

Natural Resources Engineering Specialist

RECEIVED

JUN 24 2009

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DAY SS.

I, Paula Beisch, of said county and state being duly sworn, on oath says that she is an employee of the Waubay Clipper, a weekly newspaper printed and published in Waubay of said County of Day, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bon-fide circulation of at least two hundred copies weekly; and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned; and was and is printed wholly or in part in an office maintained at said place of publication; that the notice of

No. 7114-3 to Appropriate Water

83 lines - 11 ems
~~83 lines - 11 ems~~

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 2 successive weeks on the day of each week on which said newspaper was regularly published, to-wit:

June 6 - 2009

June 13 - 2009

That the full amount of the fees for the publication of the annexed notice is \$ 49.45.

Paula Beisch

Subscribed and sworn to before me this 23rd day of

June 20 09.

Linda M. Walters

Notary Public, Day County, South Dakota.

Linda M. Walters
Notary Public, South Dakota
Day County
My Commission Expires
July 8, 2011

Notice of Application No. 7114-3 to Appropriate Water

Notice is hereby given that Mike Koslowski, 13329 443rd Ave., Waubay, SD. 57273 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from Waubay Lake located in the S 1/2 NE 1/4 Section 19 and SW 1/4 NW 1/4 Section 20 to irrigate 210 acres located in the NW 1/4 Section 20 and SW 1/4 Section 17, all in T123N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7114-3 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 recom-

mendation.

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 June 22, 2009.

The petition may be informal, but must include a statement ~~describing~~ the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

**STEVEN M. PIRNER,
SECRETARY.
DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES
(Publish June 6 & 13, 2009)**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 27, 2009

Waubay Clipper
PO Box 47
Waubay SD 57273

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7114-3 to Appropriate Water to be published twice. Please publish the first notice on June 3, 2009 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 Mike Koslowski, 13329 443rd Ave., Waubay SD 57273 (Ph # 605-880-2097).

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. 7114-3

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

Date _____

We are in receipt of your letter of May 27, 2009 enclosing Notice to Appropriate Water by Application No. 7114-3 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.

May 27, 2009

Mike Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

Water Permit Application No. 7114-3 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 Waubay Clipper printed at Waubay SD (Ph # 605-947-4501). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

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 June 3, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7114-3 to Appropriate Water

Notice is given that Mike Koslowski, 13329 443rd Ave, Waubay SD 57273 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from Waubay Lake located in the S ½ NE ¼ Section 19 and SW ¼ NW ¼ Section 20 to irrigate 210 acres located in the NW ¼ Section 20 and SW ¼ Section 17; all in T123N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7114-3 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 June 22, 2009.

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

AUG 04 2009

Mike Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

Enclosed is Water Permit No. 7114-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

NOTE: Water Permit No. 7114-3 contains the same mandatory requirement to submit the annual irrigation questionnaire as your other Water Permit No. 5353-3. No. 5353-3 was suspended from 2006 - 2008 for violation of that qualification. Please keep in mind that permits can be cancelled for the third violation.



7114-3

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 22, 2010

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5353-3 & 7114-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 5353-3 & 7114-3 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 10, 2010** 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) 5353-3 & 7114-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to past violations the Water Management Board will be recommending cancellation of Water Permit No. 5353-3.**
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 5, 2010**, 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 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.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.



**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 1, 2010

5353-3
7114-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 5353-3 and 7114-3.

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



7114-3
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: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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) 5353-3 & 7114-3. 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) 5353-3 & 7114-3 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) 5353-3 & 7114-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to two prior violations on No. 5353-3, staff will recommend the water right be cancelled. The recommendation for No. 7114-3 will be for a one year suspension.**
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.

7114-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0294

Service(s): Signature Confirmation™

Status: Delivered

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Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 12:19 pm, WAUBAY, SD 57273
- Out for Delivery, January 22, 2011, 8:40 am, WAUBAY, SD 57273
- Sorting Complete, January 22, 2011, 8:30 am, WAUBAY, SD 57273
- Arrival at Post Office, January 22, 2011, 8:23 am, WAUBAY, SD 57273

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0294	MICHAEL A KOSLOWSKI 13329 443RD AVE WAUBAY SD 57273	
	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		



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www.state.sd.us/denr

February 22, 2011

5353-3
7114-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit Nos. 5353-3 and 7114-3. 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



7114-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 24, 2012

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5353-3 & 7114-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 5353-3 & 7114-3 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 7, 2012** 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) 5353-3 & 7114-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations, the Water Rights Staff will be recommending that No. 5353-3 be cancelled and No. 7114-3 be suspended for one year.**
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 2, 2012**, 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.



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 23, 2012

5353-3
7114-3

Michael Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit Nos. 5353-3 and 7114-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I note from the irrigation questionnaire you completed for Water Permit No. 5353-3 that use has been abandoned. Water Permit No. 5353-3 authorizes irrigation of land in the S ½ NE ¼ Section 19, T123N, R54W. When an irrigator reports that the use has been abandoned, the water permit is scheduled for cancellation consideration. The next Water Management Board meeting that we could schedule the cancellation for would be in May, 2012. You will be notified of the time, date and place of the hearing once it is scheduled.

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



7114-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 24, 2013

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 7114-3 & 7336-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 7114-3 & 7336-3 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, 2013**, 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.

7114-3



DEPARTMENT of ENVIRONMENT
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March 8, 2013

7114-3 & 7336-3

MICHAEL A KOSLOWSKI
13329 443RD AVE
WAUBAY, SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 24, 2013, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 & 7336-3. The information was received in our office prior to the Water Management Board meeting and your name was 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



7114-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 24, 2014

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 7114-3 & 7336-3 qualification:

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

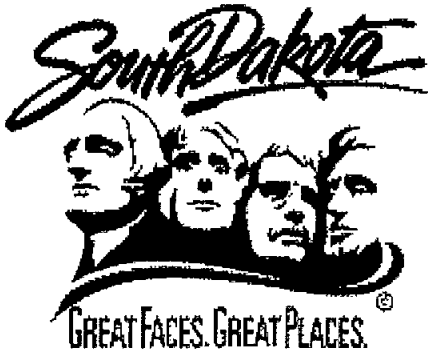
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 7114-3 & 7336-3 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 3, 2014**, 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.



**DEPARTMENT of ENVIRONMENT
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February 18, 2014

NOTICE

TO: Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit Nos. 7114-3 & 7336-3

The attached notice was sent certified mail. The post office has returned the certified mail envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 25th and 30th to pick up and sign for the certified mail and marked it returned on February 10, 2014.

If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 18, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 18, 2014 regarding unclaimed irrigation questionnaires addressed as stated below:

Michael Kowalski, 13329 443rd Ave, Waubay SD 57272

#'s 7114-3 and 7336-3

Kyle Jensen, 31582 454th Ave, Meckling SD 57044

#'s 7621-3 and 7622-3



Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

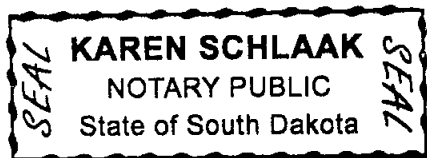
Sworn to, before me, this 18th day of February, 2014.



Karen Schlaak

Notary Public

My Commission expires April 1, 2019





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

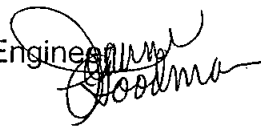
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March 7, 2014

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMITS

TO: Michael A Koslowski, 13329 443rd Ave, Waubay SD 57273

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit Nos. 7114-3 & 7336-3

On March 6, 2014, the Water Management Board ordered:

Effective April 6, 2014, Water Permit Nos. 7114-3 & 7336-3 be suspended for the 2014 irrigation season for failure to submit the 2013 irrigation questionnaires.

If the 2013 irrigation questionnaires are received prior to April 6, 2014 the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2014 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2014 unless the irrigation questionnaires are submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2013 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 7-8, 2014 in Pierre, SD. The letter should include your reasons for not completing the 2013 irrigation questionnaires. 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 permits this summer to determine if irrigation is taking place.

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

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Product & Tracking Information

Postal Product:

Features:

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Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 8, 2014, 11:45 am	Delivered	WAUBAY, SD 57273
March 8, 2014	Depart USPS Sort Facility	HURON, SD 57399
March 8, 2014, 3:08 am	Processed at USPS Origin Sort Facility	HURON, SD 57399
March 7, 2014, 11:51 pm	Processed at USPS Origin Sort Facility	HURON, SD 57399
March 7, 2014, 6:04 pm	Dispatched to Sort Facility	PIERRE, SD 57501
March 7, 2014, 1:42 pm	Acceptance	PIERRE, SD 57501

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PS Form 3800, August 2006

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DEPARTMENT OF ENVIRONMENT
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JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



April 7, 2014

7114-3
7336-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

On March 6th, the Water Management Board ordered a one year suspension of Water Permit Nos. 7114-3 and 7336-3 if the 2013 irrigation questionnaires were not received prior to April 6, 2014. The irrigation questionnaires were received on April 4th.

Since the irrigation questionnaires are now on file, no violation has occurred and no suspension will take place. You may irrigate during the 2014 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



7114-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 16, 2015

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 7114-3 & 7336-3 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 4, 2015** 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) 7114-3 & 7336-3 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 4, 2015** 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.

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January 17, 2015, 11:54 am	Delivered	WAUBAY, SD 57273
Your item was delivered at 11:54 am on January 17, 2015 in WAUBAY, SD 57273.		
January 17, 2015, 4:06 am	Departed USPS Facility	HURON, SD 57399
January 16, 2015, 9:45 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 16, 2015, 6:16 pm	Departed Post Office	PIERRE, SD 57501
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www.denr.sd.gov

March 5, 2015

NOTICE OF ENTRY OF ORDER OF ONE YEAR SUSPENSION OF WATER PERMITS

TO: Michael A Koslowski, 13329 443rd Ave, Waubay SD 57273

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

SUBJECT: One Year Suspension of Water Permit Nos. 7114-3 & 7336-3

On March 4, 2015, the Water Management Board ordered:

Effective April 4, 2015, Water Permit Nos. 7114-3 & 7336-3 be suspended for the 2015 irrigation season for failure to submit the 2014 irrigation questionnaires.

If the 2014 irrigation questionnaires are received prior to April 4, 2015 the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2015 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2015 unless the irrigation questionnaires are submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2014 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2015 in Pierre, SD. The letter should include your reasons for not completing the 2014 irrigation questionnaires. 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.

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Your item was delivered at 11:55 am on March 6, 2015 in WAUBAY, SD 57273.		
March 6, 2015, 4:32 am	Departed USPS Facility	HURON, SD 57399
March 5, 2015, 9:29 pm	Arrived at USPS Origin Facility	HURON, SD 57399
March 5, 2015, 6:06 pm	Departed Post Office	PIERRE, SD 57501
March 5, 2015, 12:58 pm	Picked Up	PIERRE, SD 57501

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PS Form 3800, August 2006

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DEPARTMENT of ENVIRONMENT
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www.denr.sd.gov

April 8, 2015

7114-3
7336-3

Michael Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Sir:

On March 4th, the Water Management Board ordered Water Permit Nos. 7114-3 and 7336-3 be suspended if the 2014 irrigation questionnaires were not received prior to April 4, 2015. The questionnaire information for your water permits has now been received.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2015 irrigation season.

Submission of the annual forms is a requirement for both of your water permits. Please be aware the receipt dates of your irrigation questionnaires and all correspondence concerning Board actions are part of the permanent record.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



7114-3
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 15, 2016

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 7114-3 & 7336-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 7114-3 & 7336-3 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, 2016** 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 2, 2016

7114-3
7336-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. 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



7114-3
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 20, 2017

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 7114-3 & 7336-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 7114-3 & 7336-3 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 1, 2017** 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.



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DATE & TIME	STATUS OF ITEM	LOCATION
January 31, 2017 , 10:31 am	Delivered, Individual Picked Up at Post Office	WAUBAY, SD 57273

Your item was picked up at the post office at 10:31 am on January 31, 2017 in WAUBAY, SD 57273.

January 27, 2017 , 8:46 am	Available for Pickup	WAUBAY, SD 57273
January 21, 2017 , 11:14 am	Notice Left (No Authorized Recipient Available)	WAUBAY, SD 57273
January 21, 2017 , 1:22 am	Departed USPS Origin Facility	HURON, SD 57399
January 20, 2017 , 9:19 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 20, 2017 , 6:33 pm	Departed Post Office	PIERRE, SD 57501
January 20, 2017 , 2:16 pm	Acceptance	PIERRE, SD 57501

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MICHAEL A KOSLOWSKI
13329 443RD AVE
WAUBAY SD 57273



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 2017

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

TO: Michael A Koslowski, 13329 443rd Ave, Waubay SD 57273

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

SUBJECT: One Year Suspension of Water Permit Nos. 7114-3 & 7336-3

On March 1, 2017, the Water Management Board ordered:

Effective April 1, 2017, Water Permit Nos. 7114-3 and 7336-3 be suspended for the 2017 irrigation season for failure to submit the 2016 irrigation questionnaires.

If the 2016 irrigation questionnaires are received prior to April 1, 2017, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2017 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2017 unless the 2016 irrigation questionnaires are submitted by April 1st.

After April 1st, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2016 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 10-11, 2017, in Pierre, SD. The letter should include your reasons for not completing the 2016 irrigation questionnaires. 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.

7114-3

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DATE & TIME

March 3, 2017 , 10:58 am

STATUS OF ITEM

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Individual

LOCATION

WAUBAY, SD 57273

Your item was delivered to an individual at the address at 10:58 am on March 3, 2017 in WAUBAY, SD 57273.

March 3, 2017 , 2:15 am

Departed USPS Facility

HURON, SD 57399

March 2, 2017 , 9:57 pm

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HURON, SD 57399

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MICHAEL A KOSLOWSKI
13329 443RD AVE
WAUBAY SD 57273

PS Form 3800, August 2006

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 29, 2017

7114-3
7336-3

Mike Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

On March 1st the Water Management Board ordered Water Permit Nos. 7114-3 and 7336-3 suspended if the 2016 irrigation questionnaires were not received prior to April 1, 2017. The questionnaire information for your water permits has been received.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2017 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

Note: In an effort to assist you in completing the irrigation questionnaires in a timelier manner in the future, Genny has included a copy of the "example" sheet sent to irrigators with their questionnaires. Our end goal is to obtain how much water is pumped from your permitted water source. We want you to be able to report that information as accurately as possible but also in a manner that is easy for you.



7114-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273
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) 7114-3 & 7336-3. 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) 7114-3 & 7336-3 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) 7114-3 & 7336-3 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.



DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 2, 2018

7114-3
7336-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. 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



7114-3
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

January 25, 2019

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273
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) 7114-3 & 7336-3. 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) 7114-3 & 7336-3 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) 7114-3 & 7336-3 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.

7114-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 2019

7114-3
7336-3

Mike Koslowski
13329 443rd Ave
Waubay SD 5273

Dear Mr. Koslowski:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



7114-3
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: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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) 7114-3 & 7336-3. 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) 7114-3 & 7336-3 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) 7114-3 & 7336-3 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: CAJJRB**

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.

7114-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2020

7114-3
7336-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of the information for your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. 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



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: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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) 7114-3 & 7336-3. 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) 7114-3 & 7336-3 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) 7114-3 & 7336-3 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: KBWAYV**

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.

7114-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2021

7114-3
7336-3

Michael Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of the information for your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling in with the information. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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



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: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273
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) 7114-3 & 7336-3. 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) 7114-3 & 7336-3 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) 7114-3 & 7336-3 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: IGZOIK**

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.

7114-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 28, 2022

7114-3
7336-3

Michael Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mike:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. I completed two questionnaires for you based on our telephone conversation.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. 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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
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PIERRE SD 57501-3182
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January 20, 2023

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 7114-3 & 7336-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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:

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



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

March 2, 2023

7114-3
7336-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge receipt of the information for your 2022 irrigation questionnaires. Forms were completed for you based on our phone conversation.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit Nos. 7114-3 and 7336-3. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

7114-3

7336-3

OCT 03 2023

Mike Koslowski
13329 443rd Ave
Waubay SD 57273

7114-3
7336-3

Dear Mr. Koslowski:

Enclosed are Water License Nos. 7114-3 & 7336-3. These are the final water right documents completing your process of obtaining Water Rights. Included with your licenses is a map prepared by the staff engineer who conducted the field investigation.

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

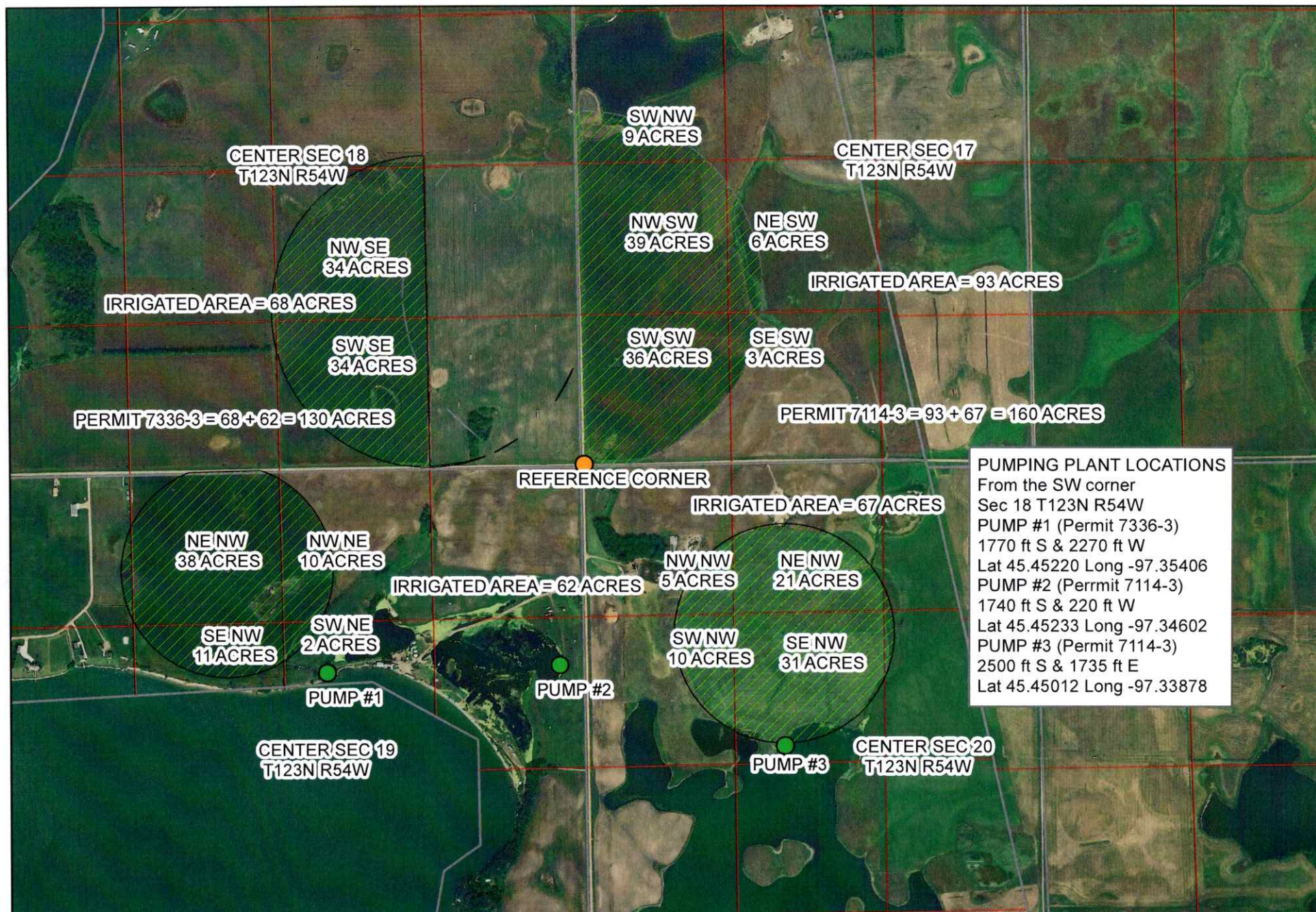
Sincerely,

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

NOTES: The investigation found your irrigation system for Right No. 7114-3 is capable of diverting 3.56 cubic feet of water per second (cfs) which is equivalent to approximately 1600 gallons per minute. Under your permit you were authorized for 1.78 cfs (approximately 800 gpm). Diversion of water under this water license is limited to 1.78 cfs.

The investigation also noted the presence of a chemigation tank near one of the intake pumps. Regarding equipment used for applying chemicals and/or fertilizers through your irrigation system, our office has enclosed a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. If after reading through the rules, you have any questions or concerns, please contact Ron Duvall with our program (his card is attached).

enclosures



0 0.15 0.3 0.6 0.9 1.2 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

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

NAME: Mike Koslowski

ADDRESS: 13329 443rd Ave, Waubay SD 57273

DATE: October 2, 2023

COUNTY: Day

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to pump from Waubay Lake from two pump sites: S1/2 NE1/4 Section 19 and SW1/4 NW1/4 of Section 20: all in T123N-R54W to irrigate 210 acres in the NW1/4 Section 20 and SW1/4 of Section 17: all in T123N-R54W.

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 permit holder was authorized to pump from Waubay Lake in the SW1/4 NW1/4 of Section 20 T123N-R54W but developed the diversion point in SE 1/4 NW 1/4 of Section 20, T123N-R54W

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

The permit holder has developed 160 acres in the SW1/4 NW1/4 and SW1/4 of Section 17 and NW1/4 Section 20: all in T123N-R54W.

- **Review of Existing Diversions**

There are five existing water permits/rights from Waubay Lake held by other water permit holders. There is reasonable probability diverting at this location would not adversely or unlawfully impair existing rights.

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.



Eric Gronlund, Chief Engineer
Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Mike Koslowski

ADDRESS: 13329 443rd Ave, Waubay SD 57273

DATE: October 2, 2023 COUNTY: Day

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 160 acres as compared to 210 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The relocated 9 acres are in the SW1/4 NW1/4 immediately adjacent to permitted acres in the SW1/4 of Section 17 T123N-R54W

- **Owned by Same Property Owner**

All the property involved is listed under Mike Koslowski

- **Developed Prior to Expiration of Construction Period**

The construction completion date was to be completed by June 22, 2014. Irrigation of 126 acres was reported being performed in 2010

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 9 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7114-3

I have this day, September 22, 2023, made a thorough examination of the water use system constructed by Mike Koslowski, 13329 443rd Ave, Waubay, SD 57273 of Permit No. 7114-3, bearing the priority of March 18, 2009 authorizing the diversion of 1.78 cu. ft. per second of the waters of Waubay Lake for irrigation purposes, in Day County.

A. Works used to divert the water:

Pumping Plant Information: Sec 20 T123N R54W

Pump:

- 1) Make Berkley
- 2) Model 34URmBH
- 3) Size 4 inch
- 4) Capacity 800 GPM

Engine:

- 1) Make John Deere
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type Buried PVC
- 2) Size 6 inches
- 3) Length 1000 feet

Comments: xx

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke
- 2) Overall length 1000 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

Pumping Plant Information: Sec 17 T123N

Pump:

- 5) Make Berkley
- 6) Model 34URmBH
- 7) Size 4 inch
- 8) Capacity 800 GPM

Engine:

- 4) Make John Deere
- 5) Model No. Unknown
- 6) Horsepower rating Unknown hp

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 3100 feet

Comments: xx

C. Works used to apply water to beneficial use:

Center pivot:

- 6) Make Valley
- 7) Overall length 1300 feet
- 8) Number of towers 7
- 9) End gun Y
- 10) Capacity 800 GPM

Chemigation Equipment:

- 2) Does chemigate Y

Comments: Saw chem tank and injection pump at the pivot during the field visit. Was told on the phone that a check valve is in place but did not actually view the valve at the pump. No indication of chemigation on the past IQ's.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: **Diverting 3.56 cfs using two (2) separate pumps instead of 1.78 cfs as authorized**

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

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: PUMPING PLANT LOCATIONS From the NE corner Sec 19 T123N R54W PUMP #2 (Permit 7114-3) 1740 ft S & 220 ft W, Lat 45.45233 Long -97.34602 (SE ¼ NE ¼); From the NW corner Sec 20 T123N R54W PUMP #3 (Permit 7114-3) 2500 ft S & 1735 ft E, Lat 45.45012 Long -97.33878 (SE ¼ NW ¼).
2. The works are capable of diverting and conveying to the place of use 3.56 cu. ft. per second of water Waubay Lake of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

Land in Sec 17 T123N R54W

SW NW – 9 acres

NW SW – 39 acres

NE SW – 6 acres

SE SW – 3 acres

SW SW – 36 acres

legal description/acreage

Land in sec 20 T123N R54W

NW NW – 5 acres

NE NW – 21 acres

SE NW 31 acres

SW NW – 10 acres

comprising a total of 160 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current for Mike Koslowski.

I talked to Bruce Labarre (605/237-0710), a partner and manager of the irrigation systems, during the field inspection visit.



Pumping plant #3

Darrell W DeBoer

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 29, 2023

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7114-3**

(1) Mike Koslowski; 13329 443rd Ave, Waubay SD 57273, made Application No. 7114-3, March 18, 2009, for a water permit to divert 1.78 cubic feet of water per second from Waubay Lake, Day County, South Dakota for irrigation purposes. Permit No. 7114-3, with a priority date of March 18, 2009, was approved June 22, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 22, 2014, and for the application to beneficial use of water on or before June 22, 2018.

An investigation conducted for licensing purposes found one diversion point and acreage developed for irrigation under Water Permit No. 7114-3 have been developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(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 1.78 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Pump #2: 1,740 ft S & 220 ft W of the NE corner of Section 19, T123N, R54W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 45.45233 & Longitude -97.34602)
- Pump #3: 2,500 ft S & 1,735 ft E of the NW corner of Section 20, T123N, R54W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 45.45012 & Longitude -97.33878)

(3) The amount of appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

(4) 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 17, T123N, R54W		Section 20, T123N, R54W	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	21 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	39 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3 acres		

TOTAL: 160.0 acres

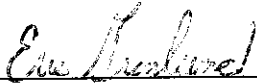
(5) Pursuant to South Dakota Water Law 46-5-30.1 Mike Koslowski the holder and/or owner of Water Right No. 7114-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from Waubay Lake with a priority date of March 18, 2009, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7114-3 and subject to the following qualifications:

continued

Qualifications

1. The South Dakota Department of Game, Fish, and Parks holds recognized Vested Water Right No. 639-3 for 28,320 acre feet of water per year. This is the quantity of water necessary to offset evaporation and maintain the lake at its outlet elevation. Water Right No. 7114-3 does not authorize diversion of water from Waubay Lake when the lake is at an elevation of 1,797.1 feet mean sea level.
2. The Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
3. The irrigation intake in Waubay Lake for this project shall be constructed so that intake velocities at the intake point do not exceed 0.25 feet per second and that the intake is screened with openings no larger than 0.25 inches to avoid entrainment or impinging fish.



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

OCT 03 2023

date





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

January 19, 2024

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 7114-3 & 7336-3 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, 2024 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:

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If the questionnaire(s) is (are) received in this office before the **March 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WCNAXG**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2024

7114-3

7336-3

Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 7114-3 & 7336-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

TO: MICHAEL A KOSLOWSKI, 13329 443RD AVE, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7114-3 & 7336-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 7114-3 & 7336-3 qualification:

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The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 21, 2025

7114-3

7336-3

Michael Koslowski
13329 443rd Ave
Waubay SD 57273

Dear Mr. Koslowski:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7114-3 & 7336-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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