

WATER PERMIT NO. 7135-3

Name of Applicant: **Russell Tesch**

Address: **46350 SD Hwy 28, Estelline SD 57234**

Phone: **605 873-2257**

Amount of Water Claimed: **0.89 cfs**

Total Acres: **80 acres**

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

Water to be used for: **irrigation**

County: **Hamlin**

Type of Waste Disposal System: **NA**

Location: **3 miles west of Estelline**

PRIORITY

Date Received: **5-1-09**

Application/License Fee: **\$275**

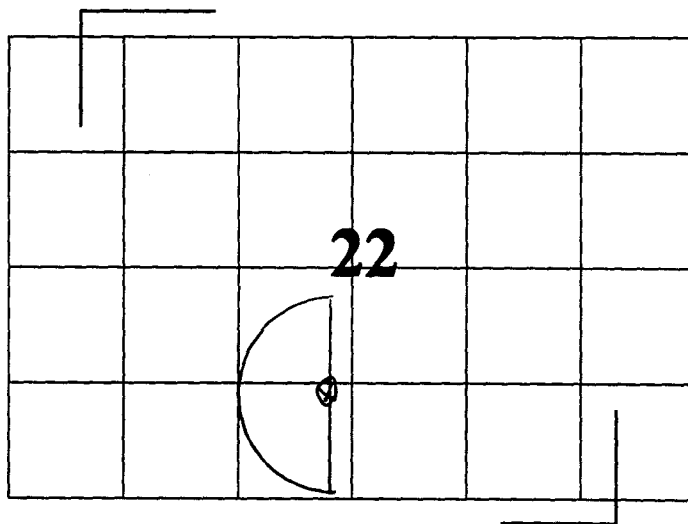
Corrected Application Received: **5-18-09**

Period of Annual Use: **June 1 – September 30**

Remarks:

Diversion Point: **E ½ SW ¼ Sec 22-T113N-R51W**

Land to be Irrigated: **E ½ SW ¼ Sec 22-T113N-R51W**



Depth of Well: **35 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Jessica Michelin, Hayti NRCS**

Reviewed and the Number Assigned on: **5-18-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7135-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Estelline Journal PO Box 159</u>	
	<u>605-873-2475</u>	<u>Estelline 57234</u>

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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 Russell Tesch Phone 605-873-2257 ⁶⁰⁵⁻⁵²⁰⁻¹¹⁹⁰
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 46350 SD Hwy 28 Estelline S.D. State 57234
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.89*CFS or 400**GPM ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply 1 well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Hamlin
E 1/2 SW 1/4 Sec 22 T113N R51W
County Hamlin
5. County or counties where water will be used Hamlin
6. Annual period during which water is to be used June 1 to 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
<u>E 1/2 SW 1/4 Sec 22 T113N R51W</u>	<u>80</u>		

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

John Kaiser Well Driller submitted a log.

New well & used pivot.

STATE OF SOUTH DAKOTA) SS

County of Hamlin

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, Sandra K Larson, 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 Russell Tesch

Subscribed and sworn to before me this 15th day of May 20 09

Sandra K Larson
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7135-3**

Date of first receipt of application May 1, 2009.

Date of return to applicant for corrections, amendments or changes May 1, 2009.

Date of receipt of corrected application May 18, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7135-3 to Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234 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. 7135-3 appropriates 0.89 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (approximately 35 feet deep) located in E 1/2 SW 1/4 Section 22 to irrigate 80 acres located in the E 1/2 SW 1/4 Section 22; all in T113N-R51W.
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: June 1 – September 30.
3. The date from which applicant may claim right is May 1, 2009.
4. The date of approval of Permit No. 7135-3 is August 10, 2009.
5. One-fifth of the construction is to be completed on or before February 10, 2011.
6. All construction is to be completed on or before August 10, 2014.
7. Water is to be put to beneficial use on or before August 10, 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 well shall be a minimum of 1,320 feet from the Big Sioux River.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 7135-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 14 2009
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" 3/4 Depth 35
- b) Casing Type sch 40 PVC Diameter 12" Thickness sch 40
- c) Screen Type PVC Diameter 12" Thickness sch 40
- d) Gravel Pack pearock Length of Gravel Pack 20
- e) Depth to Top of Water Bearing Material 15
- f) Depth to Water (ground surface to water level) 5
- g) Distance to nearest existing domestic well:

On applicants property 1/4 mile

On property owned by others N/A

2. Wastewater Disposal System Information

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

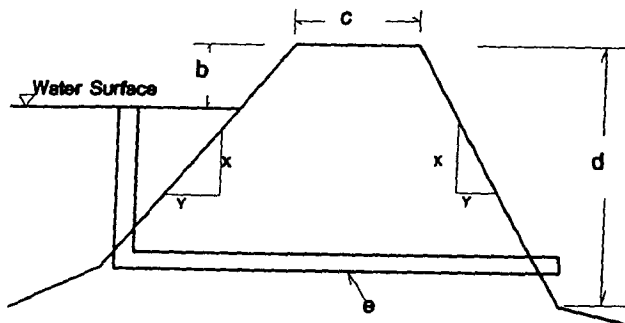
3. Dugout Information

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

4. Water Storage Dams

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

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



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



1:8,156

United States Department of Agriculture
Farm Service Agency

Hamlin County, SD

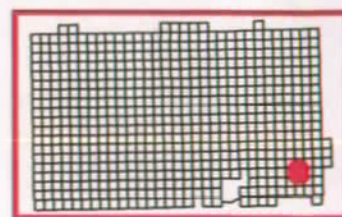
22-113N-51W



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October 24, 2008

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

Russell Tesch cell 520-1190.



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

Russell Tesch

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Russ Tesch 2

Pivot Area: **44.15** acres
 Endgun Area: **4.91** acres
 Total Area: **49.06** acres

System Length: **1106.50** ft
 # of Spans: **7 + overhang**
 Deg. of Sweep: **180.0°**
 Endgun Throw: **100.0** ft

Color on map: 

Spans

# of Spans: 7	Span 1 (158.1)	Span 2 (315.2)	Span 3 (472.2)	Span 4 (629.3)	Span 5 (786.4)	Span 6 (943.5)	Span 7 (1078.5)	Overhang (1106.5)
Length:	157	157	157	157	157	157	135	22 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 100.0 ft)

# of Areas: 2	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	203.0° / 252.4°	22.1° / 71.4°	44° 34' 23.923" -96° 56' 18.265"	44° 34' 30.667" -96° 56' 26.851"	2.29
Area 2	288.4° / 345.0°	107.4° / 164.0°	44° 34' 37.421" -96° 56' 26.792"	44° 34' 44.531" -96° 56' 16.251"	2.62

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Russell Tesch

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

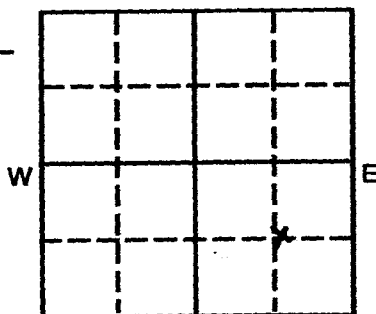
Location SE 1/4 S15 1/2 Sec 22 Twp 113N Rg 57WWell Owner: Russ Tesch

County

Hamlin

North

Please mark well location with an "X"



Well Completion Date

10-608

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

2500 ft from River (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Boring Rig

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SCH 40 LB/FT</u>	<u>16 IN</u>	<u>24 1/2 FT</u>	<u>15 FT</u>	<u>30 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>portland</u>	<u>45</u>	<u>Lb/gal</u>	<u>0 FT</u>	<u>15 FT</u>
		<u>Lb/gal</u>	<u>FT</u>	<u>FT</u>

Describe grouting procedure

pressure pack method

SCREEN:

☐ Perforated pipe
 ☐ Manufactured
 Diameter 16 Inches Length 10 FeetMaterial plasticSlot Size 1085 Set From 15 Feet to 25 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes
 ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

Lab sample sent to for water quality analysis

☐ No, Why Not?

Business Name:

Address:

City, State, Zip:

46350 S.D. Hwy 28Estelline SD 57234

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>6"</u>
<u>yellow fine to medium sand</u>	<u>6"</u>	<u>15"</u>
<u>medium gravel</u>	<u>15"</u>	<u>25"</u>
<u>yellow clay</u>	<u>25"</u>	<u>30"</u>

STATIC WATER LEVEL

4

FEET

If flowing: closed in pressure

PSI

GPM flow

through

inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

15 Ft. After 12 Hrs. pumped 450 GPM15 Ft. After 24 Hrs. pumped 450 GPMIf pump installed, pump rate: none at time GPM

REMARKS

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This well was drilled under license #

689

And this report is true and accurate.

Drilling firm:

Kaiser Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/1, 20 09

RECEIVED OF Russell Tesch 46350 SD Hwy 28 Estelline SD 57234

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

Fee for Application for Permit No. <u>7135-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7135-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275 00

No.

04129

By

Laurel Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2009

Russ Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

A well driller's report filed by Kaiser Well Drilling shows that they completed a new well for you. The report indicates the well water will be used for irrigation. I have reviewed our files and can not find a water permit for a well located in SE ¼ Section 22-T113N-R51W. Based on the information in the report, it appears you need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 1, 2009

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Enclosed is the application. The bottom portion of the application requires a notary public signature.
- Enclosed is the aerial photo map submitted with the application. The application states you are proposing to irrigate 80 acres located in the E ½ SW ¼ and W ½ SE ¼ Section 22. The partial circle outlined on the map does not appear to be 80 acres and does not include any acreage in the W ½ SE ¼ Section 22. Please make the necessary corrections to the map and/or the application.
- Also, do you agree that the proposed well site is located in the E ½ SW ¼ Section 22?
- Regarding the amount of water claimed, State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.14 cfs or 514 gallons per minute to irrigate 80 acres. 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 available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7135-3, Russell Tesch**

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. 7135-3, Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 7135-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well shall be a minimum of 1,320 feet from the Big Sioux River.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 7135-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 13, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7135-3
For Russell Tesch
June 19, 2009

Application No. 7135-3 proposes to appropriate 0.89 cfs (400 gpm) from one well approximately 35 feet deep located in the E ½ SW ¼ of section 22 to irrigate 80 acres located in the E ½ SW ¼ of section 22; all in T113N R51W in Hamlin County.

AQUIFER – BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a predominantly surficial outwash (sand and gravel) that is largely under water table conditions in Hamlin County. The aquifer underlies 88,500 acres and contains an estimated 331,880 acre-feet of recoverable water in storage in Hamlin County (Hedges, 1982). The aquifer blends into the Big Sioux North aquifer to the north and extends into Brooking County to the south and into Deuel County to the east. Ground water movement appears to be from northwest to southeast in the area of this application (Kume, 1985). Kume mapped the entire aquifer in Hamlin County which he called the Big Sioux aquifer (did not use the management units which are used in this report) and estimated the aquifer to underlie 113,920 acres and contain an estimated 480,000 acre feet of water in storage. If the Big Sioux North management unit estimate by Hedges is included, the two different estimates are reasonably close. The aquifer is hydraulically connected to the Big Sioux River and some area lakes and streams. Generally ground water movement is toward these surface water bodies which act as discharge zones for the ground water, however under some hydrologic conditions the surface water does recharge the ground water system. Recharge has been estimated to average about 6.57 inches per year to the aquifer (Koch, 1980).

No test well log filed with the application. A nearby test well indicates fine sand from 1 to 35 feet and medium to coarse sand from 35 to 55 feet below land surface. That test well had a static water level of five feet below land surface. No pumping information is available for this test well. At one time a water permit No. 4216-3 was issued for these same lands and was later cancelled for non-construction.

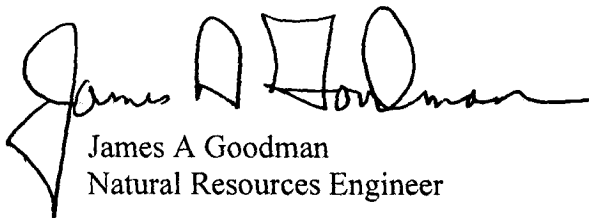
The Water Rights Program monitors six observation wells within two miles of this application. HN-77H is located about one mile northeast, HN-75A is located about one and one-half miles north, HN-77J is located about one and one-half miles northeast, HN-75B is located about one and one-half miles east, HN-71A is located about two miles southeast and HN-77A is located about two miles south all from this application. Water levels for these wells show good response to climatic conditions. Water levels rise during wet periods (recharge) and gradually decline during dry years. Hydrographs for these observation wells are included with this report (Water Rights, 2009). There appears to be very little response to pumping in the water level record. Also note that over the period of record water levels have changed from 7 to 12 feet from the absolute highest to lowest in these observation wells. The magnitude of fluctuation appears to be related to the distance from the Big Sioux River with somewhat less fluctuation nearer to the river.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest existing irrigation well is for Water Right No. 2412-3 (1.55 cfs, irrigation of 129 acres) located about three fourths mile northeast of this proposed well. The next closest irrigation well would be over one mile distant. There is a new application No. 7124-3 (1.33 cfs, 80 acres) for Jim Tesch located in the next quarter section to the north of this application. At this distance, interference is not expected to be a concern. Drawdown will be created by pumping but will not be significant at the distance between wells. The observation well record reinforces this conclusion. Note that only observation well HN-77A is located on the same side of the Big Sioux River as this application.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. This well location appears to be near the Big Sioux River. Historically the Chief Engineer and the Water Management Board has considered the well location distance from the Big Sioux River to be important. Spacing of this well from the river helps to maintain the flow in the river. Following this logic there should be a minimum of 1,320 feet spacing from the Big Sioux River for all proposed irrigation wells to minimize potential drawdown extending to the river. Each application is unique and must be considered on its own merits.

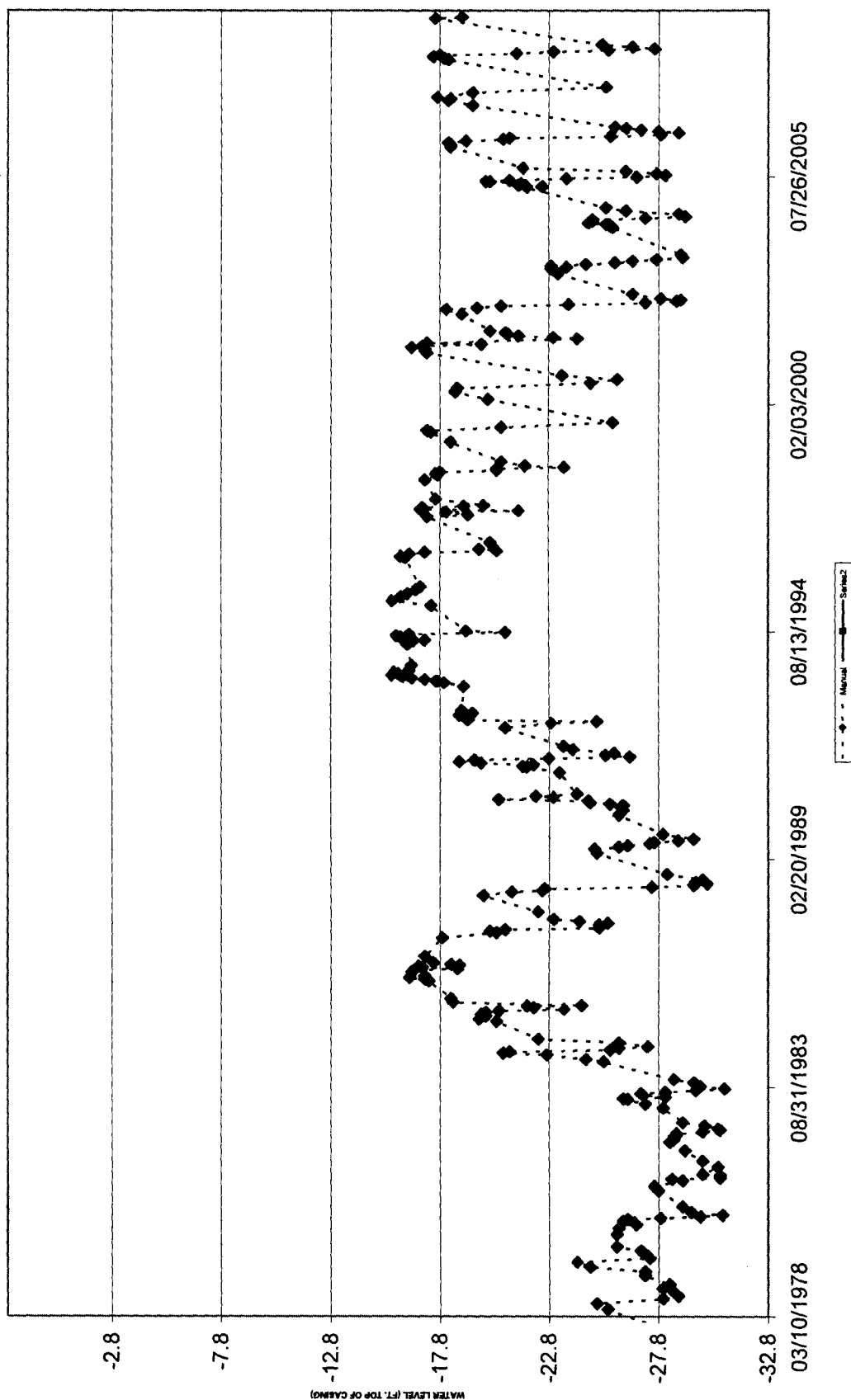


James A Goodman
Natural Resources Engineer

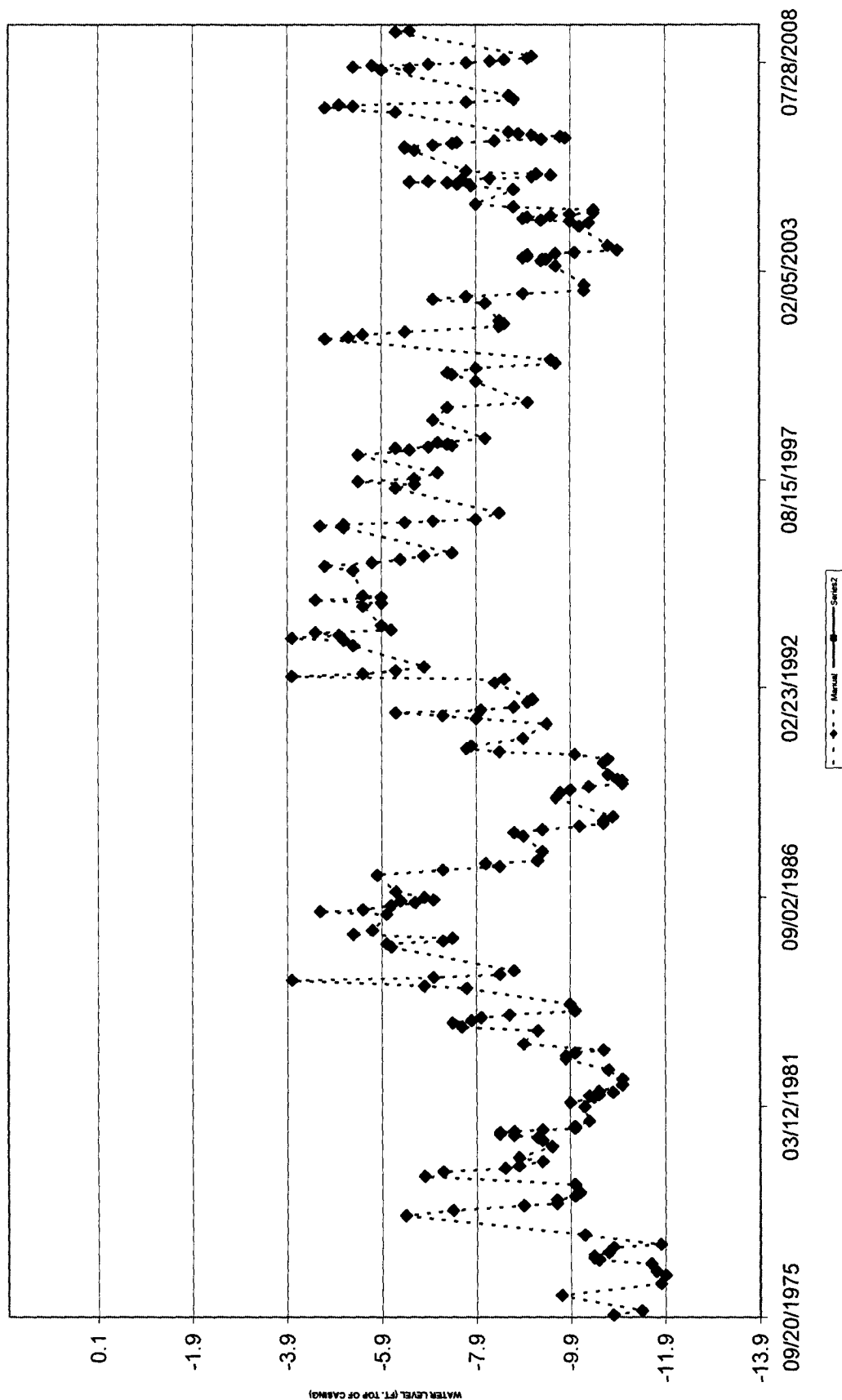
BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, Water-Resources Investigation Report 80-100, USGS, Huron, SD, 57350.
- Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, Water-Resources Investigation Report 84-4069, USGS, Huron, SD, 57350.
- Water Rights, 2008, Unpublished Observation Well Data for Hamlin County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HN-77A**



**WATER RIGHTS' OBSERVATION WELL
HN-71A**

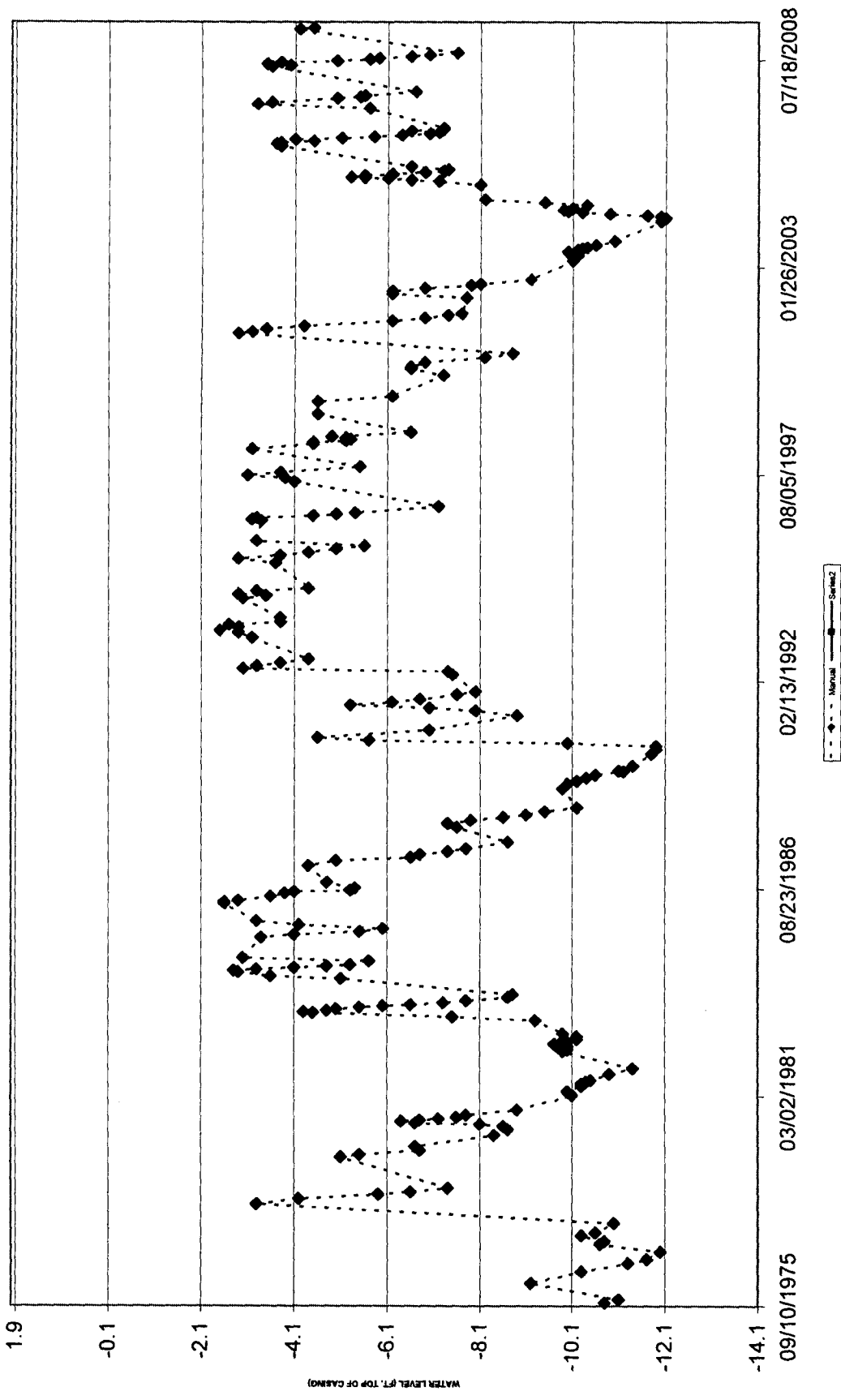


The graph displays two data series over time. The y-axis, labeled 'WATER LEVEL (FT. TOP OF CASING)', ranges from -12.8 to 1.2. The x-axis shows dates from 03/10/1978 to 07/26/2005. The 'Manual' series is represented by a dashed line with diamond markers, and 'Series2' is represented by a solid line with diamond markers. Both series show significant fluctuations, with Series2 generally higher than Manual.

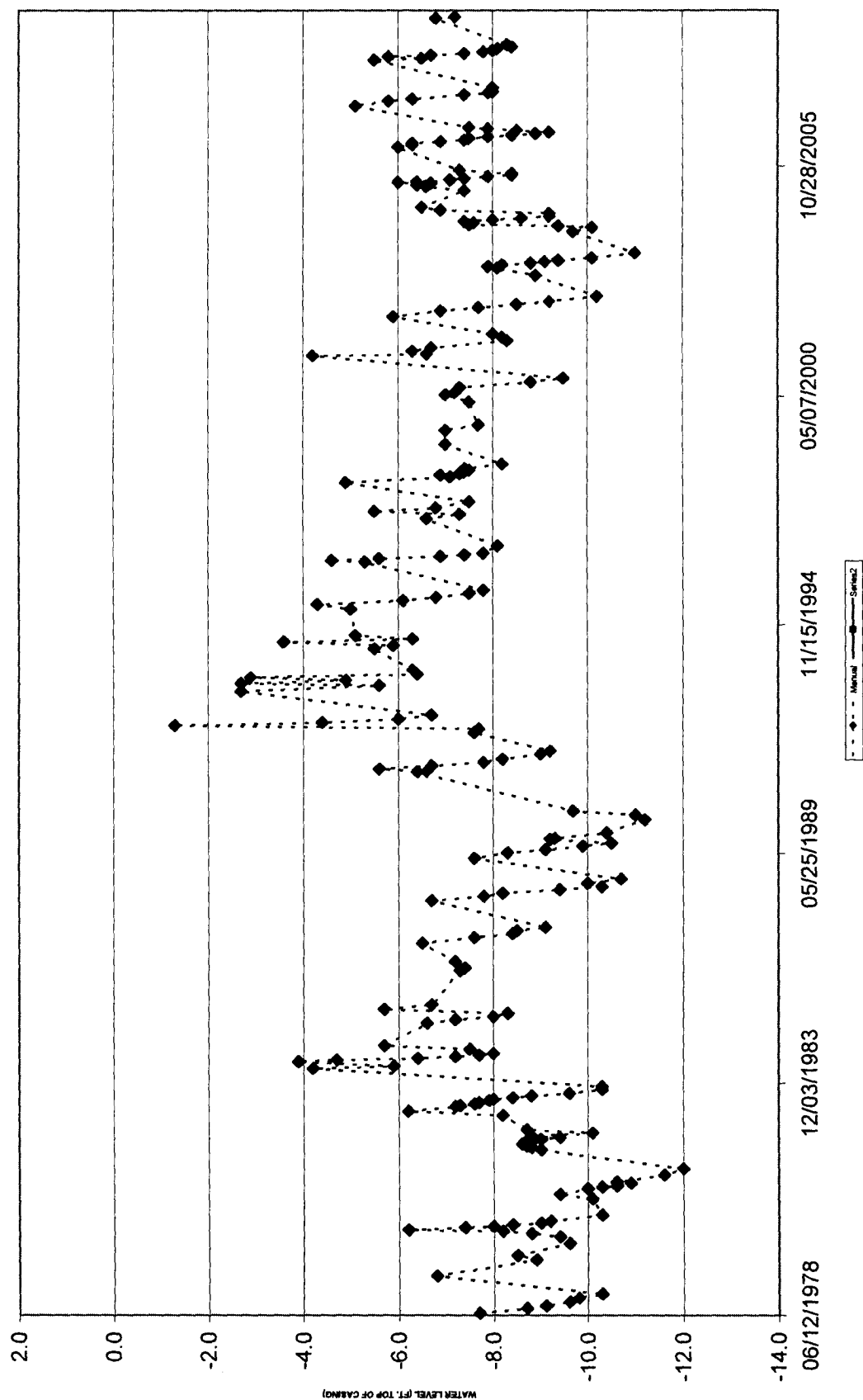
Date	Manual (ft. top of casing)	Series2 (ft. top of casing)
03/10/1978	-2.5	-2.5
08/31/1983	-4.5	-4.5
02/20/1989	-8.5	-8.5
08/13/1994	-3.5	-3.5
02/03/2000	-5.5	-5.5
07/26/2005	-7.5	-7.5

Series2

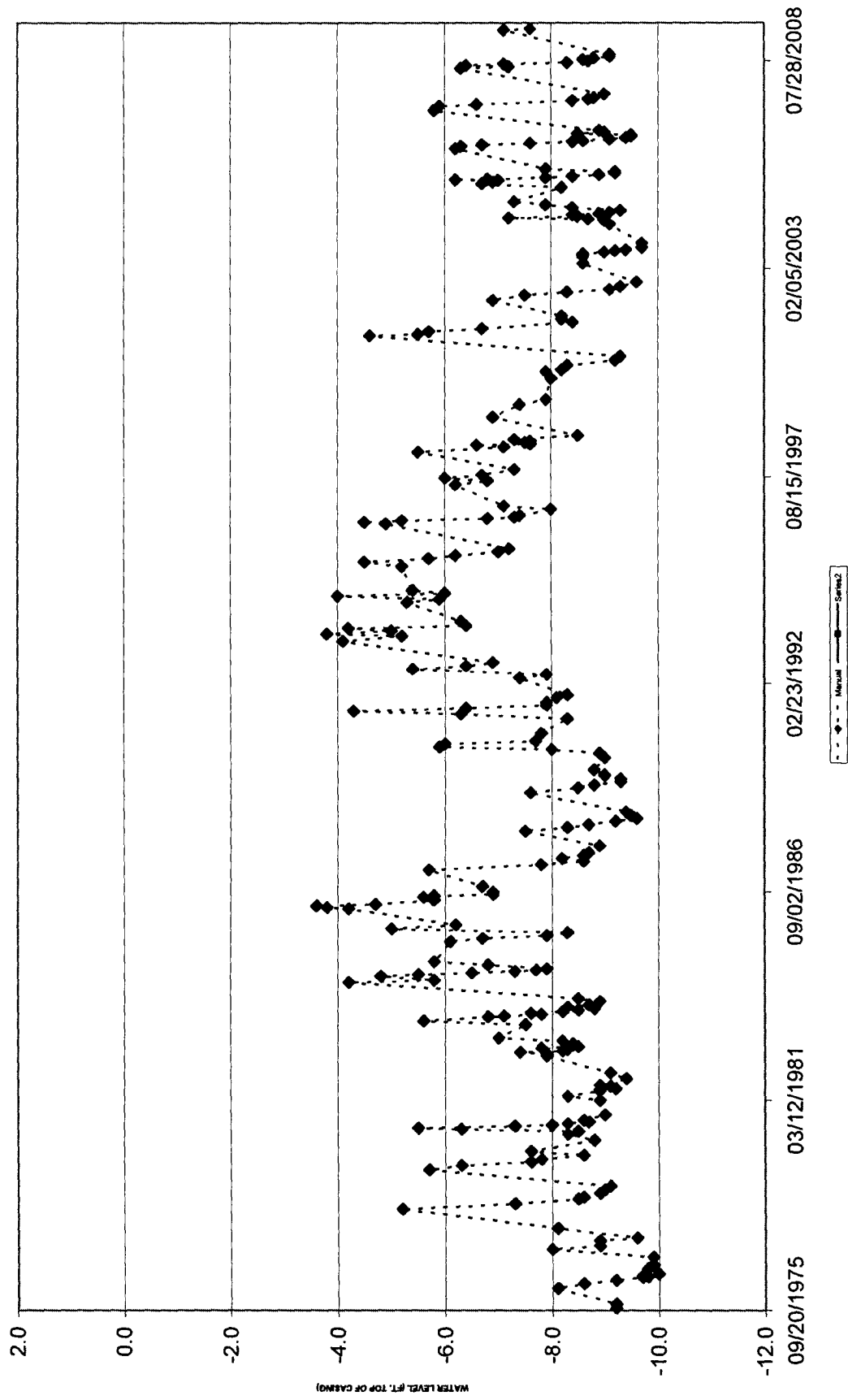
WATER RIGHTS' OBSERVATION WELL
HN-75B



**WATER RIGHTS' OBSERVATION WELL
HN-77J**



**WATER RIGHTS' OBSERVATION WELL
HN-75A**



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Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, Lee Anne Archer

certify that the attached printed Notice was
taken

from the Estelline Journal

printed and published in Estelline

County of Hamlin and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

July 22, 2009

July 29, 2009

Cost of Printing \$ 39.80

Lee Anne Archer
(Signature)

Owner
(Title)

7-29-09
(Date Signed)

NOTICE OF APPLICATION NO.
7135-3 TO APPROPRIATE WATER

Notice is given that Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one well to be completed into the Big Sioux-Brookings Aquifer (approximately 35 feet deep) located in E 1/2 SW 1/4 Section 22 to irrigate 80 acres located in the E 1/2 SW 1/4 Section 22; all in T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7135-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 10, 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.

Published July 22 and July 29 at a total approximate cost of \$39.80.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 14, 2009

Estelline Journal
PO Box 159
Estelline SD 57234

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7135-3 to Appropriate Water to be published twice. Please publish the first notice on July 22, 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 Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234. (Ph # 605-873-2257).

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. 7135-3

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

Date _____

We are in receipt of your letter of July 14, 2009 enclosing Notice to Appropriate Water by Application No. 7135-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 14, 2009

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

Water Permit Application No. 7135-3 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 Estelline Journal printed at Estelline SD (Ph # 605-873-2475). 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 July 22, 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. 7135-3 to Appropriate Water

Notice is given that Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (approximately 35 feet deep) located in E ½ SW ¼ Section 22 to irrigate 80 acres located in the E ½ SW ¼ Section 22; all in T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7135-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 10, 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.

Published twice at an approximate cost of _____.



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 14 2009

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

Enclosed is Water Permit No. 7135-3 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 25, 2010

7135-3

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

I am contacting you in regard to development of your water use system as authorized by Water Permit No. 7135-3. The permit, which was approved in August, 2009, authorizes irrigation of 80 acres in the E ½ SW ¼ Section 22, T113N, R51W.

In September, 2009, a staff member from our office conducted a field investigation of your project for licensing purposes. The field investigation found less acres and diversion rate had been developed than originally permitted.

Since the investigation was conducted prior to the five-year construction period, a ***"Notice of Completion of Works and Application of Water to Beneficial Use"*** form will need to be completed indicating you were actually done with the system. This will allow us to continue with the licensing process. If you feel you will be developing more land or diversion rate and want us to wait with licensing, please let us know.

If you are ready for licensing, please complete the enclosed form and return it to our office in the envelope provided.

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



**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: RUSSELL TESCH, 46350 SD HWY 28, ESTELLINE, SD 57234

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) 7135-3. 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) 7135-3 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) 7135-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

7135-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0690

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

Your item was delivered at 10:09 am on January 24, 2011 in ESTELLINE, SD 57234. The item was signed for by R TESCH.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 24, 2011, 10:09 am, ESTELLINE, SD 57234
- Notice Left, January 22, 2011, 10:35 am, ESTELLINE, SD 57234
- Out for Delivery, January 22, 2011, 8:15 am, ESTELLINE, SD 57234
- Sorting Complete, January 22, 2011, 8:05 am, ESTELLINE, SD 57234
- Arrival at Post Office, January 22, 2011, 7:42 am, ESTELLINE, SD 57234

Notification Options

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Get current event information or updates for your item sent to you or others by email.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0690	
RUSSELL TESCH 46350 SD HWY 28 ESTELLINE SD 57234	
Waiver of Signature ☐ YES ☐ NO	
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2011

7135-3

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 7135-3. 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".

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

Permit No. 7135-3
Sioux River - Water District

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

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

I have this day, **September 9, 2009** made a thorough examination of the water use system constructed by **Russell Tesch** of **46350 SD Hwy 28, Estelline, SD 57234** holder of Permit No. **7135-3**, bearing the priority of **May 1, 2009** authorizing the diversion of **0.89** cu. ft. per second of the waters of the **Big Sioux:Brookings Aquifer** for **Irrigation** purposes, in **Hamlin** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Kaiser Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **30** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **15** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic**
- 2) Length **10** feet
- 3) Static water level **4** feet

Pump:

- 1) Make **Mid-American**
- 2) Model **4-10MC-FM**
- 3) Capacity **350** GPM

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period New Permit, 1st Year of Use
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,344 feet north and 2,355 feet east of the SW corner of Section 22-T113N-R51W
(N 44.57658, W -96.93715) (~~NE 1/4~~ SW 1/4)

The works are capable of diverting and conveying to the place of use 0.78 cu. ft. per second of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 22-T113N-R51W

NE 1/4 SW 1/4 - 20 acres

SE 1/4 SW 1/4 - 30 acres

comprising a total of 50 acres of land and the license should be issued for 0.71cfs.

All structures, wells and lands on map Y

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

This permit was originally authorized to divert 0.89 cfs of water to irrigate 80 acres of land. At the time of the inspection for licensing of the permit, the system was capable of producing 0.78 cfs of water and approximately 50 acres were being irrigated. Since this amount of water exceeds the maximum amount of water allowed by SDCL 46-5-6 which states in part that: "the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres", this permit should only be licensed for the statutory limit for the 50 acres which is 0.71 cfs.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: May 20, 2010

Water Permit No. 7135-3

Russell Tesch
46350 SD Hwy 28
Estelline, SD 57234



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
November 16, 2009

0 425 850 1,700 2,550 3,400 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today

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

Date 9-9-09.

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

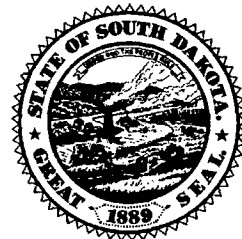
FROM:

Russell Tesch
(name)46350 S.D. HWY 28
(address)Estelline S.D. 57231 605-873-2257
(city, state, zip) (phone)

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

Water Permit No. 7135-3 states that the water use system is to be constructed byAug. 10. 2014 , and water is to be put to beneficial use by Aug 10. 2018 .
(date) (date)The water use system was completed on 9-9-09.
(date)Applying the water to beneficial use was completed on 9-15-09.
(date)

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



6-29-2012



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 10 2012

7135-3

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

Enclosed is Water License No. 7135-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7135-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7135-3**

(1) Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234 made Application No. 7135-3, May 1, 2009 for a water permit to divert 0.89 cubic feet of water per second from ground water – one well (Big Sioux Brookings aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 7135-3, with a priority date of May 1, 2009 was approved August 10, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 10, 2014 and for the application to beneficial use of said water on or before August 10, 2018.

(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 0.71 cubic feet of water per second for beneficial use. The location of the diversion point is 1,344 feet north and 2,355 feet east of the SW corner of Section 22, T113N, R51W (NE ¼ SW ¼).

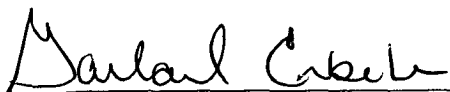
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 22, T113N, R51W	NE ¼ SW ¼	20 acres
	SE ¼ SW ¼	30 acres
	Total	50 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Russell Tesch, 46350 SD Hwy 28, Estelline SD 57234 the holder and/or owner of Water Right No. 7135-3 is issued a license to appropriate water, the right to use 0.71 cubic feet of water per second from ground water – one well (Big Sioux Brookings aquifer) with a priority date of May 1, 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. 7135-3 and subject to the following qualifications:

- The well shall be a minimum of 1,320 feet from the Big Sioux River.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7135-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

AUG 10 2012

date





7135-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: RUSSELL TESCH, 46350 SD HWY 28, ESTELLINE, SD 57234
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) 7135-3. 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) 7135-3 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) 7135-3 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.

7135-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2019

7135-3

Russell Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 7135-3. 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



**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: RUSSELL TESCH, 46350 SD HWY 28, ESTELLINE, SD 57234

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2594-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 7135-3 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) 7135-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2594-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 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 questionnaires 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: ZOKCVX**

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.

7135-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 22, 2022

2594-3
7135-3

Russ Tesch
46350 SD Hwy 28
Estelline SD 57234

Dear Mr. Tesch:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2594-3 and 7135-3. 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