

WATER PERMIT NO. 7254-3

Name of Applicant: Gary Block

Address: 14201 446th Ave, Waubay SD 57273 Phone: Day

Amount of Water Claimed: 1.11 Total Acres: 40

Source of Water Supply: Minnewasta Lake

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 4 miles north of Waubay

PRIORITY Date Received: 5-25-11

Application/License Fee: \$700

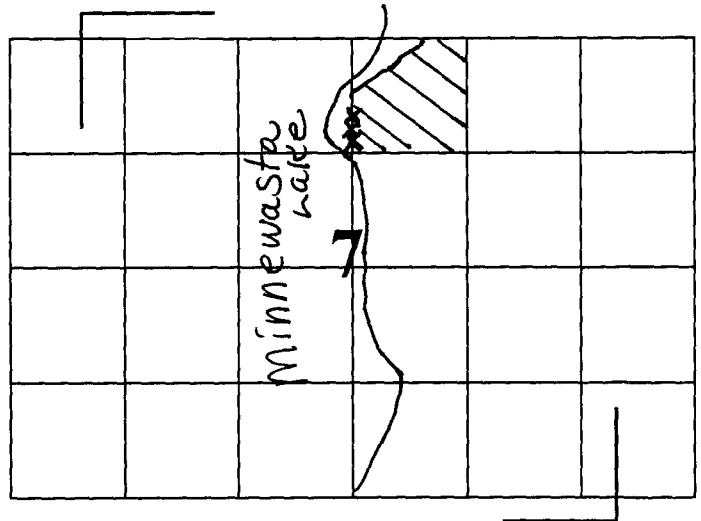
Corrected Application Received: 6-1-11

Period of Annual Use: July 1 – Sept 30

Remarks: Applicant is requesting a diversion rate greater than the 1 cfs per 70 acres

Diversion Point: NE ¼ NW ¼ Sec 7-T122N-R54W

Land to be Irrigated: NE ¼ NW ¼ Sec 7-T122N-R54W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Kelly ?, Day Co FSA

Reviewed and the Number Assigned on: 6-1-11

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E. Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7254-3</u>	(office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	
	Newspaper <u>Waubay Clipper PO Box 47</u>	
	<u>605-947-4501</u>	<u>57273</u>

RECEIVED

MAY 25 2011

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 Gary Block Phone 605-947-4247
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 14201 446th Ave Waubay SD 57273
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Minnewasta Lake

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

5. County or counties where water will be used Day

6. Annual period during which water is to be used July 1 - Sept. 30

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

Land Description	Acres	Land Description	Acres
NW40 - NE1/4 - 122N5W7	40		
NW1/4 NE1/4 Sec 7 T122N R54W			

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

Pump Water From Minnewasta Lake Small X North East To
An Area NE of There To irrigate AREA MARKED WITH LARGE X's

STATE OF SOUTH DAKOTA)
County of DAY) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, GARY BLOCK, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true.

Applicant's signature

Gary Block

Subscribed and sworn to before me this 20 day of MAY 20 11

Lincoln M. Walters

Notary Public, South Dakota
Day County
My Commission Expires
July 8, 2011

**SOUTH DAKOTA
WATER PERMIT NO. 7254-3**

Date of first receipt of application May 25, 2011.

Date of return to applicant for corrections, amendments or changes May 25, 2011.

Date of receipt of corrected application June 1, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7254-3 to Gary Block, 14201 446th 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. 7254-3 appropriates 1.11 cubic feet of water per second (cfs) from Minnewasta Lake located in the NE ¼ NW ¼ Section 7 for irrigation of 40 acres located in the NW ¼ NE ¼ Section 7; all in T122N-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: July 1 – September 30.
3. The date from which applicant may claim right is May 25, 2011.
4. The date of approval of Permit No. 7254-3 is October 11, 2011.
5. One-fifth of the construction is to be completed on or before April 11, 2014.
6. All construction is to be completed on or before October 11, 2016.
7. Water is to be put to beneficial use on or before October 11, 2020.
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 Vested Water Right Claim No. 634-3 for Minnewasta Lake. Permit No. 7254-3 does not authorize diversion of water from Minnewasta Lake when the lake is at an elevation of 1797.5 feet mean sea level or less.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7254-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 40 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The irrigation intake in Minnewasta Lake shall be constructed so that intake velocities at the intake point do not exceed 0.25 feet per second and the intake is screened with openings not larger than 0.25 inches.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 10 2012
date





United States Department of Agriculture Farm Service Agency



South Dakota
Day County

RECEIVED
MAY 25 2011

WATER RIGHTS
PROGRAM

Farm Number
1168

Township-Range-Section
122N54W7

Legend

- Restricted Use
- ▲ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- CLU Field Boundary
- Tract Boundary



1:8,058

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or affect actual ownership, rather it depicts the information provided directly from the producer and/or the 2008 orthorectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. 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.

May 05, 2009

WATER PERMIT APPLICATION NO. 7254-3

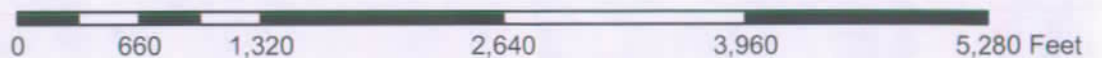
Gary Block
June 29, 2011



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program

SCALE



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/1, 20 11

RECEIVED OF G/Bee's Honey Farms Inc 14201 446th Ave Waubay SD 57273

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

Fee for Application for Permit No. <u>7254-3</u> to Appropriate Water, to construct and to put water to beneficial use	450	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>7254-3</u>	200	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	650 00

No. **04987**

By [Signature]
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/25, 20 11

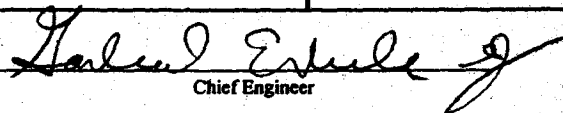
RECEIVED OF G/BEE'S Honey Farms G Block 14201 446th Ave Waubay SD 57273

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

Fee for Application for Permit No. <u>7254-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
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	50 00

No. **04981**

By


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

May 25, 2011

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications, the following is required.

- Enclosed are the aerial photo maps submitted with the applications. From your maps we have prepared aerial photo maps outlining the areas you propose to irrigate in green.
- On the map for irrigation from Bitter Lake, it appears the acreage proposed for irrigation is located in portions of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T121N-R54W and portions of the Section 28-T122N-R53W. The point of diversion from Bitter Lake would be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T121N-R54W. Do you agree with these locations?
- On the map for irrigation from Minnewasta Lake, it appears the acreage proposed for irrigation is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7-T122N-R54W. The point of diversion from Minnewasta Lake would be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7-T122N-R54W. Do you agree with these locations?
- Both maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local FSA or NRCS office).
- We have received the two checks for \$50.00 each. The application/license filing fee for each application will be \$700.00. (\$1400.00 total). Please submit an additional \$1300.00.
- 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 0.57 cfs or 257 gpm to irrigate 40 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 you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

May 31, 2011

RECEIVED

JUN - 1 2011

WATER RIGHTS
PROGRAM

Ms. Schlaak,

The application from Bitter Lake appears to be all in order. On Minnewasta Lake application, as per telephone conversation, diversion point needs to be changed from SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 7 to NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7. This point is marked by an X on your map, as this is all one body of water now. Regarding the amount of water claimed, I applied for more than normal rates, because of other than irrigation, one of my goals is to reduce the excess water in the lakes in this area, and I am unsure of which kind of irrigation system I am going to install, and how much for sure it will require. If you are not comfortable with this, please reduce it to 250 gallons per minute.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Block". The signature is stylized with a large, sweeping initial "G" and a cursive "Block".

Gary Block

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Gary Block** File No. **7254-3**
Address: County: Day
Date: **July 25, 2011** Telephone: **605.265.0775**
RE: **Diversion point for WR Application 7254-3**

Comments:

Two maps were sent in with two different diversion points. I spoke with Gary Block and he indicated that he would use the diversion point on Minnewasta Lake instead of the one on Dahling Slough. Much of Dahling Slough is located on the Waubay Wildlife Refuge and the south portion is located on a GPA.

A handwritten signature in black ink, reading "Lynn Beck". The signature is written in a cursive, flowing style.

Lynn Beck
Natural Resources 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

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

August 16, 2011

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

Water Permit Application Nos. 7254-3 and 7255-3 for irrigation use have 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 application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 15, 2011

Waubay Clipper
PO Box 47
Waubay SD 57273

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7254-3 & 7255-3 to Appropriate Water to be published twice. Please publish the first notice on August 27, 2011 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 Gary Block, 14201 446th Ave., Waubay SD 57273 (Ph # 605-947-4247).

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-----

Nos. 7254-3 & 7255-3

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

Date _____

We are in receipt of your letter of August 16, 2011 enclosing Notice to Appropriate Water by Application Nos. 7254-3 & 7255-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 27, 2011 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 NOS. 7254-3 and 7255-3 to Appropriate Water

Notice is given that Gary Block, 14201 446th Ave, Waubay SD 57273 has filed the following applications for a water permit.

Application No. 7254-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from Minnewasta Lake located in the NE ¼ NW ¼ Section 7 for irrigation of 40 acres located in the NW ¼ NE ¼ Section 7; all in T122N-R54W.

Application No. 7255-3 proposes to appropriate 1.11 cfs from Bitter Lake located in the NE ¼ SE ¼ Section 3-T121N-R54W to irrigate 40 acres located in the NE ¼, NE ¼ SE ¼ Section 3-T121N-R54W and portions of Section 28-T122N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7254-3 and 7255-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 September 13, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published twice at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 13, 2011 9:36 AM
To: 'clpjoint@abe.midco.net'
Subject: Affidavit request

Please send me the affidavit for the "Notice of Application Nos. 7254-3 and 7255-3 to Appropriate Water". The notice should have run August 27 and September 3. The bill goes to Gary Block, but we need an affidavit for our records.

I have tried unsuccessfully to call several times. If you have any questions, please contact me.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

RECEIVED

SEP 15 2011

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Day) SS

I, Linda M. Walters

certify that the attached printed Notice was
taken

from the Sept. 3 - 2011

Waubay Clipped

printed and published in Waubay

County of Day and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

8-27-2011

9-3-2011

Cost of Printing \$55⁴⁴

Linda M. Walters

(Signature)

Editor

(Title)

Sept 13 - 2011

(Date Signed)

PUBLIC NOTICES

PLEASE SEE PAGE 10 OF 10

**Notice of
Application
Nos. 7254-3 and
7255-3 to
Appropriate
Water**

NOTICE IS HEREBY
GIVEN that Gary Block, 14201
446th Ave., Waubay, SD. 57273
has filed the following applica-

tions for a water permit.

Application No. 7255-3 pro-
poses to appropriate 1.11 cfs
from Bitter Lake located in the
NE 1/4 SE 1/4 Section 3-T121N-
R54W to irrigate 40 acres locat-
ed in the NE 1/4 NE 1/4 SE 1/4
Section 3-T121N-R54W and
portions of Section 28-T122N-
R53W. The applicant is request-
ing a diversion rate greater than
the statutory limit of 1 cfs per 70
acres.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recommends
APPROVAL of Application
Nos. 7254-3 and 7255-3
because:

1. unappropriated water is available;
2. existing rights will not be unlawfully impaired;
3. it is a beneficial use of water;
4. it is in the public interest.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be

scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 September 13, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

**STEVEN M. PIRNER,
SECRETARY,
DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES**

(Publish Aug. 27 & Sept. 3, 2011)
Published two times at a total
approximate cost of \$55.44.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, September 16, 2011 9:53 AM
To: 'Waubay Clipper'
Subject: RE: Affidavit request
Attachments: 7254-3&7255-3notice.doc

We received the affidavit for the Notice of Application Nos. 7254-3 and 7255-3, Gary Block. Review of the notice found the second paragraph was omitted from the publication. Therefore, the notice needs to be readvertised for two weeks. I have attached the pdf file. Paper copy is being mailed today. It is important that the first publication be faxed or mailed to me to proof prior to second publication.

If you have questions, please contact me.
Karen

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

From: Waubay Clipper [<mailto:clpjoint@abe.midco.net>]
Sent: Tuesday, September 13, 2011 1:21 PM
To: Schlaak, Karen
Subject: Re: Affidavit request

Karen: We will forward you a copy of the affidavit. I thought that had already been done. Thank you for contacting me.
Linda

At 09:35 AM 9/13/2011, you wrote:

>Please send me the affidavit for the "Notice of Application Nos.
>7254-3 and 7255-3 to Appropriate Water". The notice should have run
>August 27 and September 3. The bill goes to Gary Block, but we need an
>affidavit for our records.

>

>I have tried unsuccessfully to call several times. If you have any
>questions, please contact me.

>

>

>Karen Schlaak
>Water Rights Program
>Phone: 605 773-3352
>Fax: 605 773-4068

>

>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 16, 2011

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

The Notice for Water Permit Application Nos. 7254-3 and 7255-3 was published with an error. The second paragraph describing Application No. 7254-3 was omitted from the notice by the newspaper. Therefore, the notice needs to be readvertised to include the information regarding Application No. 7254-3. The notice has been sent to the Waubay Clipper to be published again on September 24th and October 1st. Enclosed is a copy of the notice.

Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 16, 2011

Waubay Clipper
PO Box 47
Waubay SD 57273

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7254-3 & 7255-3 to Appropriate Water to be published twice. Please publish the first notice on September 24, 2011 with the second publication 7 days later. *The text of the notice has been e-mailed to your paper.*

This Notice was originally published August 27 and September 3, 2011 in your paper. The second paragraph was omitted from the publication. Therefore, the notice needs to be readvertised to include the paragraph.

It is important to 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.**

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Nos. 7254-3 & 7255-3

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

Date _____

We are in receipt of your letter of September 16, 2011 enclosing Notice to Appropriate Water by Application Nos. 7254-3 & 7255-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF APPLICATION NOS. 7254-3 and 7255-3 to Appropriate Water

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Application No. 7254-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from Minnewasta Lake located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7 for irrigation of 40 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7; all in T122N-R54W.

Application No. 7255-3 proposes to appropriate 1.11 cfs from Bitter Lake located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T121N-R54W to irrigate 40 acres located in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T121N-R54W and portions of Section 28-T122N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7254-3 and 7255-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 October 11, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

Published twice at the total approximate cost of _____.

RECEIVED

OCT - 4 2011

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Day) SS

I, Lonia M. Walters

certify that the attached printed Notice was taken

from the Waubay Clipper

printed and published in Waubay

County of Day and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Sept 24-2011

Oct. 1-2011

Cost of Printing \$7.22

Lonia M. Walters
(Signature)

Editor
(Title)

October 1, 2011
(Date Signed)

NOTICE OF
APPLICATION
NOS. 7254-3 and
7255-3

to Appropriate
Water

Notice is given that Gary Block, 14201 446th Ave, Waubay SD 57273 has filed the following applications for a water permit.

Application No. 7254-3 proposes to appropriate 1.11 cubic feet of water per second (cfs) from Minnewasta Lake located in the NE 1/4 NW 1/4 Section 7 for irrigation of 40 acres located in the NW 1/4 NE 1/4 Section 7; all in T122N-R54W.

Application No. 7255-3 proposes to appropriate 1.11 cfs from Bitter Lake located in the NE 1/4 SE 1/4 Section 3-T121N-R54W to irrigate 40 acres located in the NE 1/4, NE 1/4 SE 1/4 Section 3-T121N-R54W and portions of Section 28-T122N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7254-3 and 7255-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 October 11, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

STEVEN M. PIRNER,
SECRETARY,
DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES

(Publish Sept. 24 & Oct. 1, 2011)
Published twice at the total
approximate cost of \$57.22.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7254-3, Gary Block**

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. 7254-3, Gary Block 14201 446th Avenue, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 7254-3 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 Vested Water Right Claim No. 634-3 for Minnewasta Lake. Permit No. 7254-3 does not authorize diversion of water from Minnewasta Lake when the lake is at an elevation of 1797.5 feet mean sea level or less.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7254-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 40 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The irrigation intake in Minnewasta Lake shall be constructed so that intake velocities at the intake point does not exceed 0.25 feet per second and the intake is screened with openings not larger than 0.25 inches.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 15, 2011

REPORT ON WATER PERMIT APPLICATION NO. 7254-3

Gary Block
July 25, 2011

Gary Block has filed Water Permit Application No. 7254-3 to appropriate 1.11 cubic feet of water per second (cfs) from Minnewasta Lake to irrigate 40 acres of land.

PROPOSED PROJECT

Water Application No. 7254-3 is located two miles west and four miles north of the town of Waubay, SD in Day County. This project proposes to divert 1.11 cfs from a point on Minnewasta Lake located in the NE¼ NW¼ Section 7-T122N-R54W. The annual period of use requested is from July 1 through September 30. The 40 acres of land to be irrigated are located in the NW¼ NE¼ Section 7-T122N-R54W.

DISCUSSION

Minnewasta Lake is a flat-bottomed natural lake of glacial origin. The lake has a surface area of 1,056 acres and a depth of 18' at the outlet elevation. Before spilling, Minnewasta Lake encompasses Sunnybrook Slough to the south. This small sub-basin spills south to Rush Lake at an elevation of 1799 fmsl.

Minnewasta has experienced increasing water levels since 1983, when the Department of Environment and Natural Resources began measuring the lake. In the fall of 1983, Minnewasta Lake water level was 1792.2 feet mean sea level (fmsl) and in the spring of 2011, the lake was at an elevation of 1805.6 fmsl, a new record for the period of record. The majority of the 13.4' increase occurred from 1991 to present.

Though Minnewasta Lake has experienced a dramatic increase in water level over the last 20 years it is subject to large fluctuations over time. For this reason the lake is not a reliable source of water.

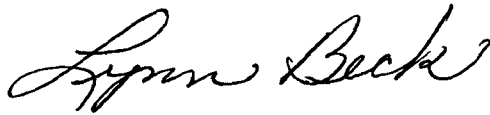
Pursuant to SDCL 46-5-6, the applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The request is based on type of irrigation system and soil type. SDCL 46-5-6 allows for greater than the statutory limit due to time constraints, method of irrigation or soil type up to an annual volume of 3 acre-feet per acre. The statutory limit would provide up to 120 acre feet. At the spill elevation the statutory limit of 120 acre feet would amount to 1.36 inches on Minnewasta Lake.

EXISTING WATER RIGHTS

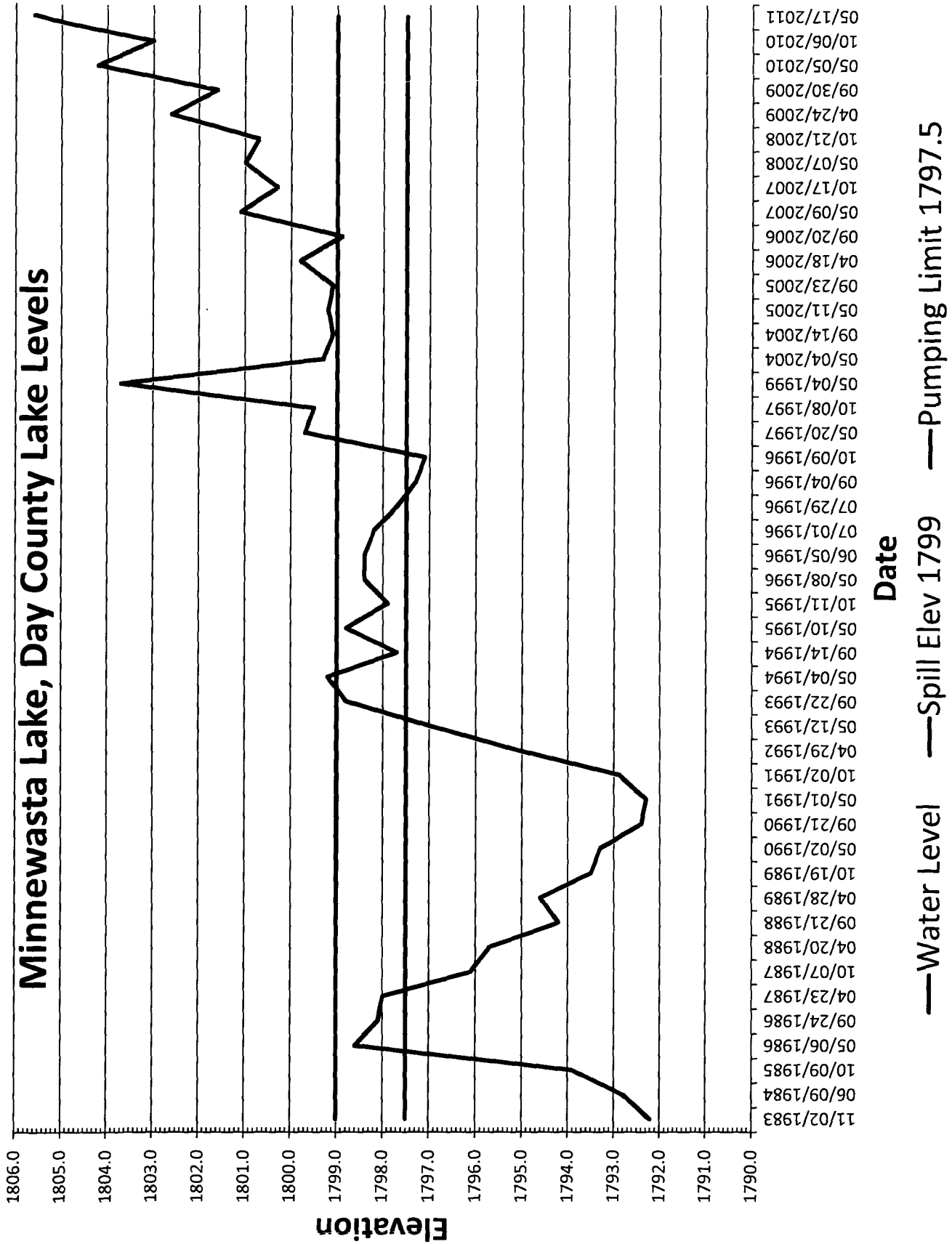
There is one existing water right for Minnewasta Lake held by the Department of Game, Fish, and Parks. Vested Water Right Claim 634-3 appropriates sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the Ordinary High Water Mark, whichever is less, for recreational purposes. Minnewasta Lake connects to Rush Lake at an elevation of 1799 fmsl. In order to protect Game, Fish, and Parks vested water right claim for water in Minnewasta Lake, pumping should cease when the lake water level is more than 1.5' below the spill elevation or below 1797.5 fmsl.

CONCLUSIONS

1. Water Application No. 7254-3 proposes to appropriate 1.11 cubic feet per second of water from Minnewasta Lake to irrigate 40 acres of land.
2. The applicant is asking for a diversion rate greater than the statutory limit, pursuant to SDCL 46-5-6, due to irrigation method and soil type.
3. Though water is available, Minnewasta Lake should not be considered a reliable water source over time.
4. If approved this permit should include the qualification that diversion can not take place if the water in Minnewasta Lake is below 1797.5 fmsl.
5. If approved, with qualifications, this permit should not impair existing water rights.



Lynn Beck
Natural Resources Engineer
DENR – Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 10 2012

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

Enclosed are Water Permit Nos. 7254-3 & 7255-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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



7254-3
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 24, 2013

NOTICE

TO: GARY BLOCK, 14201 446TH 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) 7254-3 & 7255-3. 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) 7254-3 & 7255-3 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) 7254-3 & 7255-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2013

7254-3
7255-3

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

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

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit Nos. 7254-3 and 7255-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



7254-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: GARY BLOCK, 14201 446TH 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) 7254-3 & 7255-3. 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) 7254-3 & 7255-3 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) 7254-3 & 7255-3 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 geny.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

February 3, 2016

7254-3
7255-3

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

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. 7254-3 and 7255-3. 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



7254-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 25, 2019

NOTICE

TO: GARY BLOCK, 14201 446TH 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) 7254-3 & 7255-3. 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) 7254-3 & 7255-3 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) 7254-3 & 7255-3 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.

7254-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 2019

7254-3
7255-3

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

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. 7254-3 and 7255-3. 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, which appears to read "Genny McMath". The signature is fluid and cursive.

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: GARY BLOCK, 14201 446TH 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) 7254-3 & 7255-3. 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) 7254-3 & 7255-3 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) 7254-3 & 7255-3 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: LVIUQP**

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.

7254-3



DENR
SOUTH DAKOTA

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

February 10, 2021

7254-3

7255-3

Gary Block
14201 446th Ave
Waubay SD 57273

Dear Mr. Block:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit Nos. 7254-3 and 7255-3. 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, appearing to read "Genny McMath".

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

**File No. 7254-3
& 7255-3**

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Gary Block; 14201 446th Ave, Waubay SD 57273

DATE: 09/27/2023

TELEPHONE: 605.265.0775

RE: CRP

COMMENTS:

During field inspections conducted by Darrel DeBoer, Gary Block had informed him that as of 2023, the land authorized for irrigation under Permit Nos. 7254-3 & 7255-3 had been entered in a 10 year CRP program.

I've tried twice to call Mr. Block and confirm his CRP enrollment, but my voicemails have not been returned.

As of 10/10/2023 the Permits have been checked as CRP and Irrigation Questionnaires will be paused until 2033 or contact is made with Mr. Block.



Amanda Dewell
Water Rights Program

File No. 7254-3
& 7255-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Gary Block; 14201 446th Ave, Waubay SD 57273

DATE: 10/23/2023

TELEPHONE: 605.265.0775

RE: CRP

COMMENTS:

Gary called me on Oct 23, 2023 to confirm that both of his permits would be enrolled in a 10year CRP program. No irrigation questionnaires will be sent for the 2023 irrigation season. Will follow up in 2033 to check CRP/ownership status.



Amanda Dewell
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7254-3

I have this day, September 27, 2023, made a thorough examination of the water use system constructed by Gary Block, 14201 446th Ave, Waubay, SD 57273 same and current address of Permit No. 7254-3, bearing the priority of May 25, 2011 authorizing the diversion of 1.11 cu. ft. per second of the waters of Minnewasta Lake for irrigation purposes, in Day County.

A. Works used to divert the water:

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

- 1) Type Aluminum 2) Size 6 inches 3) Length Unknown feet

Comments: Probably only about 200 feet according to Mr. Block

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
2) Overall length 790 feet
3) Number of towers 4
4) End gun Y
5) Capacity 300 GPM (Reported in 2017 IQ)

Chemigation Equipment:

- 1) Does chemigate N

D. 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 Y

List any extended period of nonuse: 2016 was the first year of irrigation and 2017 was the second year. No irrigation has been reported in the IQ's for the years 2018 – 2022.

- 3) Exceptions to compliance are: describe

E. Condition and Location:

1. The system is in poor, good, etc condition with the point(s) of diversion located as follows: legal description (feet from section corner, lat/long, quarter quarter).
2. The works are capable of diverting and conveying to the place of use x.xx cu. ft. per second 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 7 T122N R54W

NW NE – 28 acres

legal description/acreage

comprising a total of 28 acres of land and the license should be issued for 0.40 cfs.

3. All structures, wells and lands on map N

If no, describe: **Only irrigated land**

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

This permit represents a unique situation as there was irrigation in only 2 of the past 7 years. FSA maps show wheel tracks in the field during those 2 years.

A working center pivot is in the field, but no pumping facilities were to be seen during the 2023 field visit.

The 28-acre field was not planted this spring and the whole field is currently in volunteer weeds. According to Mr. Block, the land was enrolled in a 10-year CRP program beginning in 2023. He could not find someone (probably the Day Conservation District) to plant the grass for him this summer which is the reason for the good weed crop.

The mailing address on the permit materials is current. The phone number for Gary is 605/265-0775 (cell) and 605/947-4247 (home).

I talked to Mr. Block on October 6, 2023 regarding the Permit. Does not always answer his phone.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: October 6, 2023

