

**WATER PERMIT NO. 7355-3**

Name of Applicant: Lee Friesen

Address: 42553 US Hwy 18, Olivet SD 57052 Phone: 605 387-5770

Amount of Water Claimed: 2.34 cfs Total Acres: 164

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Hutchinson

Type of Waste Disposal System:

Location: ½ west of Olivet

PRIORITY Date Received: 4-26-12 Application/License Fee: \$ 1,050.00

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: SW ¼ SW ¼ Sec 3-T97N-R58W

Land to be Irrigated: SW 1/4, W ½ SE ¼ Sec 3-T97N-R58W

Depth of Well: 180 feet deep

Well Driller: Christensen Well & Irrigation

Remarks:

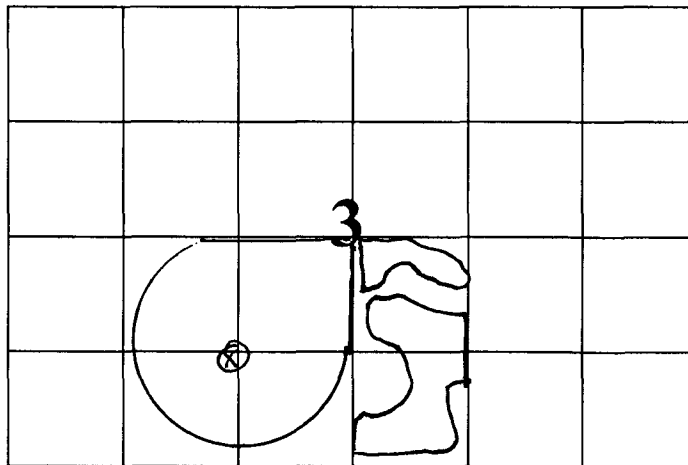
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 4-26-12

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_



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

|                                                                                                                 |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7355-3</u> (office use only)<br>Hydrologic Unit <u>10160014</u>                  |
|                                                                                                                 | Basin <u>James River</u>                                                                |
|                                                                                                                 | Newspaper <u>Hutchinson Herald PO Box 506</u><br><u>605-387-5158</u> <u>Menne 52045</u> |
|                                                                                                                 |                                                                                         |

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APR 26 2012  
WATER RIGHTS  
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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 Lee Friesen Phone 387-5770

(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address 42553 US Hwy 18 Olivet SD 57052  
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 2.34 \*CFS or 1050 \*\*GPM \*\*\*AF Total Acreage 164  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hutchinson  
SW 1/4 SW 1/4 Section 3, T97N, R58W

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used May 1 - September 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 | SE 1/4 | Land Description          | Acres |
|-------------------------------------|-------|--------|---------------------------|-------|
| NW 1/4 SW 1/4 Section 3, T97N, R58W | 35    | NW 1/4 | Section 3, T97N, R58W     | 20    |
| SW 1/4 SW 1/4 Section 3, T97N, R58W | 25    | SW 1/4 | 1/4 Section 3, T97N, R58W | 22    |
| SE 1/4 SW 1/4 Section 3, T97N, R58W | 25    | SE     |                           |       |
| NE 1/4 SW 1/4 Section 3, T97N, R58W | 37    |        |                           |       |

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

Water will be pumped from well at approximate pivot center. Water may also be pumped to various parcels of land where center pivot irrigation is not feasible

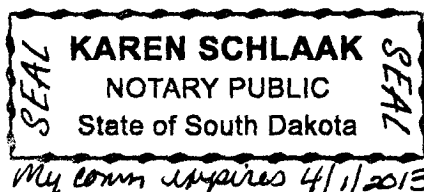
STATE OF SOUTH DAKOTA )  
County of Hughes ) SS

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, Lee Friesen, 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 Lee Friesen

Subscribed and sworn to before me this 26<sup>th</sup> day of April 20 12



Karen Schlaak  
Notary Public signature

**SOUTH DAKOTA  
WATER PERMIT NO. 7355-3**

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Date of first receipt of application April 26, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7355-3 to Lee Friesen, 42553 US Hwy 18, Olivet SD 57052 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. 7355-3 appropriates 2.34 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (180 feet deep) located in SW 1/4 SW 1/4 Section 3 for irrigation of 164 acres located in the SW 1/4, W 1/2 SE 1/4 Section 3; all in T97N-R58W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 26, 2012.
4. The date of approval of Permit No. 7355-3 is July 16, 2012.
5. One-fifth of the construction is to be completed on or before January 16, 2015.
6. All construction is to be completed on or before July 16, 2017.
7. Water is to be put to beneficial use on or before July 16, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7355-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

SEP 14 2012  
date



## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 180'
- b) Casing Type PVC Diameter 16" Thickness .6/16
- c) Screen Type PVC Diameter 16" Thickness .6/16
- d) Gravel Pack armor coat Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:
- On applicant's property 1600' On property owned by others \_\_\_\_\_

### 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

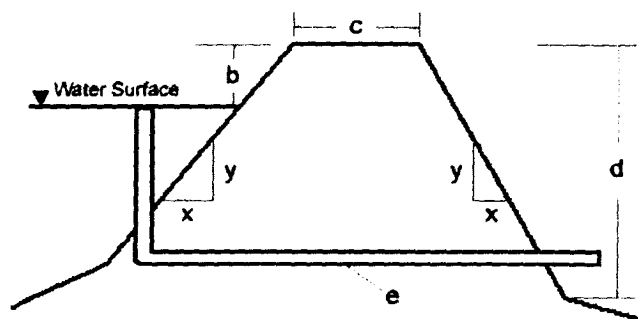
### 3. Dugout Information

- 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 (e.g. 3 to 1 is a typical slope)  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

WATER PERMIT APPLICATION FOR LEE FRIESEN



1,250 625 0 1,250 Feet



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*Eric Gronlund*

Eric Gronlund  
Water Rights Program, DENR  
based on representation by Mr. Friesen



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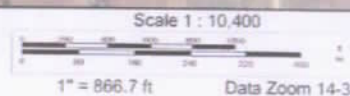
www.delorme.com



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**WATER RIGHTS  
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County Hutchinson

|                     |      |
|---------------------|------|
| STATIC WATER LEVEL  | 80'  |
| PUMPING WATER LEVEL |      |
| SCREEN LENGTH       |      |
| SLOT SIZE           |      |
| TOTAL DEPTH         | 180' |

GPS:

**RECEIPT**  
**WATER RIGHTS PROGRAM**  
South Dakota Department of Environment and Natural Resources

Date 4/27, 20 12

RECEIVED OF Lee J Friesen PO Box 44 Oliver SD 57045

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

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>7355-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850   | 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>7355-3</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 | 1050 00 |

No. **05428**

By Harold Ebele  
Chief Engineer

11/5



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7355-3, Lee Friesen**

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. 7355-3, Lee Friesen, 42552 US Hwy 18, Olivet SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 7355-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7355 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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  
June 18, 2012

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO.7355-3  
LEE FRIESEN  
JUNE 6, 2012

Water Permit Application No. 7355-3 proposes to appropriate 2.34 cubic feet of water per second from one well that is to be completed into the Lower James -Missouri aquifer. The well will be approximately 180 feet deep and located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, T97N-R58W. The water is to be used to irrigate 164 acres located in the SW $\frac{1}{4}$ , and the S $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 3, T97N-R58W.

**AQUIFER:** Lower James-Missouri (LJM)

**GENERAL:**

The Lower James-Missouri aquifer is a glacial outwash deposit consisting of fine sand to cobble gravel with a depth to the top of the aquifer ranging from land surface to 245 feet below land surface. Hedges and others (1982) estimated that the Lower James-Missouri aquifer underlies approximately 93,800 acres of Hutchinson County and contains an estimated 633,150 acre-feet of recoverable water in storage in the county. More recent studies have refined the extent of the aquifer and estimated the aquifer underlies about 268 square miles (171,520 acres) of the county (Lindgren and Hansen, 1990), (see figure 1).

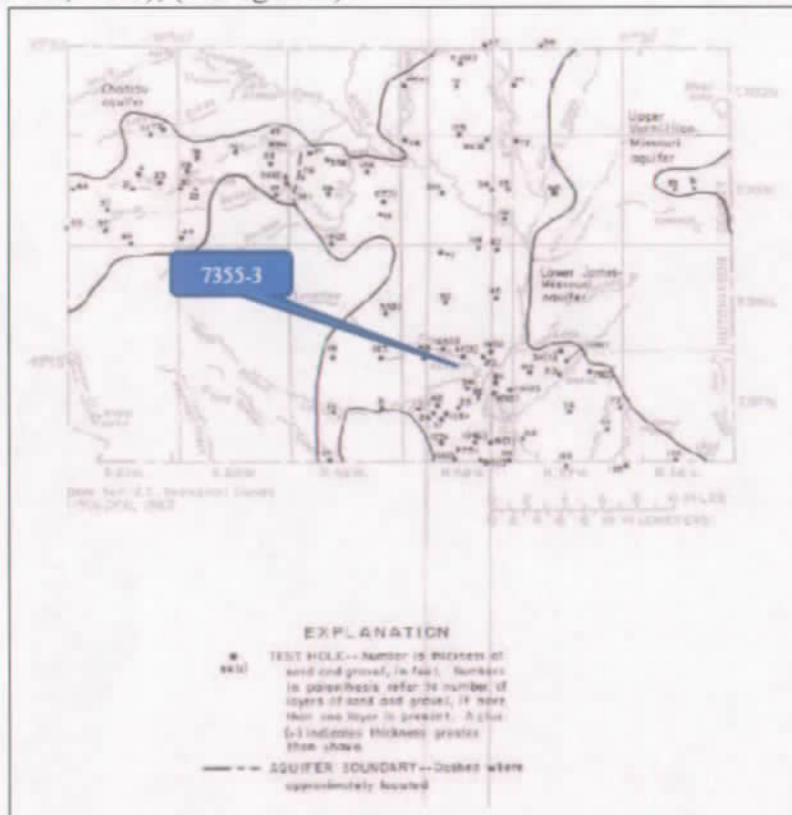


Figure 1. Extent of the Lower James-Missouri aquifer in Hutchinson County and the site of this application (modified from Lindgren and Hansen, 1990)

The aquifer extends north into Hanson County, south into Yankton County and blends into the Choteau aquifer to the west. The Lower James-Missouri aquifer is generally under confined conditions in Hutchinson County to the east of the James River valley and near its western boundary and generally under unconfined conditions throughout the rest of the county (Lindgren and Hansen, 1990). The aquifer is expected to be under unconfined conditions in this area. The Lower James-Missouri aquifer is hydraulically connected to the James River and the direction of water movement in the aquifer is toward the river. Irrigation wells completed into the Lower James-Missouri aquifer in this area have yields as high as 1,200 gallons per minute and specific capacities of six of the nearest irrigation wells completed into the Lower James- Missouri aquifer range from approximately 30-160 gallons per minute per foot of drawdown.

The test hole log submitted with the application identifies sand and gravel between 77-95 feet below grade and coarse and very coarse gravel between 145-180 feet below grade. There is 50 feet of clay reported between the 95-145 feet below grade. Well and test hole information for the area suggests that the upper and lower sand and gravel units encountered in this test hole are both parts of the Lower James-Missouri aquifer. The static water level of a well completed into the Lower James-Missouri aquifer is expected to be approximately 80 feet below ground surface in this area (Lindgren and Hansen, 1990).

#### **SDCL 46-2A-9**

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

#### **WATER AVAILABILITY:**

This application proposes to appropriate 328 acre-feet annually from the Lower James-Missouri aquifer although the amount of water that will actually be used is less than 328 acre-feet per year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

#### **Recharge versus Withdrawals:**

##### **Recharge:**

Recharge to the Lower James-Missouri aquifer in Hutchinson County is through: (1) direct infiltration of precipitation where the outwash is at or near land surface, (2) upward leakage from the Sioux Quartzite and Dakota aquifers, (3) inflow from the Choteau aquifer and the Niobrara aquifer, and (4) subsurface inflow from the Lower James-Missouri aquifer in Hanson County. The only of these components that has been quantified is the amount of subsurface inflow from Hanson County has been estimated to be about 4,600 acre-feet annually (Lingren and Hansen, 1990).

The average annual recharge for the Lower James-Missouri aquifer was estimated to be 1.50 inches per year based on regional flow-net analysis (Hedges and others, 1985). This equates to over 21,000 acre-feet annually for Hutchinson County.

**Withdrawals:**

Withdrawals or discharge from the Lower James-Missouri aquifer in Hutchinson County are through: (1) seepage to the James River, (2) evapotranspiration where the aquifer is at or near land surface, (3) groundwater outflow to Yankton County, and (4) well withdrawals.

The DENR-Water Rights Program has record of a number of domestic wells in this area that are completed into the Lower James-Missouri aquifer (Water Rights, 212c), and there are currently a total of 30 Water Rights/Permits appropriating water from the Lower James-Missouri aquifer in Hutchinson County. All of the appropriations are for irrigation use except Water Permit No. 6320-3, Wolf Creek Colony and Water Permit No. 6925-3, Tschetter Colony which are for concentrated animal feeding operations.

A summary of irrigation from the Lower James-Missouri aquifer is shown in table 1.

| Year | LJM Total   |                          |                   | LJM Hutchinson County |                          |                   |
|------|-------------|--------------------------|-------------------|-----------------------|--------------------------|-------------------|
|      | No. of Pmts | Appropriation (ac-ft/yr) | Pumped (ac-ft/yr) | No. of Pmts           | Appropriation (ac-ft/yr) | Pumped (ac-ft/yr) |
| 2010 | 85          | 25751.1                  | 665.37            | 27                    | 7559                     | 59.81             |
| 2009 | 84          | 25451.1                  | 1463.27           | 27                    | 7559                     | 414.92            |
| 2008 | 79          | 23891.7                  | 4494.03           | 27                    | 7559                     | 1338.59           |
| 2007 | 56          | 17477.7                  | 3425.91           | 22                    | 6383                     | 997.2             |
| 2006 | 50          | 15627.1                  | 3630.92           | 19                    | 5423                     | 1345.77           |
| 2005 | 48          | 14749.1                  | 2866.63           | 17                    | 4479                     | 1021.3            |
| 2004 | 47          | 14525.1                  | 2886.65           | 17                    | 4479                     | 1252.26           |
| 2003 | 53          | 17373.1                  | 2843.15           | 23                    | 7433                     | 1373.41           |
| 2002 | 53          | 17108.1                  | 4061.52           | 22                    | 6793                     | 1839.15           |
| 2001 | 53          | 17208.1                  | 2940              | 23                    | 6823                     | 1358.33           |
| 2000 | 51          | 17048.1                  | 3751.08           | 21                    | 6663                     | 1606.67           |
| 1999 | 50          | 15992.1                  | 2102.15           | 24                    | 7025                     | 1043.15           |
| 1998 | 53          | 16915.1                  | 2787.03           | 24                    | 7149                     | 1828.46           |
| 1997 | 50          | 17072.1                  | 2320              | 21                    | 6829                     | 1310              |
| 1996 | 49          | 17240.1                  | 2102.99           | 21                    | 7031                     | 915.1             |
| 1995 | 41          | 15088.1                  | 1483.23           | 16                    | 5886                     | 672.15            |
| 1994 | 45          | 17094.1                  | 1918.17           | 16                    | 5916                     | 789.88            |
| 1993 | 45          | 16241.9                  | 230.44            | 14                    | 4209                     | 10.6              |
| 1992 | 45          | 16791.9                  | 1159              | 13                    | 3799                     | 252               |
| 1991 | 42          | 15497.9                  | 2599              | 13                    | 4213.8                   | 587               |
| 1990 | 35          | 12673.1                  | 2928.1            | 7                     | 1505                     | 509               |
| 1989 | 31          | 10909.1                  | 2144.8            | 6                     | 1205                     | 263               |
| 1988 | 31          | 11769.5                  | 2744.9            | 6                     | 1371.4                   | 520.1             |
| 1987 | 30          | 11613.5                  | 1041.6            | 5                     | 1187.4                   | 159               |
| 1986 | 30          | 11613.5                  | 989.6             | 5                     | 1187.4                   | 143               |
| 1985 | 27          | 10033.1                  | 1483              | 3                     | 517                      | 253               |
| 1984 | 28          | 12283.1                  | 1360              | 3                     | 517                      | 259               |
| 1983 | 27          | 9883.1                   | 1306.54           | 3                     | 517                      | 133.93            |
| 1982 | 23          | 9440.1                   | 1301.25           | 1                     | 414                      | 86.86             |
| 1981 | 27          | 13053                    | 1835              | 1                     | 414                      | 62.6              |
| 1980 | 24          | 11561                    | 1299              | 1                     | 414                      | 0                 |
| 1979 | 22          | 11265                    | 588               | 1                     | 414                      | 0                 |
|      |             |                          |                   |                       |                          |                   |
| Max  | 85.0        | 25751.1                  | 4494.0            | 27.0                  | 7559.0                   | 1839.2            |
| Min  | 22.0        | 9440.1                   | 230.4             | 1.0                   | 414.0                    | 0.0               |
| Ave  | 44.2        | 15320.0                  | 2148.5            | 14.0                  | 4152.3                   | 700.2             |

Table 1. Irrigation appropriations and reported pumpage from the entire Lower James-Missouri aquifer and the Lower James-Missouri aquifer in Hutchinson County

The maximum water use from the Lower James-Missouri aquifer from Hutchinson County is estimated to less than 2,000 acre-feet per year. The average annual water use from the aquifer is expected to be significantly less than the average annual recharge to the aquifer so it is probable that unappropriated water is available for this proposed appropriation.

### Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors a total of 32 observation wells completed into the Lower James-Missouri aquifer, with 12 of these observation wells located in Hutchinson County. Observation well HT-83D is located approximately one and one-half miles northwest of the well site proposed by this application and observation well HT-76B is located approximately three miles southeast of the well site proposed by Application No. 7355-3. Hydrographs for the observation wells are shown in figures 2 and 3.

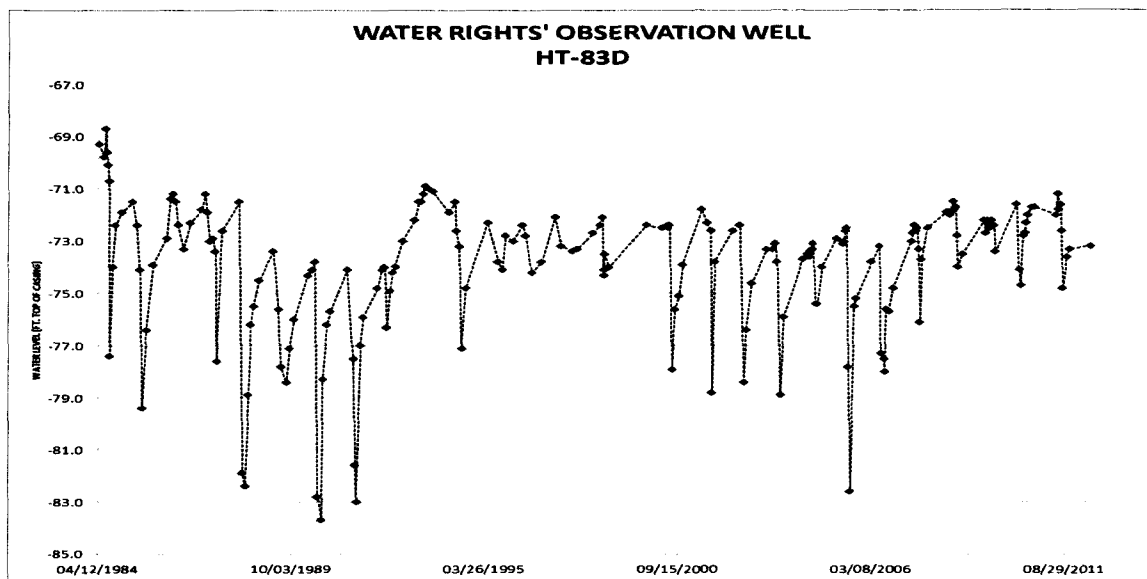


Figure 2. Hydrograph for observation well completed into the Lower James-Missouri aquifer located approximately one and one-half miles northwest of the well site proposed by Application No. 7335-3.

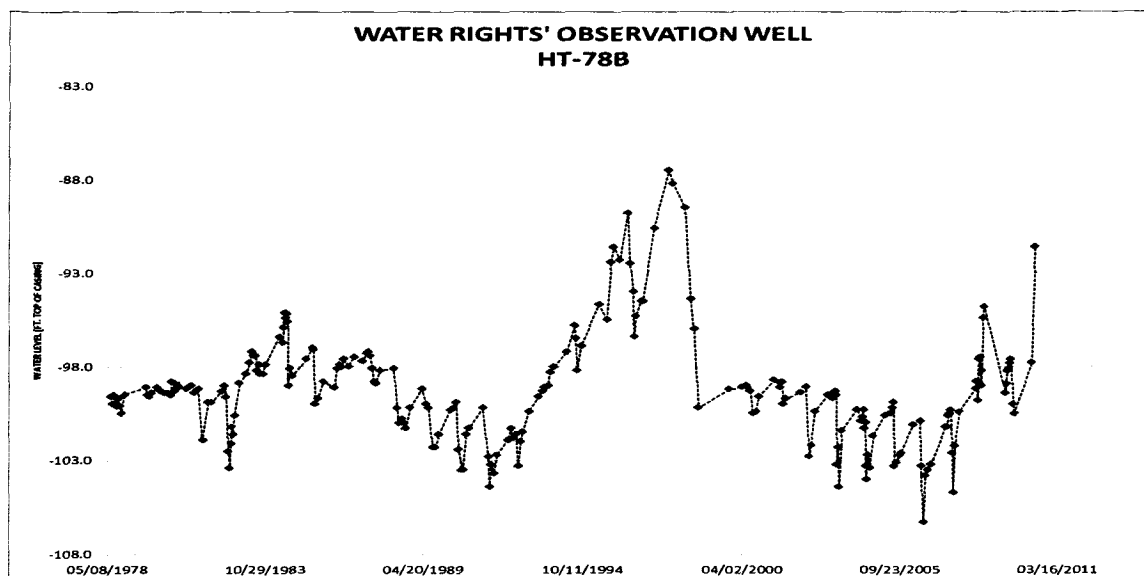


Figure 3. Hydrograph for observation well completed into the Lower James-Missouri aquifer located approximately three miles southeast of the well site proposed by Application No. 7335-3.

The hydrographs are typical for observation wells completed into the Lower James-Missouri aquifer. The hydrographs show that the aquifer readily recovers from pumping and although the potentiometric surface in the aquifer varies with the climate, the amount of water in aquifer has remained fairly constant. Most importantly, the observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Lower James-Missouri aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

#### **AFFECTS ON EXISTING RIGHTS:**

There are a number of wells completed into the Lower James-Missouri aquifer in this area (Water Rights, 2012c). Water rights/permits appropriating water from the Lower James-Missouri aquifer in this area are shown in figure 4 and table 2. Since the Lower James- Missouri aquifer is fairly thick in this area and drawdown created by pumping does not appear to be significant in this area any well interference is not expected to be adverse. A well completed into the Lower James-Missouri aquifer at the site proposed by this application can be expected to have characteristics similar to other irrigation wells in the area ( i.e. drawdown in the production well of 10-35 feet but likely closer to 20 feet at 2.34 cfs) . Considering the distances to existing users, well interference is not expected to be adverse.

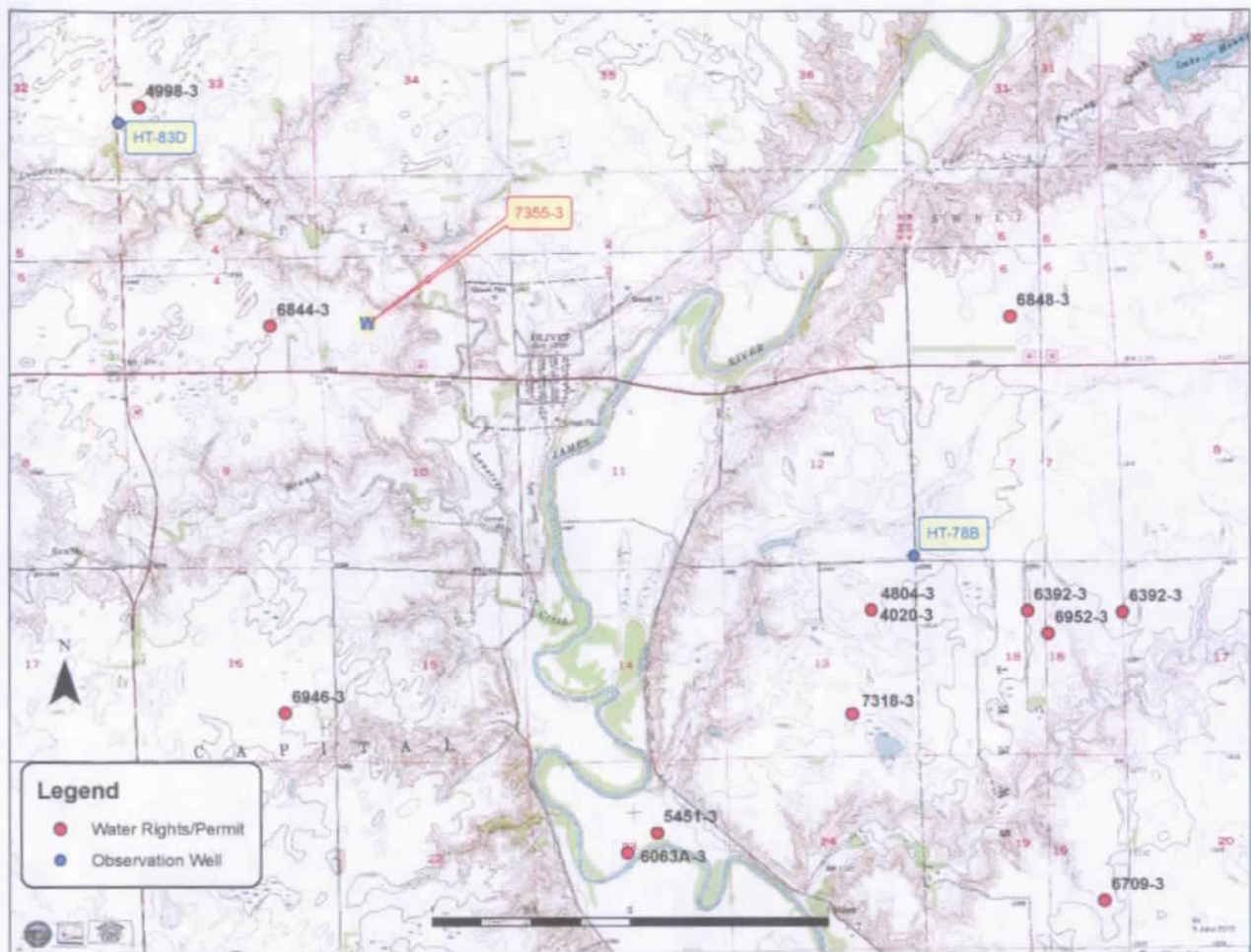


Figure 3. The location of the well site proposed by Water Permit Application No. 7355-3, the approximate location of existing water rights/permits diverting from the Lower James-Missouri aquifer and the location of SD DENR-Water Rights' observation wells.

| PERMIT NO | NAME              | STATUS | USE | CFS  | ACRES |
|-----------|-------------------|--------|-----|------|-------|
| 4020-3    | EMIL P ZEEB       | IL     | IRR |      | 0     |
| 4804-3    | MARK ALLEN ULMER  | LC     | IRR | 1.78 | 131   |
| 4998-3    | LLOYD G SORLIEN   | LC     | IRR | 1.74 | 122   |
| 5451-3    | MERRITT E ULMER   | LC     | IRR | 1.1  | 77.5  |
| 6392-3    | BRIAN HERRBOLDT   | LC     | IRR | 3.56 | 272   |
| 6063A-3   | DANIEL ULMER      | PE     | IRR | 1.78 | 70    |
| 6709-3    | DANIEL ULMER      | PE     | IRR | 2.22 | 80    |
| 6844-3    | PAUL J MEHLHAF    | PE     | IRR | 2.22 | 160   |
| 6848-3    | MARK RAMES        | PE     | IRR | 2.22 | 240   |
| 6946-3    | BRETT GUTHMILLER  | PE     | IRR | 1.89 | 133   |
| 6952-3    | BRIAN HERRBOLDT   | PE     | IRR | 0    | 90    |
| 6392-3    | BRIAN HERRBOLDT   | LC     | IRR | 3.56 | 272   |
| 7318-3    | RONALD GUTHMILLER | PE     | IRR | 2    | 190   |

IL= INCORPORATED, LC= WATER RIGHT, PE= WATER PERMIT, IRR= IRRIGATION

Table 2. Water rights/permits in the vicinity of the well proposed by Water Permit Application No. 7355-3.

## **CONCLUSIONS:**

1. Water Permit Application No. 7355-3 proposes to appropriate up to 328 acre-feet annually at a maxim diversion rate of 2.34 cfs, from a well to be completed into the Lower James-Missouri aquifer.
2. The amount of water that will be used if this application is approved is less than the 328 acre-feet per year appropriation.
3. The Lower James-Missouri aquifer is a viable aquifer in this area.
4. There is a reasonable probability that unappropriated water is available from the Lower James-Missouri aquifer for this proposed appropriation.
5. There is a reasonable probability that this appropriation can be developed without an adverse impact on existing users.



Ken Buhler  
SD DENR-Water Rights Program  
Approved by

## **REFERENCES:**

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1-4, South Dakota DENR-Geological Survey, Vermillion, SD
- Hedges, L.S., Allen, J., and Holly, D.E, 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, South Dakota DENR-Geological Survey, Vermillion, SD
- Lindgren, R.J., and Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 90-4093, 100 p.
- Water Rights, 1981-2011, "Irrigation Questioner Summaries", SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED

JUL - 9 2012

WATER RIGHTS  
PROGRAM

## AFFIDAVIT OF PUBLICATION

County of Hutchinson )

) ss.

State of South Dakota )

Tim L. Waltner, of said county and state, being sworn, on his oath, deposes and says: That the Hutchinson Herald is a weekly newspaper of circulation and a legal newspaper as required to be printed and published in the town of Menno in said county and state by Tim L. Waltner, and has been published during the time hereinafter mentioned, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertiser headed **Water Application 7355-3**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two issues to-wit:

The first publication on:  
**June 27, 2012**

the second publication on:  
**July 4, 2012**

and the third publication on:

That the full amount of the fees charged for publication of the same to-wit: The sum of **\$42.19** insures no benefit of the publisher of the Hutchinson Herald no agreement or understanding for any division of the amount of \$42.19 has been made with any other person whomsoever. The amount of \$42.19 is the rate for publishing legal notices.

### NOTICE OF APPLICATION NO. 7355-3 to Appropriate Water

Notice is given that Lee Friesen, 42553 US Hwy 18, Olivet SD 57052 has filed an application for a water permit to appropriate 2.34 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (180 feet deep) located in SW1/4SW1/4 Section 3 for irrigation of 164 acres located in the SW1/4, W1/2SE1/4 Section 3; all in T97N-R58W.

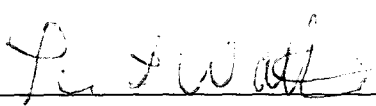
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7355-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief 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.

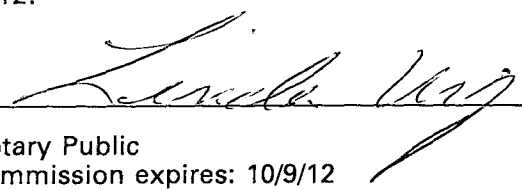
Any person interested in opposing or

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 July 16, 2012.

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. Pinner, Secretary, Department of Environment and Natural Resources.

Published twice at the total  
approximate cost of \$42.19  
2-13HH

  
Subscribed and sworn to before me this 5th day of July 2012.

  
Notary Public  
Commission expires: 10/9/12

Publication fee:           **\$42.19**  
Notary fee:  
Total:                       **\$42.19**

RECEIVED

JUL - 9 2012

WATER RIGHTS  
PROGRAM

**AFFIDAVIT OF PUBLICATION**

**YANKTON DAILY PRESS AND DAKOTAN**

Department of Environment and Natural Resources  
PMB 2020 - Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES  
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON  
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE  
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER  
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON SAID COUNTY  
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID  
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED  
**Notice of Application No 7355-3 to Appropriate Water**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 3rd DAY OF July 2012  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$45.28 ENSURES TO THE  
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO  
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS  
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF  
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 6/26/2012 & 7/3/2012

FILED ON: 7/3/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF July 2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

6+26&7+3

**NOTICE OF**

**APPLICATION NO. 7355-3  
to Appropriate Water**

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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 July 16, 2012

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Published twice at the total approximate cost of \$45.28.

Estimated publishing cost per published copy: \$0.0053



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

June 20, 2012

Hutchinson Herald  
PO Box 506  
Menno SD 57045

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7355-3 to Appropriate Water to be published twice. Please publish the first notice on July 27, 2012 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.

June 27,  
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 Lee Friesen, 42553 US Hwy 18, Olivet SD 57052 (Ph # 605-387-5770).

**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. 7355-3

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

Date \_\_\_\_\_

We are in receipt of your letter of June 20, 2012 enclosing Notice to Appropriate Water by Application No. 7355-3 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  
denr.sd.gov

June 20, 2012

Daily Press & Dakotan  
319 Walnut  
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7355-3 to Appropriate Water to be published twice. Please publish the first notice on June 27, 2012 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.

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Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

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

June 20, 2012

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

Dear Mr. Friesen:

Water Permit Application No. 7355-3 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 Hutchinson Herald printed at Menno SD (Ph # 605-387-5158). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on June 27, 2012 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 or email: Karen.schlaak@state.sd.us.

---

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Published twice at the total approximate cost of \_\_\_\_\_.

## **Water Rights Program - File Documentation**

---

The 2012 Legislature made changes to the publication process for water permit applications. During the transition period, prior to July 1, 2012, applications are being public noticed for two consecutive weeks in both a weekly and daily paper. Where the daily paper is not in the county of the application, the Water Rights Program pays the cost of the daily paper publication.

Karen Schlaak  
Program Assistant

RECEIVED

JUL - 9 2012

WATER RIGHTS  
PROGRAM

Invoice

**Yankton Daily Press & Dakotan**

319 Walnut Street, PO Box 56, Yankton, SD 57078

(For Office Use Only)

#10787

7/3/2012

Department of Environment and Natural Resources

PMB 2020 - Joe Foss Building

523 East Capitol

Pierre, SD 57501-3182

| Date      | Description                           | Amount  |
|-----------|---------------------------------------|---------|
| 6/26/2012 | 80 LINE LEGAL@\$.4965/\$.331 PER LINE | \$27.14 |
| 7/3/2012  | 80 LINE LEGAL@\$.4965/\$.331 PER LINE | \$18.14 |
|           | 20% REPEAT DISCOUNT                   |         |
| Total     |                                       | \$45.28 |

**NET DUE 10 DAYS**

*YOUR PROMPT PAYMENT IS APPRECIATED*



July 9, 2012

PAYMENT REQUEST FORM

PAYEE: Yankton Daily Press  
319 Walnut St  
Yankton SD 57078

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Public notice for 7355-3 (Friesen)

AMOUNT: \$45.28

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: *Gail Jackson 7/9/12*

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

SEP 14 2012

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

Dear Mr. Friesen:

Enclosed is Water Permit No. 7355-3 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

Bluff

7355-3

SD EForm - 1621LD V1

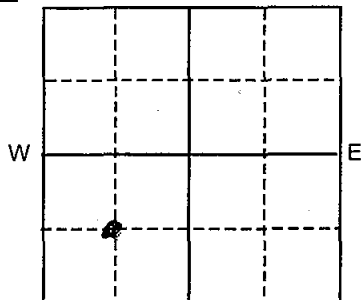
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ONE SW 1/4 Sec 3 Twp 97N Rg 58WCounty Hutchinson

North

Please mark well location with an "X"



Well Completion Date

10-26-12

1 Mile

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

2000 ft. from feedlot (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Reverse Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT        | DIAMETER     | FROM        | TO            | HOLE DIAMETER |
|-------------------|--------------|-------------|---------------|---------------|
| <u>1100</u> LB/FT | <u>16</u> IN | <u>0</u> FT | <u>120</u> FT | <u>28</u> IN  |
| LB/FT             | IN           | FT          | FT            | IN            |
| LB/FT             | IN           | FT          | FT            | IN            |

## GROUTING DATA:

| Grout Type    | No. of Sacks | Grout Weight | From        | To            |
|---------------|--------------|--------------|-------------|---------------|
| <u>Cement</u> |              | Lb/gal       | <u>0</u> Ft | <u>100</u> Ft |
|               |              | Lb/gal       | Ft          | Ft            |

Describe grouting procedure

pumped down w/ grouter

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 16 Inches Length 600 Feet  
 Material PVC  
 Slot Size .085 Set From 120 Feet to 180 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? chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Lee J Friensen

Business Name:

Address: 42553 US Hwy 18City, State, Zip: Olivet South Dakota 57045

## WELL LOG:

| FORMATION             | DEPTH      |            |
|-----------------------|------------|------------|
|                       | FROM       | TO         |
| <u>top soil</u>       | <u>0</u>   | <u>2</u>   |
| <u>gravel + ROCKS</u> | <u>2</u>   | <u>15</u>  |
| <u>gray clay</u>      | <u>15</u>  | <u>75</u>  |
| <u>sand + gravel</u>  | <u>75</u>  | <u>88</u>  |
| <u>gravel + ROCKS</u> | <u>88</u>  | <u>95</u>  |
| <u>gray clay</u>      | <u>95</u>  | <u>145</u> |
| <u>1 med gravel</u>   | <u>145</u> | <u>165</u> |
| <u>gravel + ROCKS</u> | <u>165</u> | <u>183</u> |

## STATIC WATER LEVEL

95

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: pumped w/ turbid pump  
☐ Bailed  
☐ Other

Pumping Level Below Land Surface

108 Ft. After 2 Hrs. pumped 800 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 700 GPM

## REMARKS

RECEIVED

JAN - 8 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 444 and this report is true and accurate.

Drilling firm:

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12-31-12



7355-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 16, 2015

NOTICE

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7355-3, 7377-3, 7478-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7355-3, 7377-3, 7478-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7355-3, 7377-3, 7478-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto: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

January 26, 2015

7355-3  
7377-3  
7478-3

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

Dear Mr. Friesen:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 7355-3, 7377-3, 7478-3. 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](mailto:genny.mcmath@state.sd.us)

**McMath, Genny**

---

**From:** friesen <friesen@lonetreecreek.com>  
**Sent:** Monday, January 26, 2015 6:30 PM  
**To:** McMath, Genny  
**Subject:** Re: Irrigation Questionnaire

Genny,

I am sorry but I need to make a correction. I based my GPM off of the initial water test that my contractor did. They finally sent me the confirmed numbers today (I have been waiting for a long time for these...,) and the GPM's are:

7478-3 Asche Farm 500 GPM  
7355-3 Winne Farm 650 GPM

SORRY! But these are evidently the correct numbers to use.

Thank you,

Lee

**From:** McMath, Genny  
**Sent:** Monday, January 26, 2015 7:02 AM  
**To:** Friesen, Lee  
**Subject:** RE: Irrigation Questionnaire

Lee,  
these are fine – I will print them off right away. Thank you! I will also be sending you a regular letter letting you know everything is up to date and you are good for another year.  
Genny

---

**From:** friesen [<mailto:friesen@lonetreecreek.com>]  
**Sent:** Saturday, January 24, 2015 1:57 PM  
**To:** McMath, Genny  
**Subject:** Irrigation Questionnaire

Genny,

Please find attached my Irrigation Questionnaire. Please let me know if you need me to mail the physical copies or if this electronic version is ok...

Thank you,  
Lee Friesen



7355-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 15, 2016

NOTICE

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052  
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) 7355-3, 7377-3, 7478-3. 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) 7355-3, 7377-3, 7478-3 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) 7355-3, 7377-3, 7478-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

[denr.sd.gov](http://denr.sd.gov)

February 17, 2016

7355-3  
7377-3  
7478-3

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

Dear Mr. Friesen:

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. 7355-3, 7377-3 and 7478-3. 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](mailto:genny.mcmath@state.sd.us)



7355-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 20, 2017

NOTICE

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7355-3, 7377-3, 7478-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7355-3, 7377-3, 7478-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7355-3, 7377-3, 7478-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto: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.



7355-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

February 6, 2017

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

RE: Water Permit Nos. 7355-3, 7377-3 and 7478-3

Dear Mr. Friesen:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 7355-3, 7377-3 and 7478-3. 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](mailto: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: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

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) 7355-3, 7377-3, 7478-3. 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) 7355-3, 7377-3, 7478-3 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) 7355-3, 7377-3, 7478-3 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](mailto: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: CSMKBQ**

**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.

7355-3



**DENR**  
SOUTH DAKOTA

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

February 2, 2021

7355-3  
7377-3  
7478-3

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

Dear Mr. Friesen:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit Nos. 7355-3, 7377-3 and 7478-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



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

January 20, 2022

### NOTICE

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7355-3, 7377-3, 7478-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7355-3, 7377-3, 7478-3 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) 7355-3, 7377-3, 7478-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto: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: PTEWPF**

**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.

7355-3



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

January 26, 2022

7355-3  
7377-3  
7478-3

Lee Friesen  
42553 US Hwy 18  
Olivet SD 57052

Dear Mr. Friesen:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 7355-3, 7377-3 and 7478-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 19, 2024

## NOTICE

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7355-3, 7377-3, 7478-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7355-3, 7377-3, 7478-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7355-3, 7377-3, 7478-3 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, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PQUTXI**

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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

February 13, 2024

7355-3

7377-3

7478-3

Lee Friesen  
42553 US HWY 18  
Olivet SD 57052

Dear Mr. Friesen:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 7355-3, 7377-3 & 7478-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

**NOTICE**

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7355-3, 7377-3, 7478-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7355-3, 7377-3, 7478-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 7355-3, 7377-3, 7478-3 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 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TPGWHB**

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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 28, 2025

7355-3, 7377-3  
7478-3

Lee Friesen  
42553 US HWY 18  
Olivet SD 57052

Dear Mr. Friesen:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7355-3, 7377-3 & 7478-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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

7355-3  
7377-3  
7478-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2026

**NOTICE**

TO: LEE FRIESEN, 42553 US HWY 18, OLIVET, SD 57052

FROM: Ron Duvall, Engineer III  
for Adam Mathiowetz, PE, Acting Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7355-3, 7377-3, 7478-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 7355-3, 7377-3, 7478-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 7355-3, 7377-3, 7478-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at [shannon.konst@state.sd.us](mailto:shannon.konst@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BNBXVO**

**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.