

WATER PERMIT NO. 7846A-3

Name of Applicant: **Marvin Czech**

Address: **45848 176th St, Watertown SD 57201**

Phone: **605 881-0994**

Amount of Water Claimed: **1.33 cfs**

Total Acres: **120 acres**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation**

County: **Hamlin**

Type of Waste Disposal System:

Location: **5 miles northwest of Castlewood**

PRIORITY

Date Received: **3-26-18**

Application/License Fee: **\$ 100**

Corrected Application Received:

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

Remarks: **Requesting an extension of time**

Diversion Point: **NW 1/4 NW 1/4 Sec 3-T115N-R52W**

Land to be Irrigated: **NW 1/4 Sec 3-T115N-R2W**

Depth of Well: **22 feet deep**

Well Driller:

Remarks:

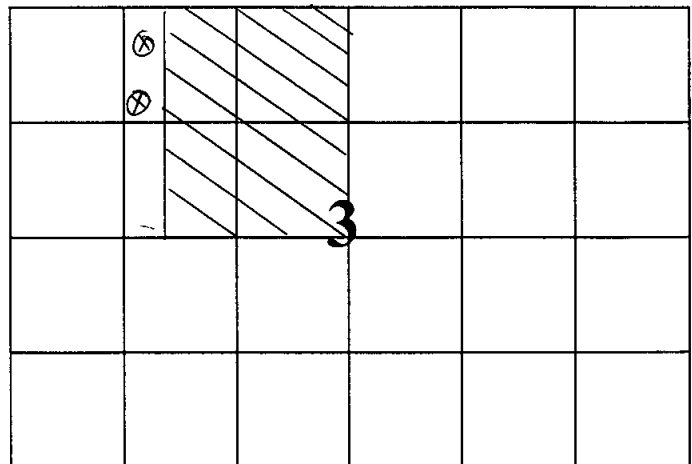
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: **3-29-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 7846A-3 FOR IRRIGATION

Date of first receipt of application March 26, 2018.

The Water Management Board approved Water Permit No. 7846A-3 on July 12, 2018 for Marvin Czech, 45848 176th St, Watertown SD 57201 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. 7846A-3 amends Water Permit No. 7846-3 to extend the length of time allowed to complete construction of works. Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.
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 May 23, 2013 (established by Permit No. 7846-3).
4. All construction is to be completed on or before August 5, 2023.
5. Water is to be put to beneficial use on or before August 5, 2027.
6. 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 wells approved under Permit Nos. 7846-3 and 7846A-3 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 wells authorized by Permit Nos. 7846-3 and 7846A-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. The diversion rate from Water Permit No. 7350-3 (Big Sioux River) and Water Permit Nos. 7846-3 and 7846A-3, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 06 2018
date



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

MAR 26 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7846A-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Hamlin County Republican</u>
	<u>Public Opinion</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7846-3
(Use predates Mar 2, 1955)

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

former owner passed away we do not have time enough this summer to look for water we would like a 5yr extension, Thank you

1. Name to Appear on Irrigation Permit Marvin Czech

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 45848 176th St Watertown SD 57201
(Address) (City) (State) (Zip Code)

Phone 886-8191 Mobile 605-881-0994 Email _____

2. Amount of water claimed 1.33 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 120
(*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

4. Location of point of diversion NW 1/4 - 4 - 3 NW 1/4 Sect 3-115N-52W.
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin5. County or counties where water will be used hamlin6. 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	Land Description	Acres
<u>NW 1/4 - 4 - 3</u>	<u>120</u>		
<u>NW 1/4 Section 3-115N-52W</u>	<u>120</u>		

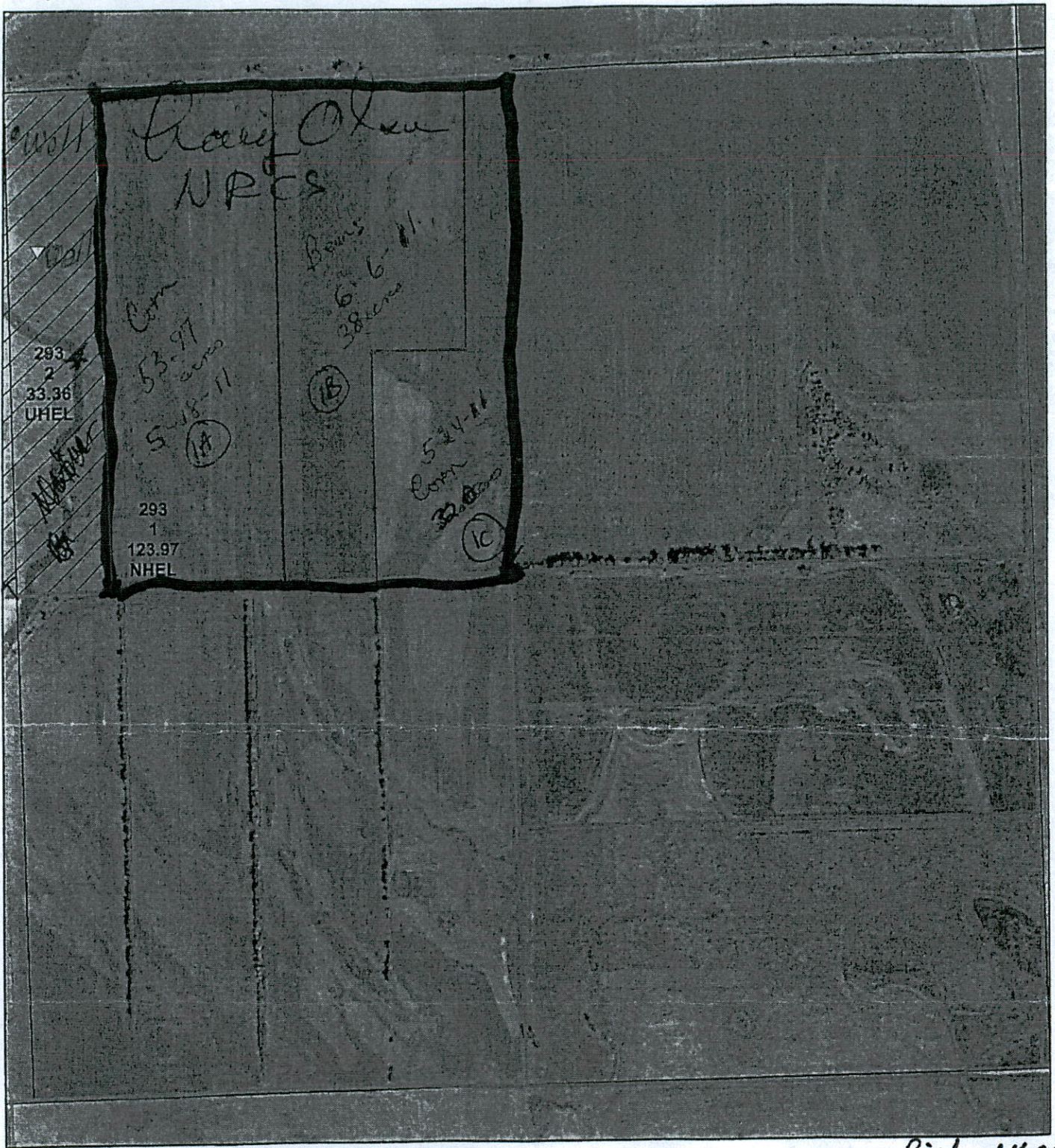
8. Give a description of the project. (Attach sheet if more space is needed)

Requesting a 5yr extension to explore for water. former owner passed away before completing. we acquired land late 2017.

I, Marvin Czech, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Richard Schmit 5N 1 1/2 W Castlewood



United States Department of Agriculture
Farm Service Agency

PLSS: 3_115N_52W
Farm: 103

Hamlin County

1:8,287

RECEIVED N

MAY 23 2013

WATER RIGHTS
PROGRAM

1000 Rick All GR/NTI
March 14, 2011

Wetland Determination Identifiers

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

Common Land Units

/// Non Cropland

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

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 3, 20 18

RECEIVED OF Sioux River Dairy, Inc. 45767 177th St Watertown, SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100	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 <u>Extension of Time on Permit No. 7846-3</u>		
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	100 00

No. **08639**

By

Jeanne Goodman
Chief Engineer
Jm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 24, 2018

Roxan Schmit
45924 179th Street
Castlewood SD 57223

Dear Mrs. Schmit:

Water Permit No. 7846-3 for irrigation of the NW ¼ Section 3-T115N-52W was originally obtained by your husband. Marvin Czech purchased the property in late 2017 from you and filed for an extension of time to complete construction of the well to irrigate this property. Since the original water permit is still in your name, I am sending you the report, recommendation and public notice for the extension of time.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

May 24, 2018

Marvin Czech
45848 176th St
Watertown SD 57201

Dear Mr. Czech:

Water Permit Application No. 7846A-3 for an extension of time to complete the irrigation project has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Hamlin County Republican printed at Castlewood SD (Ph # 605-793-2293) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 24, 2018 11:20 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: 7846A-3, Marvin Czech
Attachments: 7846A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on June 6, 2018 in the Hamlin County Republican.

Marvin Czech, 45848 176th St, Watertown SD 57201 (605 886-8191 or 605 881-0994) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 24, 2018 11:23 AM
To: legals@thepublicopinion.com
Subject: FW: 7846A-3, Marvin Czech
Attachments: 7846A-3public.short.docx; FORM8.FRM.doc

Ignore the part about the Hamlin County Republican. The notice goes in that paper and the Public Opinionoops!

From: Schlaak, Karen
Sent: Thursday, May 24, 2018 11:21 AM
To: legals@thepublicopinion.com
Subject: 7846A-3, Marvin Czech

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Marvin Czech, 45848 176th St, Watertown SD 57201 (605 886-8191 or 605 881-0994) has been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



NOTICE OF APPLICATION NO. 7846A-3 to Amend Water Permit No. 7846-3

Notice is given that Marvin Czech, 45848 176th St, Watertown SD 57201 has filed an application for a water permit to amend Water Permit No. 7846-3 to extend the length of time allowed to complete construction of works. Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7846-3 from the Big Sioux River.

Water Permit No. 7846-3 was approved August 5, 2013 and the proposed project was to be completed by August 5, 2018, with water being put to beneficial use by August 5, 2022. Application No. 7846A-3 requests to extend the length of time allowed to complete construction of the project from August 5, 2018, to August 5, 2023. Application No. 7846A-3, if approved, will retain the May 23, 2013, priority date assigned to Permit No. 7846-3.

Pursuant to SDCL 46-2A-2 a permit may be amended to extend the time for a completion of construction due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This application is requesting an extension of time because the previous land owner passed away and Mr. Czech acquired the land in late 2017.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7846A-3 for an extension of time because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will consider this application at 11:30 am on July 12, 2018 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 2, 2018.

The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 12, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 2, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 18, 2018. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of _____.

RECEIVED

JUN 13 2018

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettstad

certify that the attached printed Notice was taken

from the Watertown
Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 6, 2018

Cost of Printing \$122.12

Jackie Wettstad
(Signature)

Accounting Clerk
(Title)

6/11/2018
(Date Signed)

DENR

NOTICE OF APPLICATION NO. 7846A-3 to Amend Water Permit No. 7846-3

Notice is given that Marvin Czech, 45848 176th St, Watertown SD 57201 has filed an application for a water permit to amend Water Permit No. 7846-3 to extend the length of time allowed to complete construction of works. Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second from two wells to be completed into the Big Sioux North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7846-3 from the Big Sioux River. Water Permit No. 7846-3 was approved August 5, 2013 and the proposed project was to be completed by August 5, 2018, with water being put to beneficial use by August 5, 2022. Application No. 7846A-3 requests to extend the length of time allowed to complete construction of the project from August 5, 2018, to August 5, 2023. Application No. 7846A-3, if approved, will retain the May 23, 2013, priority date assigned to Permit No. 7846-3. Pursuant to SDCL 46-2A-2 a permit may be amended to extend the time for a completion of construction due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This application is requesting an extension of time because the previous land owner passed away and Mr. Czech acquired the land in late 2017. SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7846A-3 for an extension of time because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below. The Water Management Board will consider this application at 11:30 am on July 12, 2018 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer.

The applicant must also file a petition if opposed to 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 2, 2018. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The July 12, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 2, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352. Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 18, 2018. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38, thru 46-5-39, 46-5-46, 46-5-47, 46-5-48; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Steven M. Pimer
Secretary
Department of Environment and Natural Resources.
Published once at an approximate cost of \$117.12.
[22] (June 6, 2018)

RECEIVED

JUN 08 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the The HamlinCounty Republicanprinted and published in CastlewoodCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 6, 2018Cost of Printing \$67.06LeeAnne Dufek
(Signature)Owner
(Title)6-6-2018
(Date Signed)NOTICE OF APPLICATION
NO. 7846A-3 TO AMEND WATER
PERMIT NO. 7846-3

Notice is given that Marvin Czech, 45848 176th St, Watertown SD 57201 has filed an application for a water permit to amend Water Permit No. 7846-3 to extend the length of time allowed to complete construction of works. Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (22 feet deep) located in the NW 1/4 NW 1/4 Section 3 for irrigation of 120 acres located in the NW 1/4 Section 3; all in T115N-R52W. This land is authorized for irrigation under Water Permit No. 7846-3 from the Big Sioux River.

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Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if

opposed to 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 2, 2018.

The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 12, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 2, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "If the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 18, 2018. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

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

Published June 6, 2018, at total
cost of \$67.06.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7846A-3, Marvin Czech**

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. 7846A-3, Marvin Czech, 45848 176th Street, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL for an extension of time for five years to Water Permit No. 7846-3 because of exigent circumstances because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The wells approved under Permit Nos. 7846-3 and 7846A-3 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 wells authorized by Permit Nos. 7846-3 and 7846A-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. The diversion rate from Water Permit No. 7350-3 (Big Sioux River) and Water Permit Nos. 7846-3 and 7846A-3, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 24, 2018

NOTE: If this application is approved you will need to file a notice of transfer of ownership of Water Permit No. 7846-3.

Report to the Chief Engineer
Water Permit Application No. 7846A-3

Marvin Czech

May 21, 2018

Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux:North aquifer (22 feet deep) located in the NW ¼ NW ¼ Section 3 for irrigation of 120 acres located in the NW ¼ Section 3; all in T115N-R52W. This land is also authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.

Water Permit No. 7846-3 has a priority date of May 23, 2013, construction completion date of August 5, 2018, and water is to be put to beneficial use by August 5, 2022. Water Permit Application No. 7846A-3, if approved, will extend the date to complete construction to August 5, 2023.

Richard Schmit passed away May 16, 2014. The water permit was transferred from the original owner, Richard Schmit, to his wife Roxan Schmit based on a transfer of ownership form submitted on June 19, 2017. There is documentation from Genny McMath of the Water Rights Program dated January 24, 2018 to Marvin Czech regarding needing to file a notice of transfer of ownership Permit No. 7846-3. Mr. Czech is likely holding off formally filing the transfer of ownership until the application for an extension is granted. If the extension of time is not granted, the application will become subject to cancellation for non-construction after August 5, 2018.

The request to extend the construction period was made because the former owner passed away, and Mr. Czech indicated they acquired the land in late 2017 and he does not have time enough this summer to look for water (Water Rights, 2018a).

Discussion

Pursuant to South Dakota Codified Law (SDCL) 46-5-26 a permit may be amended to extend the construction period, "but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated, due to operation of law beyond the power of the applicant to avoid, or due to other exigent circumstances identified by the Water Management Board." The application does not cite physical or engineering difficulties which could not have been reasonably anticipated as the basis for request for an extension of time. The application also does not cite any operation of law beyond the power of the applicant to avoid as justification for the request of an extension of time. There could be matters with Mr. Schmit's estate that prevented or would have delayed Mrs. Schmit from construction. However, most plausible is the applicant relies on a Board finding that exigent circumstance exist due to the death of the prior landowner and the time when Mr. Czech purchased the property from Mrs. Schmit. DENR understands that Mr. Czech has farmed the land for Mrs. Schmit after the death of her husband.

In reviewing the application, SDCL 46-2A-12 and 46-5-30.4 provide guidance regarding the extent of review. SDCL 46-2A-12 provides for amendment of a permit or license "only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest. SDCL 46-5-30.4 provides that an amendment may not increase the rate of diversion or

increase the volume of water to be appropriated under the original water permit and the amendment may not impair existing rights.

Existing Rights

The existing water rights/permits from the Big Sioux:North aquifer in the area of Water Permit Application No. 7846A-3 are shown in Figure 1 and summarized in Table 1. There are nine water rights/permits within three miles of the proposed diversion points for Water Permit Application No. 7846A-3. The nearest water permit is about 1.1 miles to the northeast of the wells proposed by the application (Water Rights, 2018b).

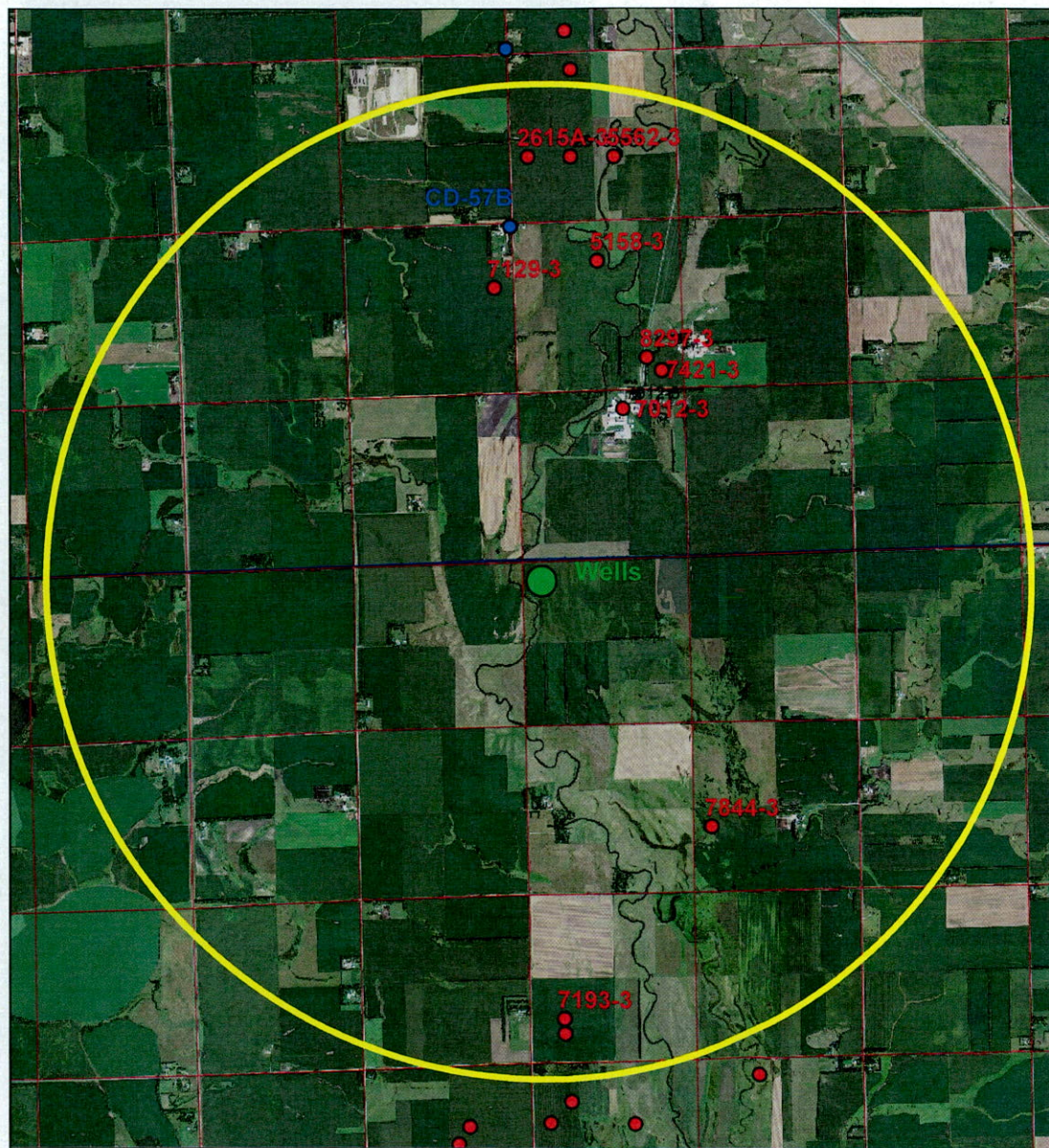


Figure 1: Proposed diversion points for Water Permit Application No. 7846A-3 and area water rights/permits appropriating water from the Big Sioux:North aquifer within a three mile radius (Water Rights, 2018b)

Table 1: Summary of Water Rights/Permits in Figure 1

Permit No.	Name	Status	Use	Rate (cfs)	Acres
2615A-3	Endres	LC	IRR	1.67	136
5562-3	Endres	LC	IRR	1.66	136
5158-3	Sioux RWS	LC	RWS	2.44	n/a
7129-3	Little	PE	IRR	1.78	140
8297-3	Valley View Farms	PE	COM	0.08	n/a
7421-3	Valley View Farms	PE	IRR	2.0	156
7012-3	Sioux River Dairy	PE	COM	0.089	n/a
7844-3	Bass	PE	IRR	1.78	235
7193-3	Claremont Colony	LC	IRR	1.33	130

LC- water right, PE –water permit, IRR- irrigation, COM- commercial, RWS – rural water system

Near the Big Sioux River, the aquifer is under unconfined conditions. Therefore, drawdown is not expected to be significant far from a production well. The DENR – Water Rights Program monitors 27 observation wells completed into the Big Sioux:North aquifer. The nearest observation well is CD-57B located two miles north of the well site proposed by Application No. 7846A-3. Figure 2 shows the hydrograph for CD-57B (Water Rights, 2018c).

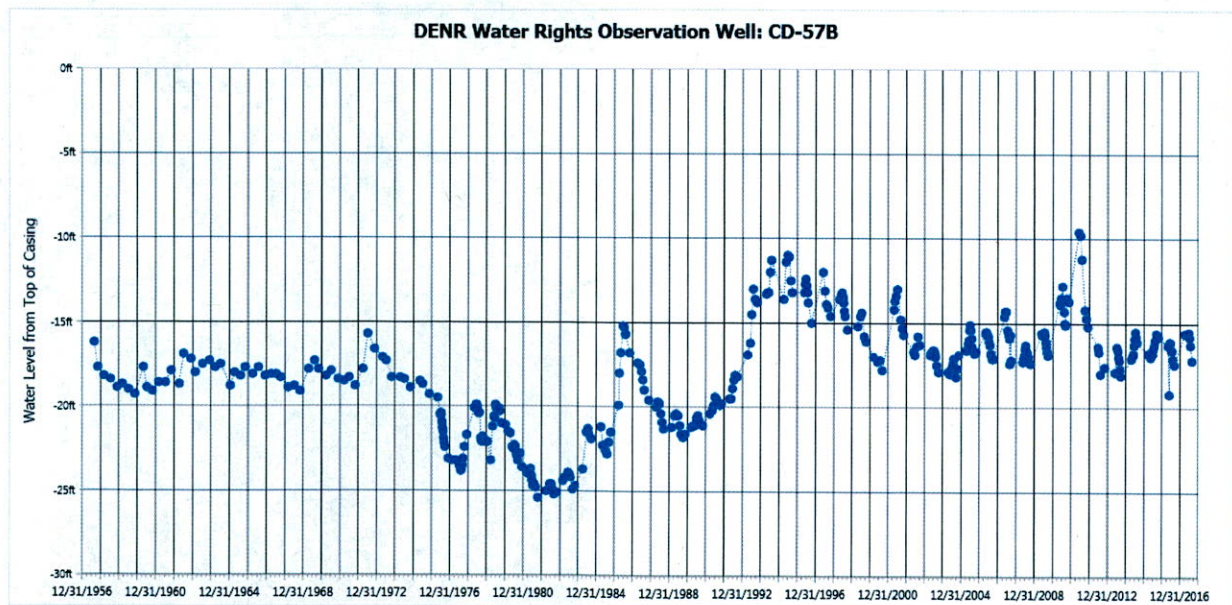


Figure 2: Hydrograph of DENR-Water Rights observation well CD-57B (Water Rights, 2018a)

The water level in the observation well shows a good response to climatic conditions. The water levels rise (recharge during wet years) and gradually decline during dry years. The effects of pumping can be seen but does not appear to be significant over the period of record. Due to the distance involved and unconfined aquifer conditions it is not anticipated that granting an extension of time to develop these wells will result in impairment of existing water rights/permits.

Conclusions

1. Water Permit Application No. 7846A-3 proposes to extend the construction period for Water Permit No. 7846-3 from August 5, 2018, to August 5, 2023.
2. Water Permit No. 7846-3 appropriates 1.33 cubic feet of water per second (cfs) from two wells to be completed into the Big Sioux:North aquifer (22 feet deep) located in the NW ¼ NW ¼ Section 3 for irrigation of 120 acres located in the NW ¼ Section 3; all in T115N-R52W. This land is also authorized for irrigation under Water Permit No. 7350-3 from the Big Sioux River.
3. If approved, Water Permit No. 7846A-3 will retain its May 23, 2013, priority date.
4. Pursuant to South Dakota Codified Law (SDCL) 46-5-26 a permit may be amended to extend the construction period, "but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated, due to operation of law beyond the power of the applicant to avoid, or due to other exigent circumstances identified by the Water Management Board."
5. The applicant states the basis for requesting the extension of time is the previous owner passed away and since they acquired the land in late 2017 there is not time to look for water. The applicant seeks a finding by the Water Management Board that exigent circumstances exist for not meeting the original construction period.
6. There is a reasonable probability that this application will not impair existing water rights/permits with adequate wells.
7. If Application No. 7846A-3 is approved, Mr. Czech will need to file a transfer of ownership for Water Permit No. 7846-3.



Eric Gronlund

Water Rights Program, DENR

References

Water Rights 2018a. File for Water Permit Application No. 7265A-3, Marvin Czech. SD DENR – Water Rights Program, DENR, Joe Foss Bldg., Pierre South Dakota.

Water Rights 2018b. Water Right/Permit Files. SD DENR – Water Rights Program, DENR, Joe Foss Bldg., Pierre South Dakota.

Water Rights 2018c. Water Right Program Observation Well Files. SD DENR – Water Rights Program, DENR, Joe Foss Bldg., Pierre South Dakota.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

7846A-3
7846-3

AUG 06 2018

Marvin Czech
45848 176th St
Watertown SD 57201

Dear Mr. Czech:

Enclosed is Water Permit No. 7846A-3 authorizing the extension of time for construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also, enclosed is the receipt for the payment of the Notice of Transfer of Ownership for Water Permit No. 7846-3. The permit is now listed in your name.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

Dear Mr. Czech:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Permit No. 7846A-3.

Water Permit No. 7846A-3 authorizes diversion of 1.33 cubic feet of water per second (approx. 600 gpm) from two wells completed into the Big Sioux: North Aquifer for irrigation of 120 acres located in the NW ¼ Section 30-T115N-R52W, Hamlin County.

Permit No. 7846A-3 was approved on July 12, 2018, with construction to be completed by August 5, 2023.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the date for construction completion having passed, this permit should be considered for cancellation due to non-construction.

Please contact me via email or telephone to discuss cancellation of this permit.

Sincerely,

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

cc: Jim Czech (renter), 45767 177th St, Watertown SD 57201



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

Dear Mr. Czech:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Permit No. 7846A-3.

Water Permit No. 7846A-3 authorizes diversion of 1.33 cubic feet of water per second (approx. 600 gpm) from two wells completed into the Big Sioux: North Aquifer for irrigation of 120 acres located in the NW ¼ Section 30-T115N-R52W, Hamlin County.

Permit No. 7846A-3 was approved on July 12, 2018, with construction to be completed by August 5, 2023.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the date for construction completion having passed, this permit should be considered for cancellation due to non-construction.

Please contact me via email or telephone to discuss cancellation of this permit.

Sincerely,

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

Talked to Mr. Czech who confirmed the system was never developed (couldn't find water on the property). Agreed to cancellation + exploring options for other nearby properties

cc: Jim Czech (renter), 45767 177th St, Watertown SD 57201

12/10/25

AD

File No. 7846A-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Marvin Czech, 45848 176th St, Watertown, SD 57201

DATE: 11/14/2025

TELEPHONE:

RE: Cancellation of PE No. 7846A-3

COMMENTS:

After reporting the 2025 Irrigation Questionnaire as (System Not Constructed), Water Rights Staff reached out to Marvin who confirmed that the system was never developed due to no water, and agreed to cancellation.

Shannon Konst

Shannon Konst
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
danr.sd.gov

September 4, 2026

NOTICE OF CANCELLATION

TO: Marvin Czech, 45848 176th St, Watertown, SD 57201

FROM: Amanda Dewell, Permitting Administrator
SD DANR - Water Rights Program

SUBJECT: Cancellation of Water Permit No. 7846A-3

Water Permit No. 7846A-3 authorized the combined diversion of 1.33 cubic feet of water per second from up to two wells completed into the Big Sioux: North Aquifer for the irrigation of 120 acres located in the NW ¼ Section 3-T115N-R52W, Hamlin County, with all construction to be completed by August 5, 2023. After receiving the 2025 Irrigation Questionnaire, which reported "system not constructed", Program staff contacted you to discuss the system's status. During that conversation you confirmed that you were not able to develop irrigation on the property due to the absence of water. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 7846A-3 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 7846A-3 at **9:30 am, Wednesday, October 7, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate, and the actual time of hearing may be later)*.

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 7846A-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by September 14, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by September 14, 2026.

Prior to September 14, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 14, 2026.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 7846A-3, MARVIN CZECH**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 7846A-3.

When the 2025 Irrigation Questionnaire for Permit No. 7846A-3 was submitted, noting "system not constructed", Water Rights Program staff contacted Mr. Czech. He confirmed that he was unable to locate water at that site, resulting in the system not being developed. The deadline for construction to be completed under Permit No. 7846A-3 was August 5, 2023.

The acting Chief Engineer is recommending cancellation of the above water permit due to non-construction.

Adam Mathiowetz, PE, Acting Chief Engineer
September 4, 2026

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

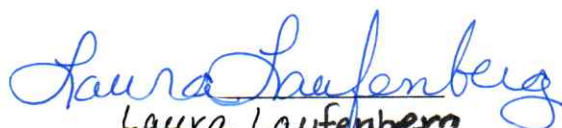
Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

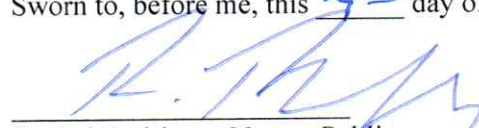

Laura Laufenberg
Senior Secretary

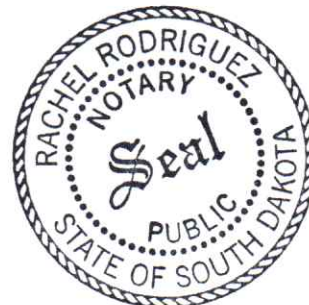
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2026

No. 7846A-3

NOTICE OF ENTRY OF ORDER

Marvin Czech
45848 176th St
Watertown, SD 57201

Dear Mr. Czech:

This will notify you that on October 7, 2026, the Water Management Board cancelled Water Permit No. 7846A-3. The action to cancel was taken under the conditions outlined in our notice to you dated September 4, 2026.

SDCL 46-6-27 states that if the owner of an existing well has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

If you have any questions concerning the Board action, please contact Amanda Dewell, Water Rights Permitting Administrator, at (605) 773-3352.

Sincerely,

Adam Mathowitz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

