

WATER PERMIT NO. 8001-3

Name of Applicant: **Todd Block**

Address: **PO Box 135, Grenville SD 57239**

Phone: **605 237-2233**

Amount of Water Claimed: **1.44 cfs**

Total Acres: **120 acres**

Source of Water Supply: **Waubay Lake**

Water to be used for: **irrigation**

County: **Day**

Type of Waste Disposal System:

Location: **1 mile northwest of Grenville**

PRIORITY

Date Received: **4-14-14**

Application/License Fee: **\$ 950**

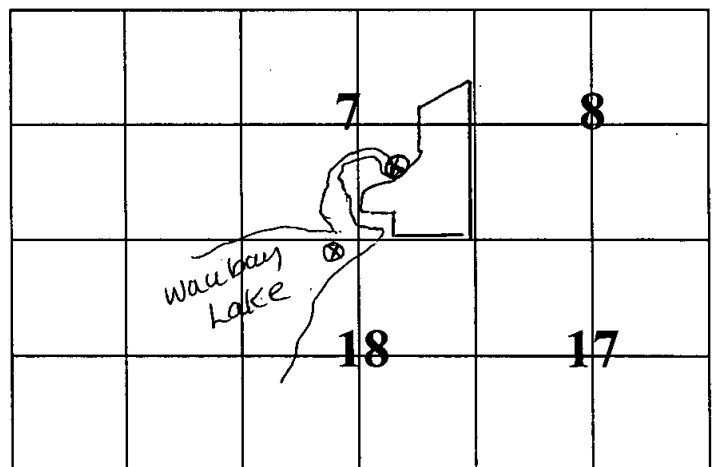
Corrected Application Received:

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

Remarks:

Diversion Point: **a point between the NE 1/4 NW 1/4 Sec 18 and the NW 1/4 SE 1/4 Sec 7; all in T123N-R54W**

Land to be Irrigated: **SE 1/4, S 1/2 NE 1/4 Sec 7-T123N-R54W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **4-14-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 8001-3 (office use only)
Hydrologic Unit 10160010
Basin James River 605-345-3350
Newspaper Reporter & Farmer 516 Main Ave
605-886-6901 Wheaton 57274
Public Opinion Box 10 Watertown 57201

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APR 14 2014
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Todd Block

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address PO Box 135 Grenville SD 57239
(Address) (City) (State) (Zip Code)

Toddcell Mike
Home Phone 605 237-2233 Cell 605 880-2912 Email tkelca07@hotmail.com

2. Amount of water claimed 1.44 *CFS or 650 **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 1 Waubay Lake and Over flow

4. Location of point of diversion between each one marked on map
between points located in the (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

NE 1/4 NW 1/4 Sec 18 & NW 1/4 SW 1/4 Sec 7 all in T123N-R54W County Day

5. County or counties where water will be used Day

6. Annual period during which water is to be used May - 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
SE 1/4 of the SE 1/4 Sec 7 T123 R54W	39	S 1/2 NE 1/4 Sec 7 - T123N-R54W	13
SW 1/4 of the SE 1/4 Sec 7 T123 R54W	26		
NE 1/4 of the SE 1/4 Sec 7 T123 R54W	37		
NW 1/4 of the SE 1/4 Sec 7 T123 R54W	5		

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

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

SOUTH DAKOTA
WATER PERMIT NO. 8001-3

Date of first receipt of application April 14, 2014.

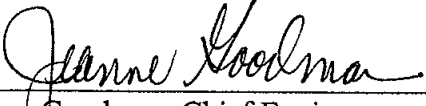
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8001-3 to Todd Block, PO Box 135, Grenville SD 57239 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8001-3 appropriates 1.44 cubic feet of water per second (cfs) from Waubay Lake located at a point between the NE 1/4 NW 1/4 Section 18 and the NW 1/4 SE 1/4 Section 7 for irrigation of 120 acres located in the SE 1/4, S 1/2 NE 1/4 Section 7; all in T123N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 14, 2014.
4. The date of approval of Permit No. 8001-3 is June 19, 2014.
5. One-fifth of the construction is to be completed on or before December 19, 2016.
6. All construction is to be completed on or before June 19, 2019.
7. Water is to be put to beneficial use on or before June 19, 2013.
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. Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer as necessary to protect the prior rights.
2. The pump site authorized by Permit No. 8001-3 is limited to the two points located in the NW ¼ SE ¼ Section 7 and the NE ¼ NW ¼ Section 18, T123N, R54W as shown on the map accompanying the staff report.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The irrigation intake in Waubay Lake for this project shall be constructed so that the intake velocities at the intake point do not exceed 0.25 feet per second and the intake is screened with 1/4 inch diameter or 3/16 inch stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.

WATER MANAGEMENT BOARD

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

JUL 07 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

wauby Lake or over flow

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)

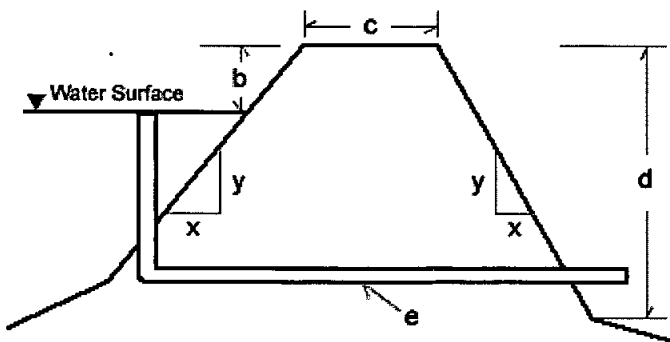
Upstream ____

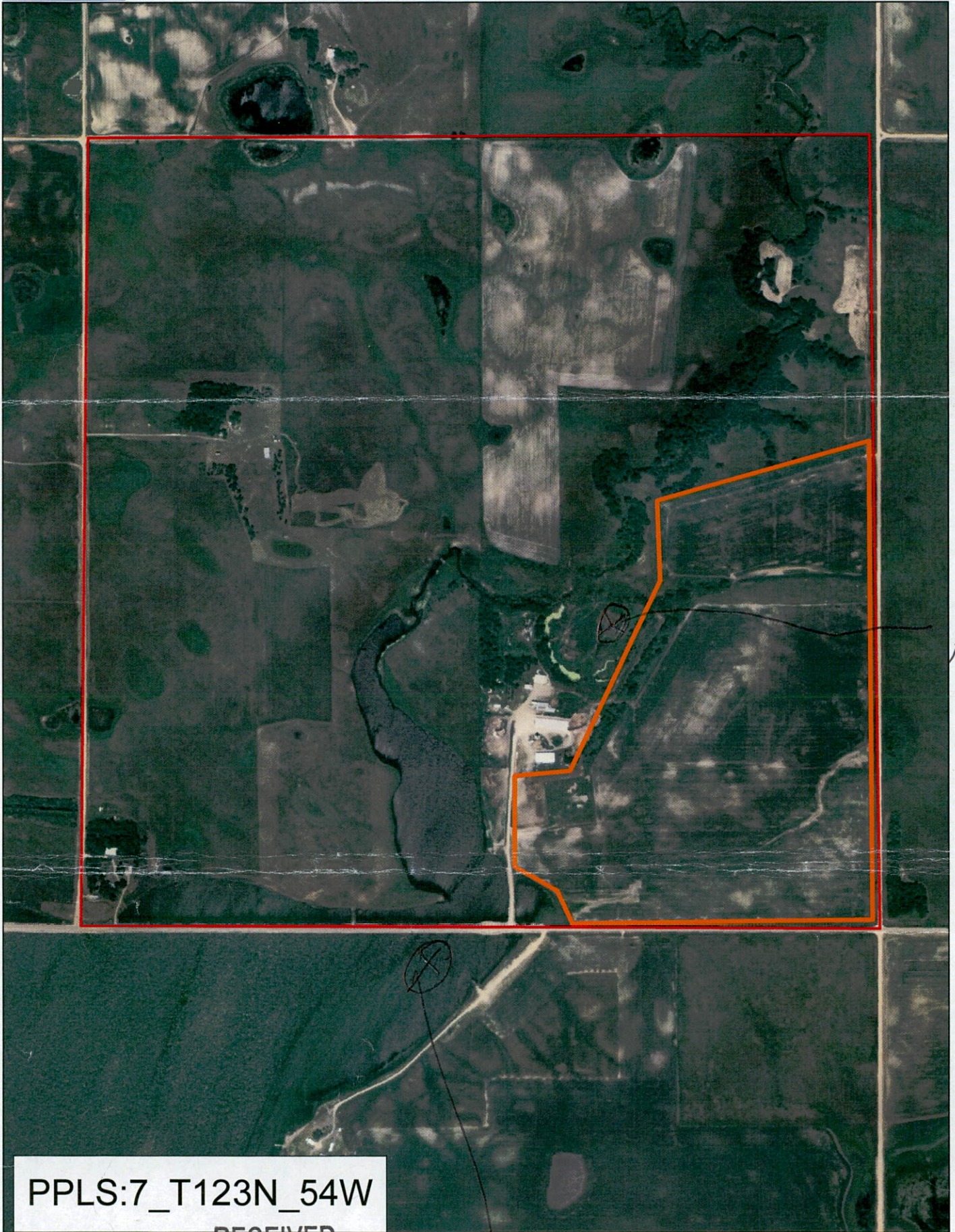
Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





PPLS:7_T123N_54W

Data use subject to license.
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www.delorme.com

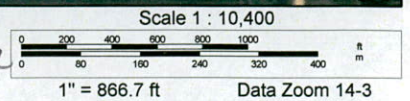
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APR 14 2014

WATER RIGHTS
PROGRAM



Wauby lake



BLOCK

2 Pivot + Flex Point
 180.0 | ALL Span
 180.0 | ALL Span
 180.0 | ALL Span
 180.0 | ALL Span
 160.0 | 7K-8K Span
 282.0 | 205 Precision Corner
 110 | SR100 EndGun
 Total Irrigated Area : 94.6 ac

Over
Flow

wasby
lake

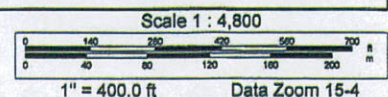
Farmers
 Implement and Irrigation
 Brookings, SD

VALLEY

Data use subject to license.

© DeLorme. XMap® 7.

www.delorme.com



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/14, 20 14

RECEIVED OF Mike Block PO Box 135 Grenville SD 57239

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

Fee for Application for Permit No. <u>8001-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>8001-3</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	950	00

No. **06829**

By Jerry Goodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8001-3, Todd Block**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8001-3, Todd Block, PO Box 135, Grenville SD 57239.

The Chief Engineer is recommending APPROVAL of Application No. 8001-3 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. Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer as necessary to protect the prior rights.
2. The pump site authorized by Permit No. 8001-3 is limited to the two points located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T123N, R54W as shown on the map accompanying the staff report.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The irrigation intake in Waubay Lake for this project shall be constructed so that the intake velocities at the intake point do not exceed 0.25 feet per second and the intake is screened with $\frac{1}{4}$ inch diameter or 3/16 inch stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 30, 2014

NOTE: This irrigation project will require a significant financial investment. The permit holder must recognize that in the future if water levels in Waubay Lake recede the diversion of water may no longer be possible at the proposed pump site location.

REPORT ON WATER PERMIT APPLICATION NO. 8001-3

**Todd Block
April 29, 2014**

Todd Block has filed Water Permit Application No. 8001-3 to appropriate 1.44 cubic feet of water per second (cfs) from Waubay Lake to irrigate 120 acres of land.

All elevations in this report are National Geodetic Vertical Datum of 1929 (NGVD 29).

PROPOSED PROJECT

Water Application No. 8001-3 is located 3 miles west and 9 miles north of the town of Waubay, SD in Day County. This project proposes to divert 1.44 cfs from a point on Waubay Lake located between the NW¼ SE¼ Section 7 and the NE¼ NW¼ Section 18; all in T123N-R54W. The 120 acres of land to be irrigated are located in the SE¼, S½ NE¼ Section 7- T123N-R54W. The annual period of use requested is from May 1 through September 30.

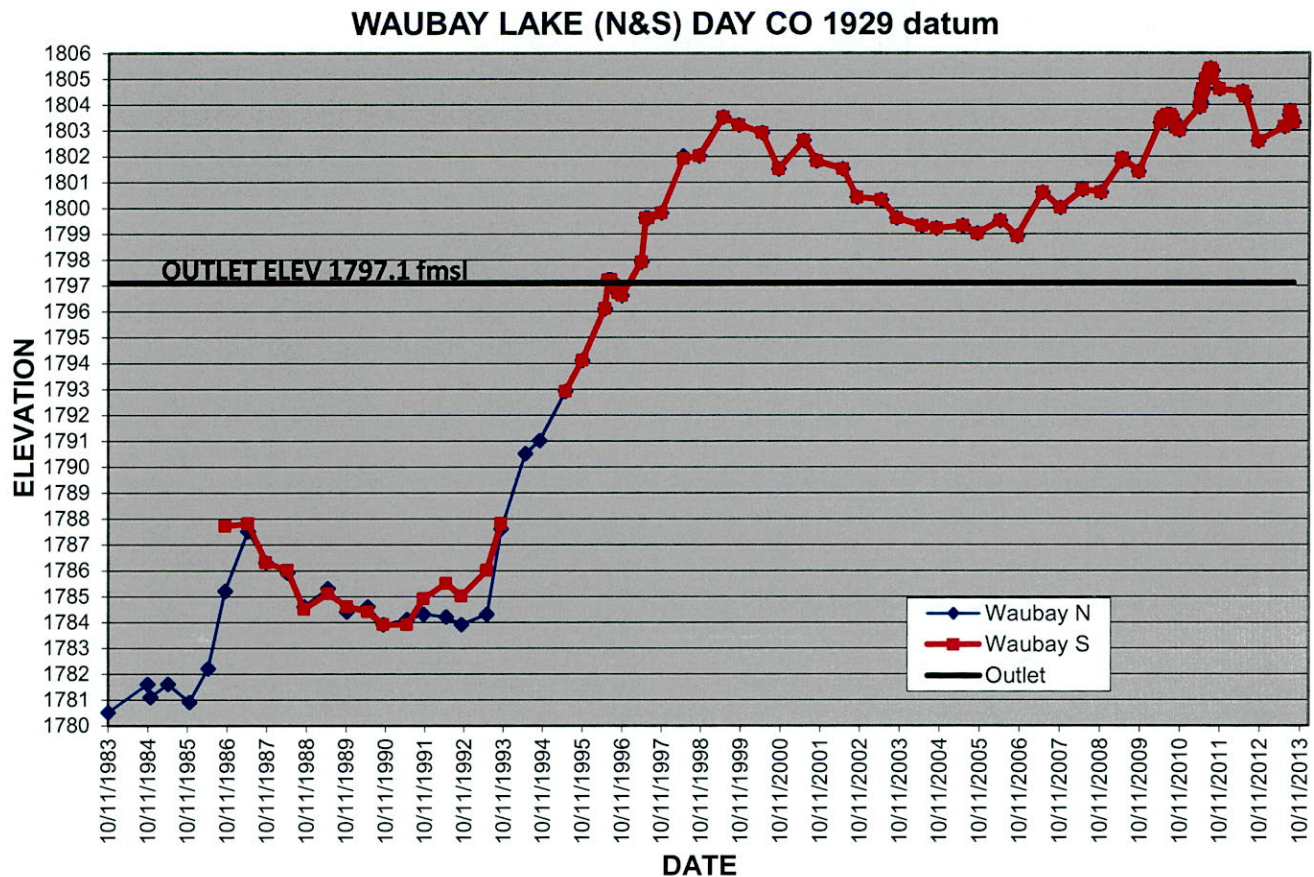
DISCUSSION

Waubay Lake is a flat-bottomed natural lake of glacial origin. The lake has a surface area of 15,500 acres and a depth of 25 feet at the outlet elevation. Waubay Lake spills south to Rush Lake at an elevation of 1797.1 feet mean sea level (fmsl). The Water Management Board set the Ordinary High Water Mark for Waubay Lake at 1787.0 fmsl in 1983.

Waubay Lake has experienced increasing water levels since 1983, when the Department of Environment and Natural Resources began measuring the lake. In the fall of 1983, Waubay Lake was separated into two lakes, North and South, and remained such until lake levels reached 1788 fmsl in the fall of 1993. By the spring of 2011, the lake was at an elevation of 1805.6 fmsl, a new record for the period of record. Figure 1 shows the semi-annual water level measurements taken by the Water Rights Program since 1983.

The proposed diversion is located at the very north end of what was known as North Waubay Lake at the edge of a water body also known as Black Slough. In the past this portion of the lake has been separated from North Waubay Lake however, most likely not since the early 1990's. A road and bridge existed between the water bodies providing access to a neighborhood, which has been inundated since water levels in Waubay Lake reached the outlet elevation of 1797.1 fmsl in 1995. Though Waubay Lake has plenty of water currently, shallower conditions exist at the very north end of the lake in the proposed area of the diversion. During extended periods of dry climate water may not be available at the proposed pump sites.

Figure 1. Measured water levels on Waubay Lake, 1983 to present.



Lake levels will typically fluctuate from year to year depending on climatic conditions. A large change in lake levels takes a multi-year shift from average, whether wetter or dryer. Waubay Lake has experienced such a change and has been well above the outlet elevation since 1997. Based on current water levels, water availability for this project is not expected to be a problem.

EXISTING WATER RIGHTS

There are three existing water rights for Waubay Lake. The Department of Game, Fish, and Parks holds Recognized Vested Water Right Claim 639-3, which has been public noticed for validation for “sufficient water to fill the lake annually to the outlet elevation or the elevation necessary to maintain the ordinary high water mark, whichever is lower.” The Ordinary High Water Mark and Outlet elevations were set for Waubay Lake by the Water Management Board in 1983 at 1787.0 fmsl and 1797.1 fmsl, respectively. Since the OHWM is lower than the outlet elevation of 1797.1 fmsl, and not knowing the exact elevation to maintain the OHWM, Vested Water Right Claim No. 639-3 should be validated to the OHWM elevation.

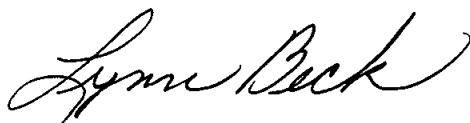
The proposed pump sites are located above the OHWM elevation of 1787.0 fmsl and will not impact Recognized Vested Water Right Claim 639-3.

Mike Koslowski, holds Water Permit No. 7114-3, which appropriates 1.78 cfs from Waubay Lake to irrigate 210 acres of land and Water Permit No. 7336-3, which appropriates 2.0 cfs to irrigate 240 acres of land. The diversion points authorized by 7114-3 and 7336-3 are located approximately 3 miles south along Waubay Lake shoreline from the proposed pump sites. Both permits contain the qualification that pumping shall cease when Waubay Lake is at or below the outlet elevation of 1797.1 fmsl.

The proposed pump sites for Water Permit Application 8001-3 are self-limiting in that they are located above the OHWM and are at or near Waubay Lake's outlet elevation. The proposed project will not impair existing water rights.

Conclusions

1. Water Application No. 8001-3 proposes to appropriate 1.44 cubic feet per second of water from Waubay Lake to irrigate 120 acres of land.
2. Water levels in Waubay Lake have exceeded the outlet level consistently since 1997.
3. If approved this permit should include the qualification that the pump site location is limited to the boundary of the two points of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18; all in T123N-R54W, unless alternative authorization is requested and subsequently approved by the Water Management Board.
4. If approved, with qualifications, this permit should not impair existing water rights.
5. Issuance of this permit does not preclude the permit holder from the responsibility of obtaining any other state or federal permits nor gives the permit holder any implied ability to disregard any other federal or state requirement.

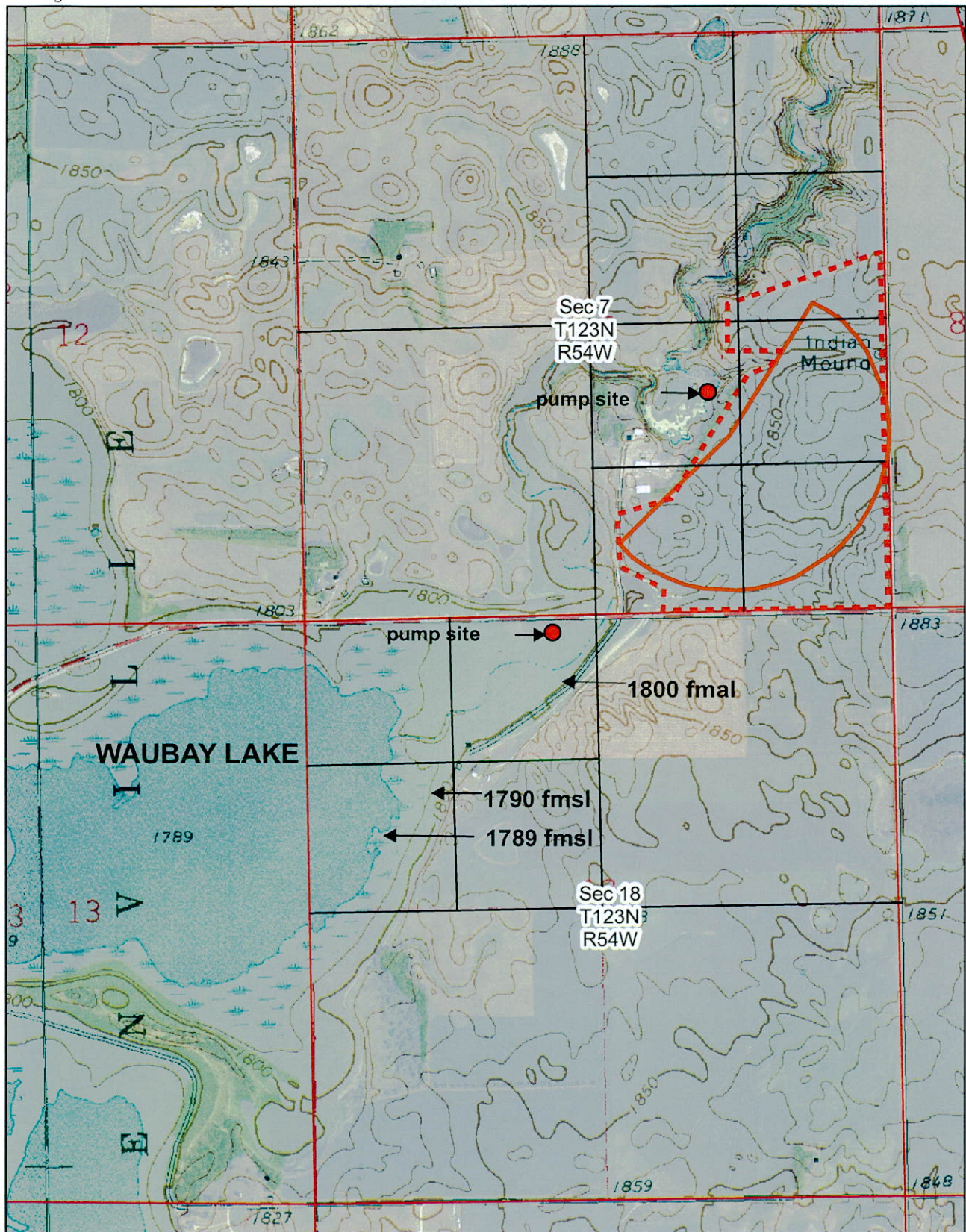


Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program



WATER PERMIT APPLICATION NO. 8001-3

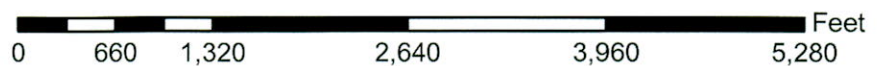
Todd Block
April 29, 2014



Lynn Beck

Lynn Beck
Natural Resources Engineer III
DENR - Water Rights Program

SCALE



AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

} ss.

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JUN 17 2014

WATER RIGHTS
PROGRAM

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed, Application to Approp. Water, a printed copy of which is hereunto attached, was printed and published in the said newspaper successive and complete issues as follows:

First Publication

June 9;

Second Publication

Third Publication

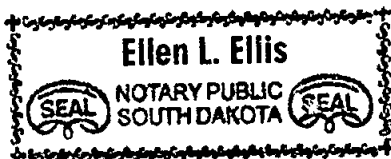
Fourth Publication

Fifth Publication

That the full amount of fees for publication of the annexed notice is \$26.24 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 10th day of June,

2014.



My Commission Expires
April 14, 2017

Ellen L. Ellis
Notary Public, Day County, South Dakota

Water application

NOTICE OF APPLICATION NO. 8001-3 TO

APPROPRIATE WATER

Notice is given that Todd Block, PO Box 135, Grenville, SD 57239 has filed an application for a water permit. Application No. 8001-3 proposes to appropriate 1.44 cubic feet of water per second (cfs) from Waubay Lake located at a point between the NE 1/4 NW 1/4 Section 18 and the NW 1/4 SE 1/4 Section 7 for irrigation of 120 acres located in the SE 1/4, S 1/2 NE 1/4 Section 7; all in T123N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8001-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to

the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 19, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

Published once at the total approximate cost of \$26.24.

RECEIVED

JUN 17 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

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 9th, 2014

Cost of Printing \$57.29

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

June 9th, 2014

(Date Signed)

DENR

NOTICE OF APPLICATION
NO. 8001-3 to Appropriate
Water

Notice is given that
Todd Block, PO Box 135,
Grenville SD 57239 has
filed an application for a
water permit.

Application No. 8001-3
proposes to appropriate
1.44 cubic feet of water per
second (cfs) from Waubay
Lake located at a point
between the NE 1/4 NW
1/4 Section 18 and the
NW 1/4 SE 1/4 Section 7
for irrigation of 120 acres
located in the SE 1/4, S
1/2 NE 1/4 Section 7; all in
T123N-R54W.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends APPROVAL
of Application No. 8001-3
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
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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
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recommendation must file a
written petition with BOTH
the applicant and Chief
Engineer. The applicant must
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the Chief Engineer's
recommendation. The
Chief Engineer's address
is "Water Rights Program,
Foss Building, 523 E
Capitol, Pierre SD 57501
(605 773-3352)" and the
applicant's mailing address
is given above. A petition
filed by either an interested
person or the applicant must
be filed by June 19, 2014.

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

Published once at the
approximate cost of \$52.29.
(June 9, 2014)

All legal notices in the Public
Opinion and other South
Dakota newspapers can be
found at
www.sdpublicnotices.com



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 2, 2014

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8001-3 to Appropriate Water. Please publish the notice once on June 9, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Todd Block, PO Box 135, Grenville SD 57239 (Ph # 605-237-2233).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 2, 2014

Public Opinion
PO Box 10
Watertown SD 57201

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

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.**

June 2, 2014

Todd Block
PO Box 135
Grenville SD 57239

Dear Mr. Block:

Water Permit Application No. 8001-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356) 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.

Instruction to Newspaper - Publish the Notice on June 9, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8001-3 to Appropriate Water

Notice is given that Todd Block, PO Box 135, Grenville SD 57239 has filed an application for a water permit. Application No. 8001-3 proposes to appropriate 1.44 cubic feet of water per second (cfs) from Waubay Lake located at a point between the NE 1/4 NW 1/4 Section 18 and the NW 1/4 SE 1/4 Section 7 for irrigation of 120 acres located in the SE 1/4, S 1/2 NE 1/4 Section 7; all in T123N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8001-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 19, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JUL 07 2014

Todd Block
PO Box 135
Grenville SD 57239

Dear Mr. Block:

Enclosed is Water Permit No. 8001-3 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,

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

January 14, 2025

NOTICE

TO: TODD BLOCK, PO BOX 135, GRENVILLE, SD 57239 0135

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) 8001-3 & 8002-3. 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) 8001-3 & 8002-3 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) 8001-3 & 8002-3 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. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OHIMHK**

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.

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8001-3**

I have this day, November 20, 2024, I talked to Todd Block, PO Box 133, Grenville, SD 57239 on the phone (605/237-2233) regarding the status of Permit No. 8001-3, bearing the priority of April 14, 2014 authorizing the diversion of 1.44 cu. ft. per second of the waters of Waubay Lake for irrigation purposes, in Day County.

Mr. Block indicated that he is currently in negotiations with Inman Irrigation in Aberdeen, SD for the purchase and installation of a used center pivot irrigation system in 2025.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 20, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 27, 2025

No. 8001-3 and 8002-3

Todd Block
PO Box 133
Greenville, SD 57239

Dear Mr. Block:

I'm writing you today in reference to Water Permit No. 8001-3 and 8002-3.

Permit No. 8001-3 authorized the diversion of 1.44 cfs from surface water (Waubay Lake) for the irrigation of 120 acres located within the SE ¼, S ½ NE ¼, Section 7; all in T123N, R54W, with construction to be completed by June 19, 2019, and for the application to beneficial use of water on or before June 19, 2023.

Permit No. 8002-3 authorized the diversion of 1.44 cfs from groundwater, one well (Coteau Lakes Aquifer) for the irrigation of 120 acres located within the NW ¼, Section 14; all in T123N, R55W, with construction to be completed by December 3, 2019, and for the application to beneficial use of water on or before December 3, 2023.

On November 20, 2024, Water Rights Program inspector Darrell DeBoer conducted a site visit for the purpose of licensing the irrigation systems authorized by Permit No. 8001-3 and No. 8002-3. During the inspection he noted that you are currently in negotiations for the purchase and installation of center pivot irrigation systems in 2025.

Due to the systems not being constructed by the deadline outlined in the permit, the Water Rights Program will be pursuing cancellation of Permit No. 8001-3 and No. 8002-3, due to non-construction.

If you reach agreement for the purchase and installation of center pivot irrigation systems, new irrigation permits will need to be obtained. For your convenience I have enclosed the application for irrigation in South Dakota.

Please contact me to discuss the cancelation of Permit No. 8001-3 and 8002-3.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure

8001-3

8002-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

TODD BLOCK
PO BOX 114
ROSLYN SD 57261



9590 9402 6392 0303 3255 25

2. Article Number (Transfer from service label)

7021 1970 0000 9489 7486

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Barbara Block

C. Date of Delivery

3-12-25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



8001-3
8002-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

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

TO: Todd Block, PO Box 114, Roslyn SD 57261

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Permit Nos. 8001-3 & 8002-3

On March 5, 2025, the Water Management Board ordered:

Effective April 4, 2025, Water Permit Nos. 8001-3 & 8002-3 be suspended for the 2025 irrigation season for failure to submit the 2024 irrigation questionnaires.

If the 2024 irrigation questionnaires are received prior to April 4, 2025, the suspensions will not take effect.

A one-year suspension of Water Permit Nos. 8001-3 & 8002-3 means water may not be pumped during the 2025 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2025 unless the 2024 irrigation questionnaires are submitted prior to April 4, 2025.

After April 4, 2025, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2024 irrigation questionnaires and a letter including your reason for not completing the 2024 irrigation questionnaires within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 7-8, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

Please contact Amanda Dewell (605) 773-3352 with any questions.

7021 1970 0000 9489 7486

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| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

Postmark
Here

TODD BLOCK
PO BOX 114
ROSLYN SD 57261

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

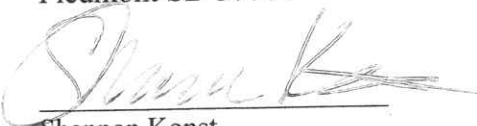
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2025.


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

March 18, 2025

8001-3
8002-3

Todd Block
PO Box 135
Grenville SD 57239

Dear Mr. Block:

I am writing to acknowledge the receipt of your 2024 irrigation information submitted for Water Permit Nos. 8001-3 & 8002-3 on March 17, 2025.

The Water Management Board moved to suspend Water Permit Nos. 8001-3 & 8002-3 for a period of one year if the questionnaires were not returned prior to April 4, 2025. You may disregard the "Notice of Entry of Order for One Year Suspension" of Water Permit Nos. 8001-3 & 8002-3, dated March 6, 2025.

On this year's reports the selection of "System Not Constructed" was made. Permit Nos. 8001-3 & 8002-3 were approved on June 19, 2014 & December 3, 2014, with construction to be completed by June 19, 2019 & December 3, 2019, and water to be placed to beneficial use by June 19, 2023 & December 3, 2023; respectively.

Unfortunately, with the dates for construction completion & placement of water to beneficial use having passed, these permits should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of Permit Nos. 8001-3 & 8002-3.

Sincerely,

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