

WATER PERMIT NO. 8261-3

Name of Applicant: Van Buskirk Farms LLC

Address: PO Box 98, Hitchcock SD 57348 Phone: 605 350-5671

Amount of Water Claimed: no add'l Total Acres: 120

Source of Water Supply: 2 existing ponds

Water to be used for: irrigation County: Beadle

Type of Waste Disposal System:

Location: 1/2 mile SW of Hitchcock

PRIORITY Date Received: 11-1-17 Application/License Fee: \$ 950

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

Remarks: Additional acres to Water Permit No. 7264-3

Diversion Point: NW 1/4 SW 1/4 and NE 1/4 SW 1/4 Sec 4-T113N-R63W

Land to be Irrigated: SW 1/4 Sec 4-T113N-R63W

Depth of Well: NA

Well Driller:

Remarks:

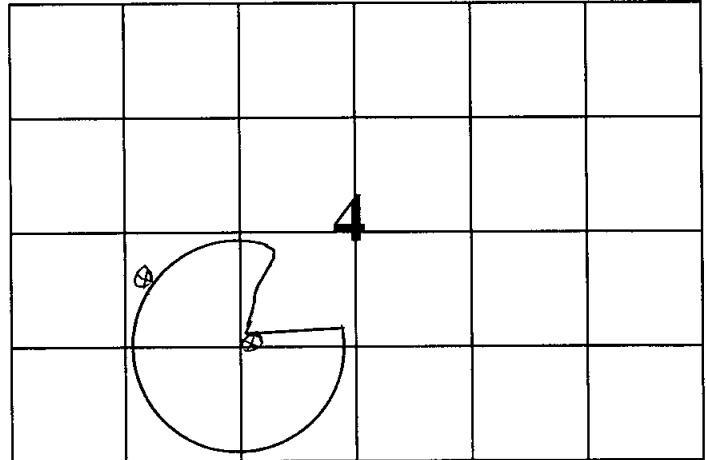
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-12-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8261-3</u> (office use only) Hydrologic Unit <u>1016006</u>
	Basin <u>James River</u>
	Newspaper <u>Plainsman - Huron</u>
	<u>605-353-7401</u>

RECEIVED
JAN 11 2017
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.)
applying for additional acres

1. Name to Appear on Irrigation Permit Van Buskirk Farms LLC

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

Mailing Address PO Box 98 Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 350-5671 Email _____

2. Amount of water claimed no addl *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 two existing ponds authorized by Water Right No. 7264-3

4. Location of point of diversion NW 1/4 SW 1/4 and NE 1/4 SW 1/4 Section 4, T113N, R63W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used May 1 - September 30

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

Land Description	Acres	Land Description	Acres
NW 1/4 <u>SW</u> 1/4 Section 4, T113N, R63W	33		
NE 1/4 <u>SW</u> 1/4 Section 4, T113N, R63W	18		
SW 1/4 <u>SW</u> 1/4 Section 4, T113N, R63W	33		
SE 1/4 <u>SW</u> 1/4 Section 4, T113N, R63W	33		

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

Intend to install a pivot in the SW 1/4 Section 4, T113N, R63W. Pivot will be configured to bend around tree belts or other obstructions. Applying for 120 acres but understand that may develop less acres and the permit may be reduced at time of licensing. The sloughs as shown on map are now just ponds that do not take up the foot print that is shown.

I, Matt Van Buskirk Matt Van Buskirk, 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.

**SOUTH DAKOTA
WATER PERMIT NO. 8261-3**

Date of first receipt of application January 11, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8261-3 to Van Buskirk Farms LLC, c/o Matthew Van Buskirk, PO Box 98, Hitchcock SD 57348 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. 8261-3 authorizes irrigation of 120 new acres. Water Right No. 7264-3 appropriates 2.67 cubic feet of water per second from two ponds located in the NW 1/4 SW 1/4 Section 4 for irrigation of 378 acres located in the SE 1/4, S 1/2 NE 1/4 Section 4 and E 1/2 Section 5; all in T113N-R63W. This permit authorizes irrigation of 120 new acres located in the SW 1/4 Section 4-T113N-R63W from the two existing ponds. This permit does not authorize any increase in the developed diversion rate.
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 January 11, 2017.
4. The date of approval of Permit No. 8261-3 is March 28, 2017.
5. One-fifth of the construction is to be completed on or before September 28, 2019.
6. All construction is to be completed on or before March 28, 2022.
7. Water is to be put to beneficial use on or before March 28, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

APR 26 2017

date

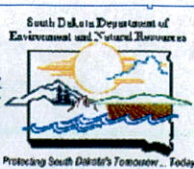


Water Permit Application for Van Buskirk Farms LLC



0 285 570 1,140 1,710 2,280 Feet

NOTE: This is a 2012 FSA aerial photo - the area has been drained and the pond size significantly reduced.



Eric Gronlund
Water Rights Program, DENR
based on representation by
Matt Van Buskirk

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/11, 20 17

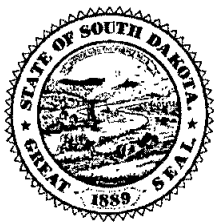
RECEIVED OF Matthew Vanbuskirk 19053 Maple Ave PO Box 98 Hitchcock SD 57348

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

Fee for Application for Permit No. <u>8261-3</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>8261-3</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. **08065**

By Jame Goodman
Chief Engineer



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **VAN BUSKIRK FARMS LLP**

General Information

SOS Business ID DR001395
Filing Type: Limited Liability Partnership - Domestic
04/05/2011
Status: Delinquent
Duration Term: Perpetual

Registered Agent Address
MATTHEW VAN BUSKIRK
19053 MAPLE AVENUE
HITCHCOCK, SD 57348

Principal Address
19053 MAPLE AVENUE
HITCHCOCK, SD 57348-6809

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/09/2015	2015 Annual Report	
09/09/2014	2014 Annual Report	
09/09/2014	2014 Annual Report	
07/29/2013	2013 Annual Report	
04/08/2013	2012 Annual Report	
04/08/2013	2011 Annual Report	
04/05/2011	Initial Filing	DR001395

Water Rights Program - DENR
Conversation File Documentation

NAME OF FILE: Application for Van Buskirk Farms
ADDRESS: COUNTY: Beadle
DATE: January 11, 2017 TELEPHONE:

RE: acreage to be irrigated

Matt Van Buskirk was in the office on January 11th to fill out an application to irrigate 120 acres from the two ponds authorized by Water Right No. 7264-3. I helped fill out the application. The applicant errantly identifies the SE $\frac{1}{4}$ of Section 4, T113N, R63W. This land is already authorized by Water Right No. 7264-3. The correct quarter section is the SW $\frac{1}{4}$ Section 4, T113N, R63W.

I also asked whether the two ponds can supply the irrigation needs of four pivots. Mr. Van Buskirk indicated that they just need about 1 inch of water at the right time to make the crop.

NAME: Eui Hunkul



**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. 8261-3, Van Buskirk Farms LLC**

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. 8261-3, Van Buskirk Farms LLC, c/o Matthew Van Buskirk, PO Box 98, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 8261-3 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 qualification:

1. 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
March 10, 2017

REPORT ON WATER PERMIT APPLICATION NO. 8261-3

Van Buskirk Farms, LLC

March 7, 2017

Van Buskirk Farms, LLC % Matthew Van Buskirk, has filed Water Permit Application No. 8261-3, to irrigate 120 new acres from two existing diversion points authorized by Water Right No. 7264-3. Water Right No. 7264-3 appropriates 2.67 cubic feet of water per second from two ponds to irrigate 378 acres. This application, if approved, does not increase the developed diversion rate.

Review of Proposed Project

Water Permit Application No. 8261-3 is located less than a mile southwest of the town of Hitchcock, South Dakota in Beadle County.

This application proposes to irrigate 120 new acres located in the SW $\frac{1}{4}$ Section 4-T113N-R63W. The two existing diversion points authorized by Water Right No. 7264-3 are located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 for irrigation of 378 acres located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 4 and E $\frac{1}{2}$ Section 5; all in T113N-R63W. Water Right 7264-3 is held by this applicant. The applicant proposes to install a center pivot configured to avoid tree belts and other obstructions. This application requests an annual period of use from May 1 to September 30 and does not increase the developed diversion rate authorized by Water Right No. 7264-3.

Review of Water Source

The source of water for this application is from two ponds supplied by surface water run-off from snow melt and precipitation. The ponds vary in size depending on climactic conditions and cannot be considered a reliable source of water during dry periods.

Water Right No. 7264-3 contains file documentation between Matthew Van Buskirk and Eric Gronlund, Water Rights staff engineer, where Mr. Van Buskirk indicated that the pump sites are located where excavation was conducted to make holding ponds for drain tile discharge. This drain tile discharge may provide supplemental water for irrigation.

During the application process for Water Right No. 7264-3 it was noted that the north pond inundates land owned by David and Paula Van Scharrel. A letter from David Van Scharrel, dated October 3, 2011, was received by Water Rights Program giving consent to pump water from the north pond which may result in lowering water levels on the Van Scharrel property.

Review of Existing Water Permits/Rights

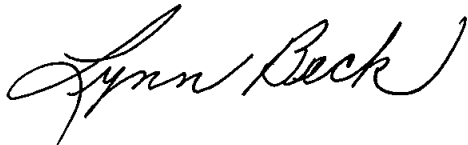
There is only one other water right from the same source as this application, Water Right No. 7264-3 as described above which is held by the applicant.

This application does not increase the diversion rate but does increase the number of acres being irrigated. The additional 120 acres irrigated from the water source has the potential to increase

the volume of water diverted. Since the applicant also holds Water Right No. 7264-3, management of the water source is expected to be adequate.

Conclusions

1. Application No. 8261-3 proposes to irrigate 120 new acres of land from two diversion points authorized by Water Right No. 7264-3.
2. Application No. 8261-3, if approved, does not increase the developed diversion rate authorized by Water Right No. 7264-3.
3. The ponds vary in size depending on climactic conditions and cannot be considered a reliable source of water during dry periods.
4. If Application No. 8261-3 is approved, it is not expected to adversely impact existing water rights.

A handwritten signature in black ink, reading "Lynn Beck". The signature is fluid and cursive, with the first name "Lynn" and last name "Beck" clearly distinguishable.

Lynn Beck
Natural Resources Engineer III
DENR – Water Rights Program

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

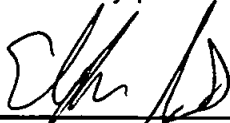
APR - 7 2017

WATER RIGHTS
PROGRAM

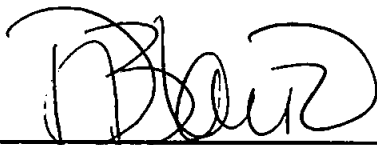
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

VAN BUSKIRK FARMS- #2935 WATER RIGHTS APP

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 18TH Day MARCH 2017. That the full amount of the fee charged for publishing THIRTY-THREE & 77/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 5TH Day of APRIL 2017.



Notary Public, South Dakota

My term expires 03/11/2022
Legal #2935

F.P. 03-18-17

**NOTICE OF
APPLICATION
NO. 8261-3 to**

Appropriate Water

Notice is given that Van Buskirk Farms LLC, c/o Matthew Van Buskirk, PO Box 98, Hitchcock SD 57348 has filed an application to irrigate 120 new acres. Water Right No. 7264-3 appropriates 2.67 cubic feet of water per second from two ponds located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 Section 4 for irrigation of 378 acres located in the SE 1/4, S 1/2 NE 1/4 Section 4 and E 1/2 Section 5; all in T113N-R63W. This application proposes to irrigate 120 new acres located in the SW 1/4 Section 4-T113N-R63W from the two existing ponds. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8261-3 with qualifications 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. 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.

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 March 28, 2017.

The petition may be informal, but must include a statement describing the petitioner's interest in the appli-

cation, 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.

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 recommendation with no hearing held before the Water Management Board. 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.

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

No. 2935 (adv.)
Published once at the
total approximate cost of
\$39.77.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 10, 2017 10:26 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 8261-3, Van Buskirk Farms LLC
Attachments: 8261-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 17, 2017.

Van Buskirk Farms, LLC, c/o Matt Van Buskirk, PO Box 89, Hitchcock SD 57348 (605 350-5671) 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.

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

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





**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.**

March 10, 2017

Van Buskirk Farms LLC
Matthew Van Buskirk
PO Box 98
Hitchcock SD 57348

Dear Mr. Van Buskirk:

Water Permit Application No. 8261-3 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 Plainsman printed at Huron SD (Ph # 605-353-7401). 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.

NOTICE OF APPLICATION NO. 8261-3 to Appropriate Water

Notice is given that Van Buskirk Farms LLC, c/o Matthew Van Buskirk, PO Box 98, Hitchcock SD 57348 has filed an application to irrigate 120 new acres. Water Right No. 7264-3 appropriates 2.67 cubic feet of water per second from two ponds located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 Section 4 for irrigation of 378 acres located in the SE 1/4, S 1/2 NE 1/4 Section 4 and E 1/2 Section 5; all in T113N-R63W. This application proposes to irrigate 120 new acres located in the SW 1/4 Section 4-T113N-R63W from the two existing ponds. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8261-3 with qualifications 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. 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.

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 March 28, 2017.

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.

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 recommendation with no hearing held before the Water Management Board. 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.

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

APR 26 2017

Van Buskirk Farms LLC
Matthew Van Buskirk
PO Box 98
Hitchcock SD 57348

Dear Mr. Van Buskirk:

Enclosed is Water Permit No. 8261-3 authorizing construction of the 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 19, 2024

NOTICE

TO: VAN BUSKIRK FARMS LLP, MATT VAN BUSKIRK, PO BOX 98, HITCHCOCK, SD 57348
0098

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1723-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1723-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: LZTUNL**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2024

1504B-3, 3390-3A, 3191-3
5601-3, 7264-3, 7315A-3
1723-3, 7316-3 & 8261-3

Van Buskirk Farms LLC
c/o Matt Van Buskirk, Mgr
PO Box 98
Hitchcock SD 57348

Dear Mr. Van Buskirk:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1504B-3, 1723-3, 3390-3A, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The irrigation questionnaire for Scott Mueller's Permit No. 3191-3 has not been received. Permit No. 3191-3 is still scheduled to be reviewed by the Water Management Board on Wednesday, March 6, 2024. If the irrigation questionnaire is returned prior to the March 6th meeting, it will be removed from the agenda.

cc: STEVEN NICOLAI, 4535 MORMAN COULEE RD, LACROSS WI
SCOTT A MUELLER, 19221 397TH AVE, HITCHCOCK SD 57348



also add to: 8261-3, 7315A-3, 7264-3
7316-3, 8108-3, 8109-3, 8110-3
8748-3, 8752-3, 8751-3, 8750-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

8749-3
5601-3

January 21, 2025

7316-3

Van Buskirk Farms LLP
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Van Buskirk:

Enclosed is a "Notice" dated January 14, 2025, concerning the 2024 Irrigation Questionnaire.

The notice was originally mailed to Van Buskirk Farms LLP, PO Box 98, Hitchcock SD 57348. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **CFLRWV**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

55E NFE 114192410001/15/25
RETURN TO SENDER
VANBUSKIRK
18892 390TH AVE
HITCHCOCK SD 57348-7707

RETURN TO SENDER