

WATER PERMIT NO. 8451-3

Name of Applicant: **Gregory L Langeliers**

Address: **PO Box 77, Pollock SD 57648** Phone: **615 804-7719**

Amount of Water Claimed: **0.30** Total Acres: **21.13 acres**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation** County: **Campbell**

Type of Waste Disposal System:

Location: **1 mile north of Pollock**

PRIORITY Date Received: **9-23-20**

Application/License Fee: **\$ 700**

Corrected Application Received: **10-2-20**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **NE 1/4 NE 1/4 Section 17-T128N-R78W**

Land to be Irrigated: **N 1/2 Section 17-T128N-R78W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **10-2-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8451-3**

Date of first receipt of application September 23, 2020.

Date of return to applicant for corrections, amendments or changes September 24, 2020.

Date of receipt of corrected application October 2, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8451-3 to Gregory L. Langeliers, PO Box 77, Pollock SD 57648 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. 8451-3 appropriates 0.30 cubic feet of water per second from the Missouri River in the Lake Oahe reach located in the NE 1/4 NE 1/4 Section 17 for irrigation of 21.13 acres located in the N 1/2 NE 1/4 Section 17; all in T128N-R78W. This site is located approximately 1 mile north of Pollock SD.
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: April 1 – October 31.
3. The date from which applicant may claim right is September 23, 2020.
4. The date of approval of Permit No. 8451-3 is November 9, 2020.
5. One-fifth of the construction is to be completed on or before May 9, 2023.
6. All construction is to be completed on or before November 9, 2025.
7. Water is to be put to beneficial use on or before November 9, 2029.
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: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 24 2020

date



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>8451-3</u>	(office use only) Hydrologic Unit <u>10130102</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Prairie Pioneer, Pollock</u>	
	<u>Aberdeen American News</u>	

PAID
SEP 23 2020
Ck# 5640
RECEIVED
SEP 23 2020
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 Gregory L. Langeliers

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

Mailing Address P. O. Box 77 Pollock ☒ SD 57648
(Address) (City) (State) (Zip Code)

Phone (605) 889-2473 Mobile (615) 804-7719 Email glangeliers@yahoo.com

2. Amount of water claimed 0.30 *CFS or 134.4 **GPM ***AF Total Acreage 21.13
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Oahe Reservoir T128N-R78W

4. Location of point of diversion N1/2NE1/4 LESS 42.38A-USA LESS 15A-CITY LESS 1.49A -SD HWY--SEC 17
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Near the southwest corner of the above described property (NE1/4 NE1/4) County Campbell ☒

5. County or counties where water will be used Campbell

6. Annual period during which water is to be used April - October

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
N1/2NE1/4 LESS 42.38A-USA LESS 15A-CITY			
LESS 1.49A -SD HWY--SEC 17--128--78	21.13		

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

Seasonal irrigation of portions of the above described acreage (15 Acres Max.) for vegetables, flowers, orchards, alfalfa, and other specialty crops including possible greenhouse growing.

I, Gregory L. Langeliers [Signature], 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.

Legend

Feature 1

Irrigation Permit Request (Exhibit A)

102nd St

N1/2NE1/4 LESS 42.38A-USA LESS 15A-CITY LESS 1.49A -SD HWY--SEC 17--128--78

299th Ave

N45°54'38.88"

Approximate Diversion Point

1804



800 ft

Google Earth

© 2020 Google

128N,78W
Section: 07

128N,78W
Section: 08

128N,78W
Section: 09

128N,78W
Section: 18

128N,78W
Section: 17

128N,78W
Section: 16

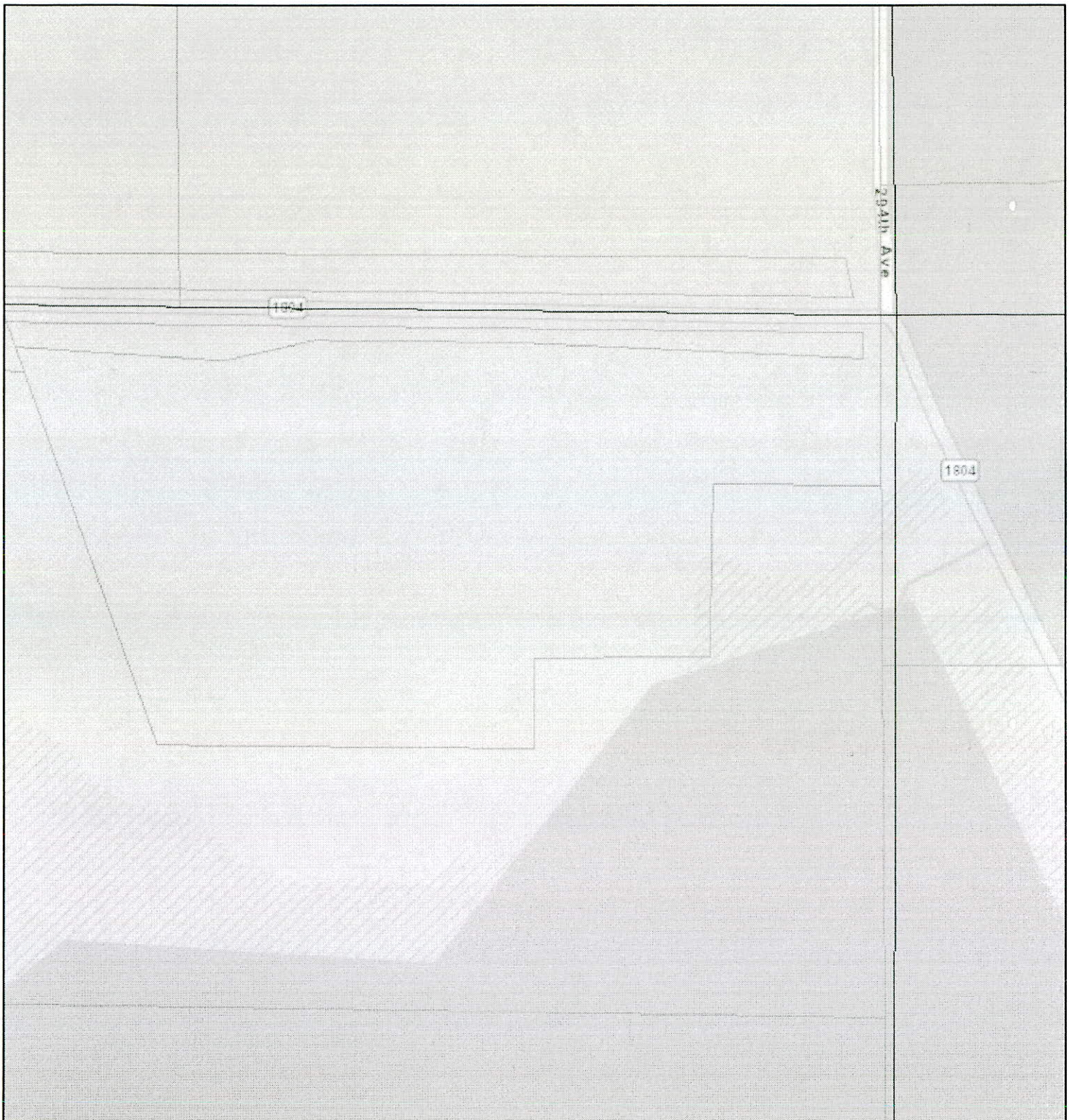
128N,78W
Section: 19

128N,78W
Section: 20

128N,78W
Section: 21

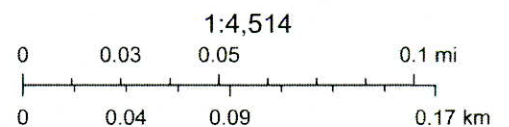


CAMPBELL COUNTY WEB GIS VIEWER



9/21/2020, 9:49:24 AM

- | | | |
|--|--|------------------------------------|
| ☐ PARCELS | ☐ BERNDT | ☐ FJELDHEIM |
| ☐ SECTIONS | ☐ BRANDNER'S | |
| ☐ TOWNSHIPS | ☐ CLYBORNE & ECKERT'S 1ST | |
| PLAT | ☐ EAST 1ST | |
| ☐ AUDITORS PLAT | ☐ FIRST | |
| ☐ B & E BERNDT | ☐ FIRST REFORMED CHURCH | |



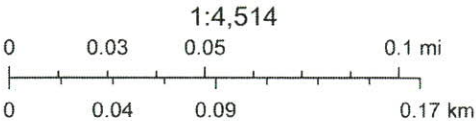
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

CAMPBELL COUNTY WEB GIS VIEWER



9/21/2020, 9:51:10 AM

- ☐ PARCELS
- ☐ SECTIONS
- ☐ TOWNSHIPS
- PLAT
- ☐ AUDITORS PLAT
- ☐ B & E BERNDT
- ☐ BERNDT
- ☐ BRANDNER'S
- ☐ CLYBORNE & ECKERT'S 1ST
- ☐ EAST 1ST
- ☐ FIRST
- ☐ FIRST REFORMED CHURCH
- ☐ FJELDHEIM



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECEIVED

OCT 02 2020

**WATER RIGHTS
PROGRAM**

September 24, 2020

Gregory L Langeliers
PO Box 77
Pollock SD 57648

Dear Mr. Langeliers:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Campbell County. In order to complete the application, the following is required.

- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. The maps you submitted did not have the section corners designated. For your use, I have enclosed a map with those designations. Please outline the acres to be irrigated and mark the proposed river diversion point location with an "X".

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

*Thank you!
Karen*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 23, 2020

RECEIVED OF Greg Langeliers PO Box 77 Pollock SD 57648

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

Fee for Application for Permit No. <u>8451-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
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>8451-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$700.00

By Eric Gronlund
Chief Engineer
vm



DENR
SOUTH DAKOTA

**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. 8451-3, Gregory L. Langeliers**

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. 8451-3, Gregory L. Langeliers, PO Box 77, Pollock SD 57648.

The Chief Engineer is recommending APPROVAL of Application No. 8451-3 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:

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

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 22, 2020

REPORT ON WATER PERMIT APPLICATION NO. 8451-3

Gregory L. Langeliers

October 19, 2020

Application No. 8451-3, proposes to appropriate 0.30 cubic feet of water per second from the Missouri River located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17 for irrigation of 21.13 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17; all in T128N-R78W. This site is located approximately one mile north of Pollock SD in Campbell County near the North Dakota border.

Review of the Proposed Project

The applicant proposes to appropriate the natural flow of Missouri River in the Lake Oahe reach for irrigation of 21.13 acres. The intent is to irrigate vegetables, flowers, orchards, alfalfa, and other specialty crops including irrigation within a greenhouse.

Review of the Water Source

The water source for this project is from the natural flow of the Missouri River flowing through Lake Oahe in the reach impounded behind Oahe Dam. The US Army Corps of Engineers constructed Oahe Dam impounding Lake Oahe in the 1950s and 1960's as a part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft. Peck, Garrison, Oahe, Big Bend, Ft. Randall, and Gavins Point, are operated as a system providing storage and water releases for congressionally authorized purposes, including irrigation. Specifically, Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Natural flow in an in-stream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from the storage. When there is an excess of natural flow, the excess can be used to fill empty storage space in the instream reservoir and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment the natural flow.

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 70 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson et. al. 2001). A percentile hydrograph displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can be derived from this study for the Missouri River at Oahe Dam (Figure 1). A percentile is a measure used in statistics to indicate the value below which a given percentage of observations in a group of observations fall, in this case daily flow. The Missouri River natural flow percentile hydrograph shows a double peak for the three percentile levels shown. The first

March-April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph, corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available, if this project is approved, during the irrigation season of April through November.

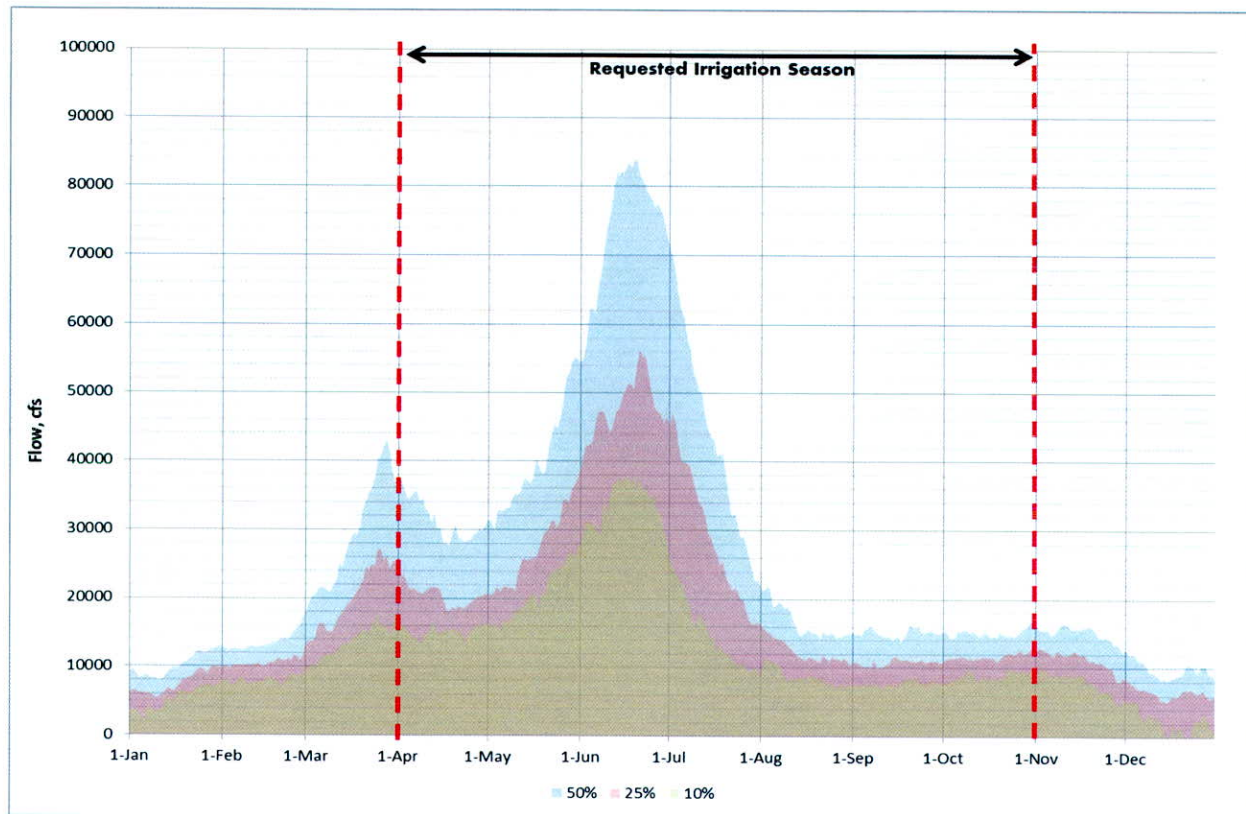


Figure 1 - Natural Flow Hydrograph for the Missouri River at Oahe Dam. (Jacobson, 2012)

A percentile hydrograph displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can also be derived from this study for the Missouri River at a point near Gavins Point Dam (Figure 2). This natural flow percentile hydrograph shows a similar double peak for the three percentile levels shown. The first April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available, if this project is approved, during the irrigation season of April through October.

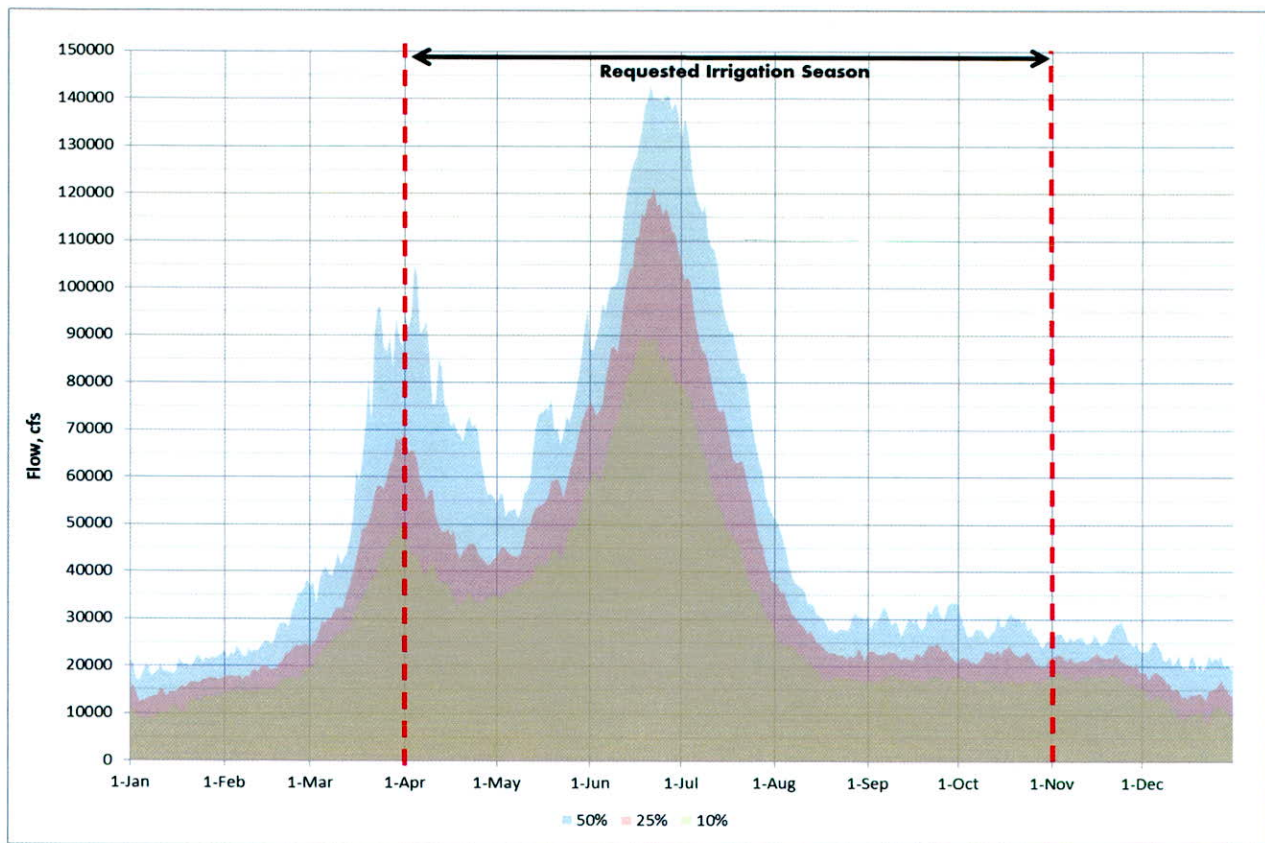


Figure 2 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2012)

Even at the 10th percentile flow, both hydrographs demonstrate that there is ample natural flow available, if this project is approved.

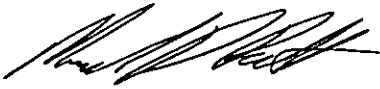
As Figures 1 and 2 demonstrate, existing water rights will not be adversely impacted by this project. Water availability is not a concern when using the natural flows of the Missouri River as a source. Accessing water due to declining water levels and receding shoreline as reservoir levels drop during periods of drier climatic conditions when upstream basin runoff is reduced, can become an issue in the Oahe Reservoir reach of the river.

Review of the Proposed Project and Existing Water Rights

There are 254 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1,285.95 cfs (Water Rights, 2020). Since water availability is not an issue, approval of this permit will not adversely affect these existing water rights.

Conclusions

1. This application proposes to appropriate 0.30 cubic feet of water per second from the Missouri River.
2. The water will be used for irrigation.
3. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lake Oahe upstream from Oahe Dam near the North Dakota border.
4. Unappropriated water is available.
5. Existing rights will not be unlawfully impaired.



Mark D. Rath

Natural Resources Engineer III

References

1. Jacobson. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO.
2. Water Rights. 2020. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 9:29 AM
To: glangeliers@yahoo.com
Subject: Water Permit Application No. 8451-3
Attachments: 0099.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the two papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

RECEIVED

NOV 12 2020

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

(No. 899945
(October 29, 2020 - 1T)

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Carla Penning being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 899945
Notice of Application

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day
The first publication being made on the 29th day of Oct., 2020.
The second publication being made on the _____ day of _____, 2020.
The third publication being made on the _____ day of _____, 2020.
The fourth publication being made on the _____ day of _____, 2020.
The fifth publication being made on the _____ day of _____, 2020.
The sixth publication being made on the _____ day of _____, 2020;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 46.98, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Penning
Subscribed and sworn to before me this 29th day of Oct., 2020.

Daily Circulation 10,000

Michael

Notary Public, Brown County, SD.

My commission expires March 20, 2025NOTICE OF APPLICATION
NO. 8451-3 to Appropriate Water

Notice is given that Gregory L. Langehans, PO Box 77, Pollock SD 57848 has filed an application for a water permit to appropriate 0.30 cubic feet of water per second from the Missouri River in the Lake Oahe reach located in the NE 1/4 NE 1/4 Section 17 for irrigation of 21.13 acres located in the N 1/2 NE 1/4 Section 17; all in T128N-R78W. This site is located approximately 1 mile north of Pollock SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of

Application No. 8451-3 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 Ron Duval for this information, or other information, at the Water Rights Program address provided below.

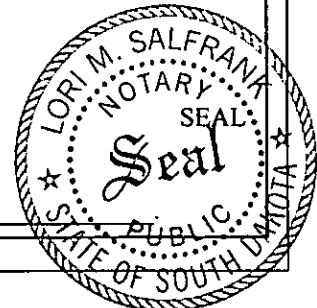
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss 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 November 9, 2020.

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.

Published once at the total approximate cost of \$46.98.



RECEIVED

OCT 30 2020

Affidavit of Publication

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8451-3

to Appropriate Water

Notice is given that Gregory L Langeliers, PO Box 77, Pollock SD 57648 has filed an application for a water permit to appropriate 0.30 cubic feet of water per second from the Missouri River in the Lake Oahe reach located in the NE 1/4 NE 1/4 Section 17 for irrigation of 21.13 acres located in the N 1/2 NE 1/4 Section 17; all in T128N-R78W. This site is located approximately 1 mile north of Pollock SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8451-3 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 Ron Duvall 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 November 9, 2020.

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,

STATE OF SOUTH DAKOTA,
COUNTY OF CAMPBELL, ss.

I, Lori Cox, being first duly sworn, on oath says, that she is the bookkeeper of the Prairie Pioneer, a weekly newspaper published in Pollock, County of Campbell, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Notice of Application No. 8451-3 to Appropriate Water

Langeliers, Greg

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 1 successive week, on the day of each week on which said newspaper was regularly published to-wit:
9- Prairie Pioneer: 10/29/2020

That the full amount of the fees for the publication of the annexed notice is \$23.66

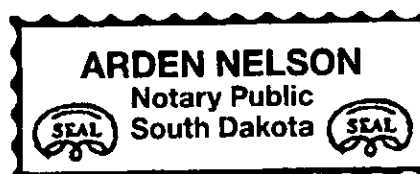
Lori Cox

Subscribed and sworn to before me this 10/27/2020

Arden Nelson

Arden Nelson, Notary Public
State of South Dakota

My commission expires August 1, 2025



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.

Published once at the total approximate cost of \$23.66

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 9:24 AM
To: Aberdeen American News (aan-legals@aberdeennews.com)
Subject: 8451-3, Gregory L Langeliers
Attachments: 8451-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 29, 2020.

Gregory L Langeliers, OP Box 77, Pollock SD 57648 (605 804-7719) 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
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 9:23 AM
To: Prairie Pioneer (pioneer@valleytel.net)
Subject: 8451-3, Gregory L Langeliers
Attachments: 8451-3public.short.docx; FORM8.FRM.doc

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

Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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 NEWSPAPERS RIGHT AWAY.**

October 22, 2020

Gregory L Langeliers
PO Box 77
Pollock SD 57648

Dear Mr. Langeliers:

Water Permit Application No. 8451-3 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 Prairie Pioneer printed at Pollock SD (Ph # 605 889-2320) and the Aberdeen American News printed at Aberdeen SD (Ph # 605 225-4100). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak
Karen Schlaak
Water Rights Program
(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. 8451-3 to Appropriate Water

Notice is given that Gregory L Langeliers, PO Box 77, Pollock SD 57648 has filed an application for a water permit to appropriate 0.30 cubic feet of water per second from the Missouri River in the Lake Oahe reach located in the NE 1/4 NE 1/4 Section 17 for irrigation of 21.13 acres located in the N 1/2 NE 1/4 Section 17; all in T128N-R78W. This site is located approximately 1 mile north of Pollock SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8451-3 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 Ron Duvall 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 November 9, 2020.

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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 24 2020

Gregory L Langeliers
PO Box 77
Pollock SD 57648

Dear Mr. Langeliers:

Enclosed is Water Permit No. 8451-3 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,

Eric Gronlund, 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 20, 2026

NOTICE

TO: GREGORY L LANGEIERS, PO BOX 77, POLLOCK, SD 57648 0077

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

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8451-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8451-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8451-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JMEVON**

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 3, 2026

8451-3

Gregory L. Langeliers
PO Box 77
Pollock, SD 57648

Dear Mr. Langeliers,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us