

WATER PERMIT NO. 8741-3

Name of Applicant: **James Thyen**

Address: **16496 462nd Ave, Waverly SD 57202**

Phone: **605-520-8159**

Amount of Water Claimed: **1.89 cfs**

Total Acres: **130**

Source of Water Supply: **Crooked Lake**

Water to be used for: **Irrigation**

County: **Grant**

Type of Waste Disposal System:

Location: **12 miles ~~northwest~~^{east} of Watertown**

PRIORITY

Date Received: **12-6-2022**

Application/License Fee: **\$1,050.00**

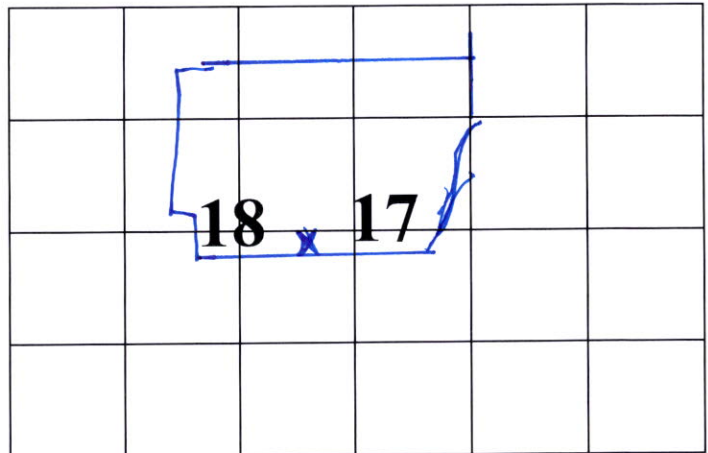
Corrected Application Received: **3-28-2023**

Period of Annual Use: **June 1 – October 1**

Remarks: **Requesting div rate greater than statutory limit**

Diversion Point: **SE1/4 NE1/4 Sec 18 -T118N-
R50W**

Land to be Irrigated: **NE1/4 Sec 18, NW1/4 Sec 17
-T118N-R50W**



Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **3-29-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8741-3**

Date of first receipt of application December 6, 2022.

Date of return to applicant for corrections, amendments or changes December 6, 2022.

Date of receipt of corrected application March 28, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8741-3 to James Thyen, 16496 462nd Avenue, Waverly SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8741-3 appropriates 1.89 cubic feet of water per second (cfs) pumped from Crooked Lake located in Lot 5 (SE1/4 NE1/4) Section 18 for irrigation of 130 acres located in the NE1/4 Section 18, Lot 5 (W 1/2 NW 1/4) Section 17; all in T118N-R50W. This site is located approximately 14 miles northeast of Watertown 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: June 1 – October 1.
3. The date from which applicant may claim right is March 28, 2023.
4. The date of approval of Permit No. 8741-3 is June 12, 2023.
5. One-fifth of the construction is to be completed on or before December 12, 2025.
6. All construction is to be completed on or before June 12, 2028.
7. Water is to be put to beneficial use on or before June 12, 2032.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 1835-3 for Crooked Lake in Grant County. Diversion of water under this permit shall be in accordance with written orders issued by the Chief Engineer to protect senior water rights.
2. The Water Management Board retains jurisdiction of Water Permit No. 8741-3 in order to amend qualification No. 1 to a specific elevation when the diversion of water can occur if determined necessary to protect senior rights.
3. The irrigation intake in Crooked Lake shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year for the volume of water diverted from Crooked Lake.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 16 2023

date



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

RECEIVED

DEC 06 2022

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8741-3</u> Hydrologic Unit <u>07020001</u> Basin <u>Minnesota Whetstone</u> Newspaper <u>Grant Co Review Milbank 432-4576</u> <u>Public Opinion</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

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

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

1. Name to Appear on Irrigation Permit James Thyen

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

Mailing Address 16496 462nd Ave Waverly SD 57201
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-520-8159 Email jpthyen@tnics.com

2. Amount of water claimed 1.89 *CFS or 8500 **GPM _____ ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Crooked Lake

4. Location of point of diversion SE1/4NE1/4 of Section 18-T118N-R50W Lot 5
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Grant

5. County or counties where water will be used Grant

6. Annual period during which water is to be used June 1 to October 1

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
NE1/4NE1/4 Section 18-T118N-R50W	<u>40 37</u>	<u>NW1/4 NE1/4 Sec 18</u>	<u>3</u>
SE1/4NE1/4 Section 18-T118N-R50W	<u>35 29</u>	<u>SW1/4 NE1/4 Sec 18</u>	<u>2</u>
NW1/4NW1/4 Section 17-T118N-R50W	<u>40</u>		
SW1/4NW1/4 Section 17-T118N-R50W	<u>25 19</u>	<u>> Lot 5</u>	

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

Requesting permission to pump irrigation water from Cooked Lake during periods of low rainfall to prevent crop failure.

requesting div rate greater than statutory limit

I, James Thyen, 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.

2021-08

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 _____

For either existing or proposed wells:

- c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

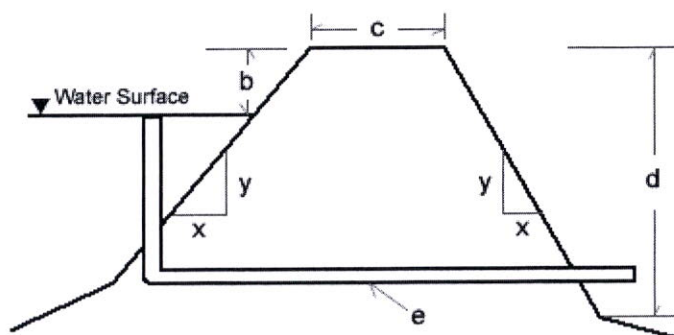
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____



- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Common Land Unit

Tract Boundary

PLSS

Non-Cropland

Cropland

Wetland Determination Identifiers

Restricted Use

Limited Restrictions

Exempt from Conservation Compliance Provisions

2023 Program Year

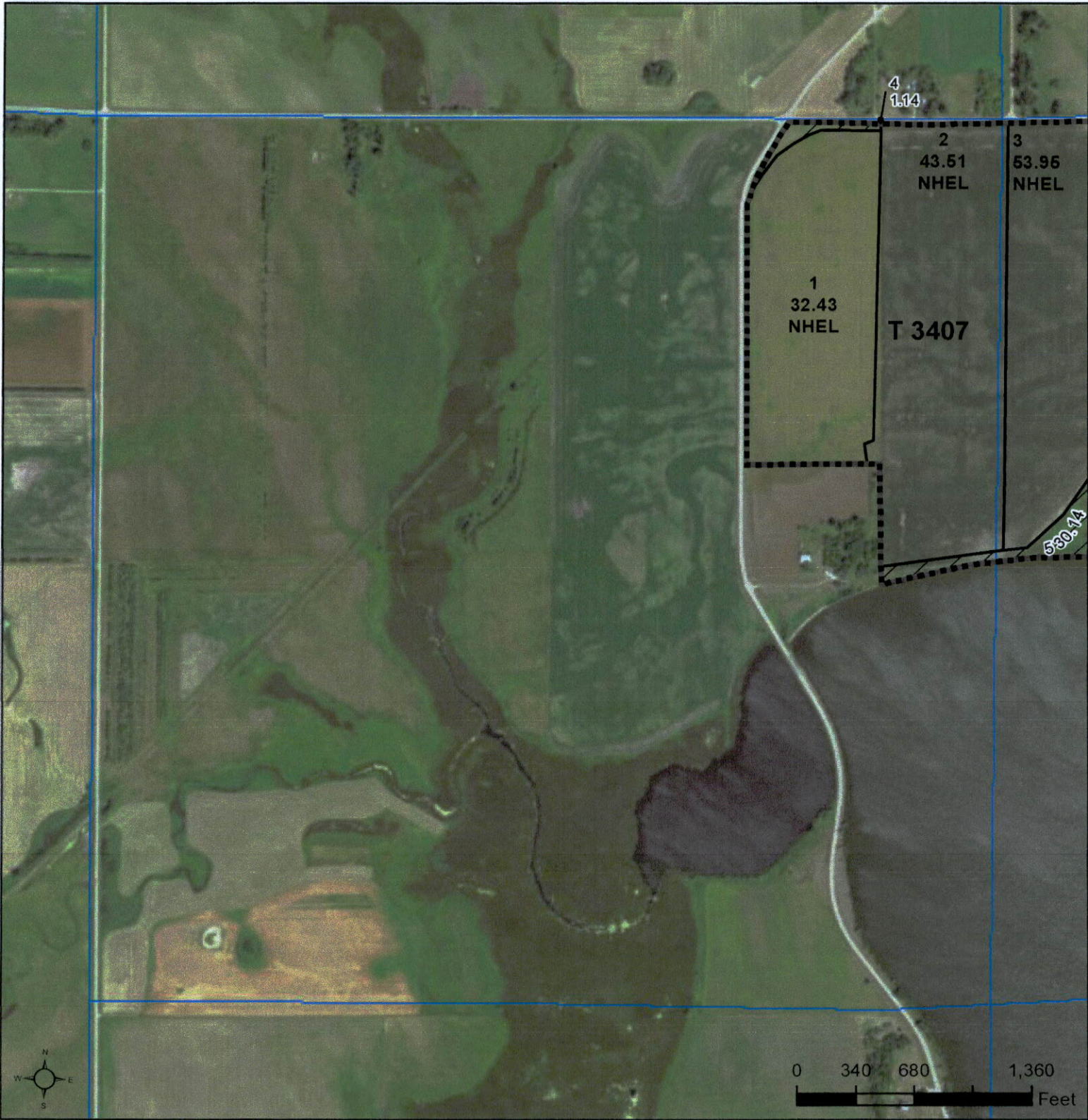
Map Created November 15, 2022

X = Proposed Diversion Point

Farm 3615

17-118N-50W-Grant

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



Common Land Unit

Tract Boundary

PLSS

Non-Cropland

Cropland

- Wetland Determination Identifiers
- Restricted Use
 - Limited Restrictions
 - Exempt from Conservation Compliance Provisions

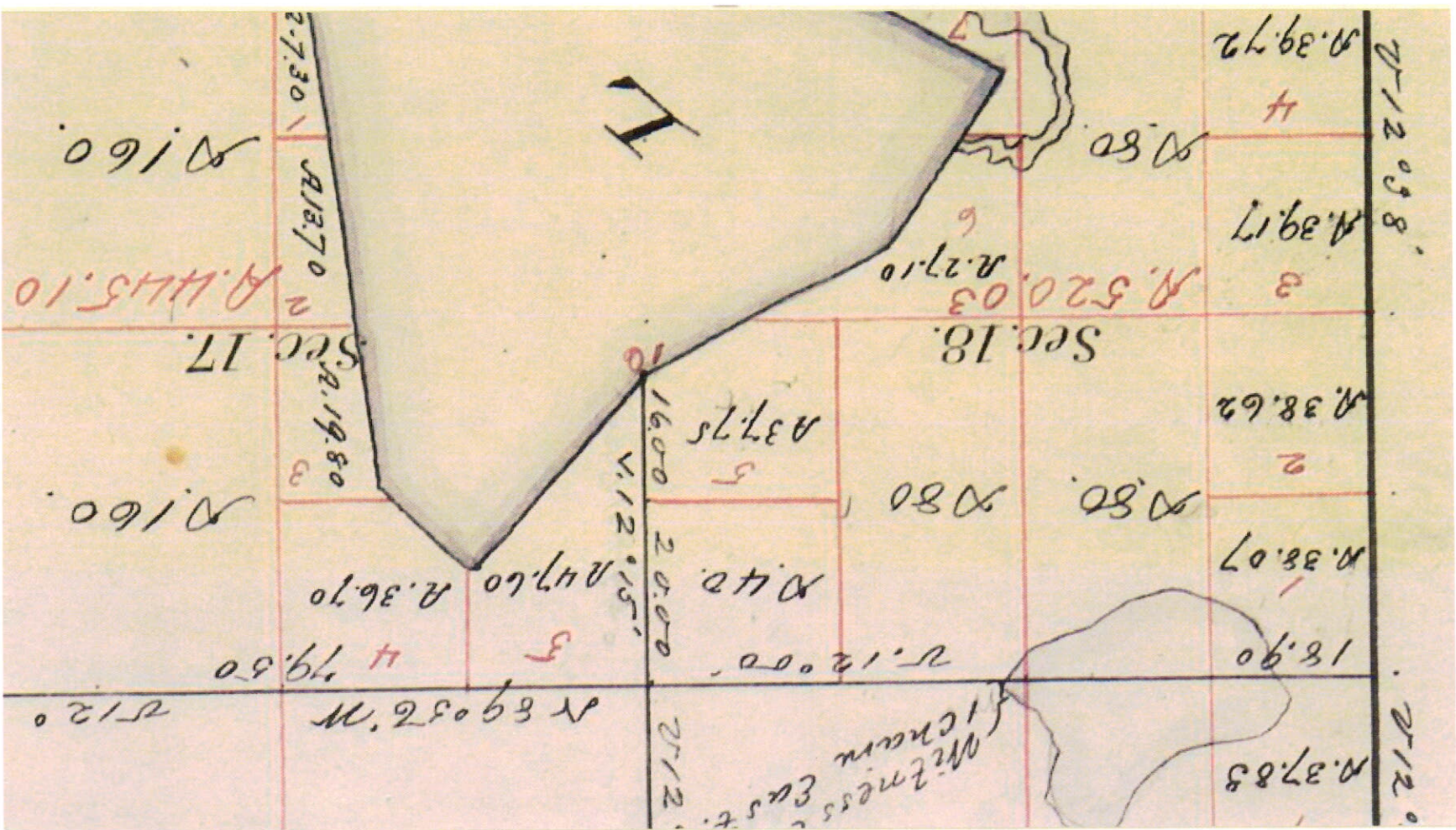
United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2023 Program Year

Map Created November 15, 2022

Farm 3615

18-118N-50W-Grant



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 17, 2023

RECEIVED OF Thyen Farms 46220 165th St., Watertown SD 57201

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

Fee for Application for Permit No. <u>8741-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
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>8741-3</u>	\$ <u>200.00</u>
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	\$ <u>1050.00</u>

By Eric Gronlund
Chief Engineer

me

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 19, 2023 9:26 AM
To: John Knight
Subject: 8741-3 James Thyen - Recommendation and Review
Attachments: 8741-3 Rec_Report.pdf

Good morning,

Attached is a copy of the chief engineer's recommendation and report for James Thyen.

Mr. Thyen was also sent a copy, as well as information regarding the public notice of his water permit application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rath, Mark

From: Morey, Hilary
Sent: Tuesday, April 25, 2023 5:59 PM
To: Rath, Mark; Russell, Rhet
Subject: RE: Water Permit Application out of Crooked Lake in southern Grant County

Hi Mark-

I'm catching up on e-mails, and I don't think I ever responded to you. I checked with our fisheries staff, and they were ok with the requested permit, as long as there is a condition in there similar to what is below:

QUALIFICATIONS

1. The South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No 1835-3 for Crooked Lake in Grant County. Diversion of water under this permit shall be in accordance with written orders issued by the Chief Engineer to protect this senior water right.

-Hilary

Hilary Morey | Environmental Review Senior Biologist
South Dakota Game, Fish and Parks
523 East Capitol Avenue | Pierre, SD 57501
605.773.6208 | Hilary.Morey@state.sd.us

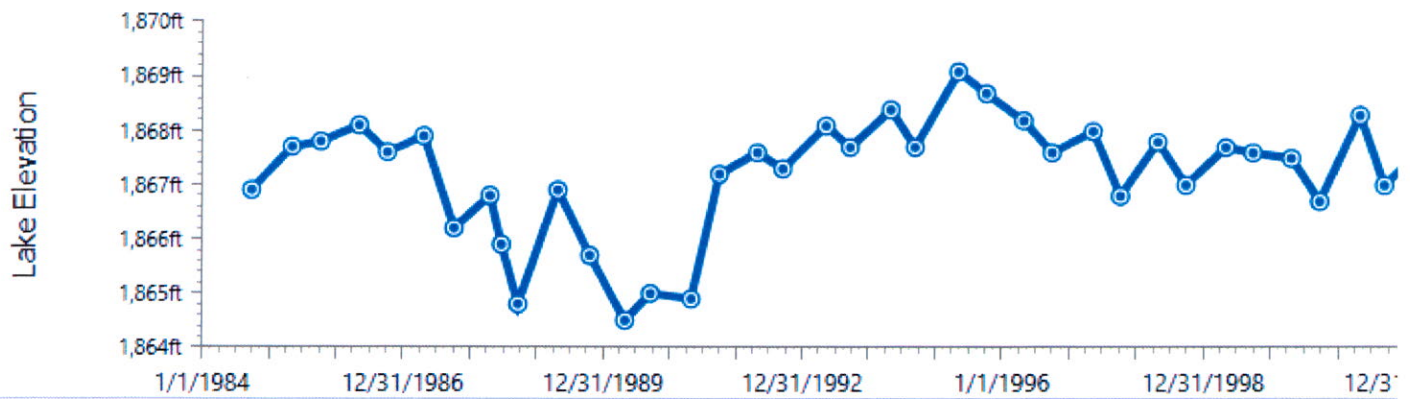


From: Rath, Mark <Mark.Rath@state.sd.us>
Sent: Monday, April 3, 2023 1:48 PM
To: Morey, Hilary <Hilary.Morey@state.sd.us>; Russell, Rhet <Rhet.Russell@state.sd.us>
Subject: Water Permit Application out of Crooked Lake in southern Grant County

Hilary and Rhett,

We just got an application in to irrigate 130 acres at 1.89 cfs out of Crooked Lake in Grant County. I checked and there is one existing water permit No. 8296-3, priority of 7/05/2017 to irrigate 35.5 acres at 0.89 cfs ([8296-3.pdf](#) [\(sd.gov\)](#)) from Crooked Lake. I remember looking at this one before, Crooked Lake is part of the Round, Bullhead School, and Wigdale lake chain that ultimately drain to the Big Sioux River. Looking at our lake level measurements, it appears there has been sufficient runoff to keep the lake near full excluding times of severe drought, late 1980's, but it looks to have recovered quickly. This is not a lake that has an OHWM or outlet elevation established. Let me know what you are thinking about this application?

DENR Measured



Mark D Rath
Department of Agriculture and Natural Resources
Water Rights Program
523 E Capitol Avenue, Pierre, SD 57501
Telephone (605) 773-3352

Rath, Mark

From: Russell, Rhet
Sent: Monday, April 3, 2023 3:59 PM
To: Rath, Mark; Morey, Hilary
Subject: RE: Water Permit Application out of Crooked Lake in southern Grant County

I don't have any concerns.

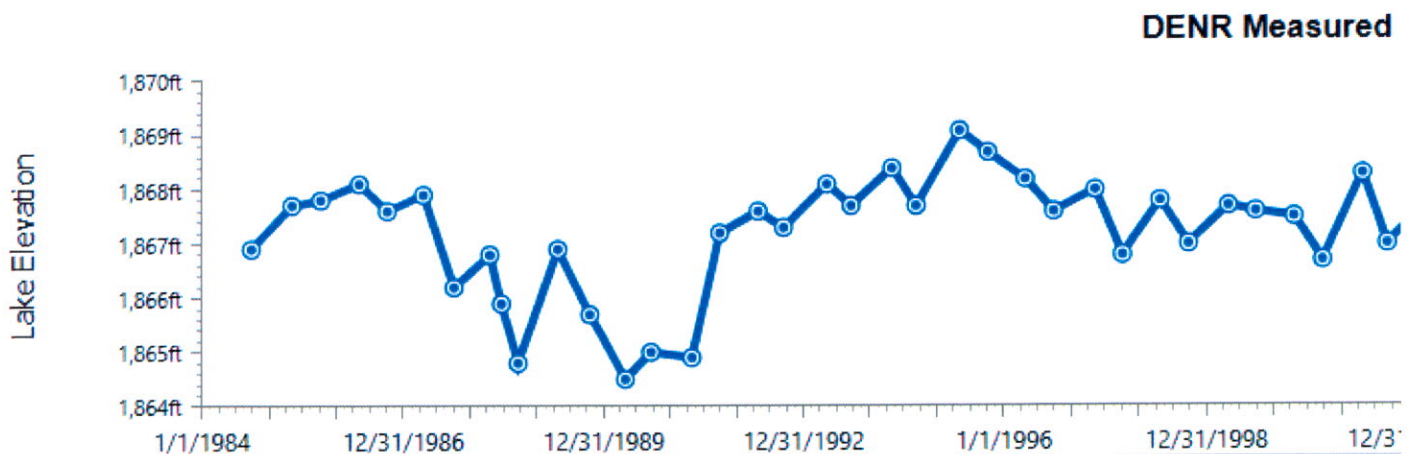
Thanks

Rhet

From: Rath, Mark <Mark.Rath@state.sd.us>
Sent: Monday, April 3, 2023 1:48 PM
To: Morey, Hilary <Hilary.Morey@state.sd.us>; Russell, Rhet <Rhet.Russell@state.sd.us>
Subject: Water Permit Application out of Crooked Lake in southern Grant County

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Mark D Rath
Department of Agriculture and Natural Resources
Water Rights Program
523 E Capitol Avenue, Pierre, SD 57501
Telephone (605) 773-3352

Rodriguez, Rachel

From: John Knight <john@grolawfirm.com>
Sent: Tuesday, March 28, 2023 3:49 PM
To: Rodriguez, Rachel
Cc: Emily Womack
Subject: Re: [EXT] Application for Permit to Appropriate Water for Irrigation

Good Afternoon,

I have confirmed with James Thyen that the following is the correct number of acres for each Quarter/Quarter. Please accept this email as an amendment to the application.

NE1/4NE1/4 Section 18-T118N-R50W	40
SE1/4NE1/4 Section 18-T118N-R50W	31
NW1/4NW1/4 Section 17-T118N-R50W	40
SW1/4NW1/4 Section 17-T118N-R50W	19
Total Acres	130

Please feel free to contact me if you need any other information to process this application.

Thank you

John D. Knight

On 3/28/2023 11:35 AM, Rodriguez, Rachel wrote:

Good morning,

I'm just following up on this application. Please provide the quarter - quarter for each section; see Item 7 below.

7 . List below each forty-acre division, or lot, or fraction thereof a
(Attach sheet if more space)

Land Description	Acres	
NE1/4NE1/4 Section 18-T118N-R50W	40	
SE1/4NE1/4 Section 18-T118N-R50W	35	
NW1/4NW1/4 Section 17-T118N-R50W	40	
SW1/4NW1/4 Section 17-T118N-R50W	25	

Thank you,

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 28, 2023 11:36 AM
To: John Knight
Cc: Emily Womack
Subject: RE: [EXT] Application for Permit to Appropriate Water for Irrigation

Good morning,

I'm just following up on this application. Please provide the quarter - quarter for each section; see Item 7 below.

7 . List below each forty-acre division, or lot, or fraction thereof a
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Land Description	Acres	
NE1/4NE1/4 Section 18-T118N-R50W	40	
SE1/4NE1/4 Section 18-T118N-R50W	35	
NW1/4NW1/4 Section 17-T118N-R50W	40	
SW1/4NW1/4 Section 17-T118N-R50W	25	

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: John Knight <john@grolawfirm.com>
Sent: Monday, March 20, 2023 5:00 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Emily Womack <emily@grolawfirm.com>
Subject: Re: [EXT] Application for Permit to Appropriate Water for Irrigation

Hello Rachel,

Thank you for your email. You are correct the gallons per minute should be 850 not 8500.

The total number of acres of 130 is correct. Please let me know if we need to provide more detailed information regarding the number of acres in each quarter-quarter.

On 3/16/2023 4:46 PM, Rodriguez, Rachel wrote:

I am writing in regard to the email, sent January 17, 2023, from Karen Schlaak. In order to complete the application, please clarify the following:

1. On the application, Item No. 2 states 8500 gpm. Based on the check and fee you submitted, the correct amount should be changed to 850 gpm, correct?
2. Amount of water claimed _____ *CFS or **8500** **GPM _____ ***AF Total Acreage **130**
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
2. Also, Item No. 2 states total acreage 130. However, on Item No. 7 where the acres are broken down by quarter – quarter, the number of acres comes to a total of 140 acres, correct?

7. List below each forty-acre division, or lot, or fraction thereof a
(Attach sheet if more space)

Land Description	Acres	
NE1/4NE1/4 Section 18-T118N-R50W	40	
SE1/4NE1/4 Section 18-T118N-R50W	35	
NW1/4NW1/4 Section 17-T118N-R50W	40	
SW1/4NW1/4 Section 17-T118N-R50W	25	

Please respond to this email that you agree.

Sincerely,

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: John Knight <john@grolawfirm.com>
Sent: Monday, March 20, 2023 5:00 PM
To: Rodriguez, Rachel
Cc: Emily Womack
Subject: Re: [EXT] Application for Permit to Appropriate Water for Irrigation

Hello Rachel,

Thank you for your email. You are correct the gallons per minute should be 850 not 8500.

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NW1/4NW1/4 Section 17-T118N-R50W	40	
SW1/4NW1/4 Section 17-T118N-R50W	25	

Please respond to this email that you agree.

Sincerely,

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, March 16, 2023 4:47 PM
To: jpthyen@tnics.com; john@grolawfirm.com
Subject: Application for Permit to Appropriate Water for Irrigation

I am writing in regard to the email, sent January 17, 2023, from Karen Schlaak. In order to complete the application, please clarify the following:

- On the application, Item No. 2 states 8500 gpm. Based on the check and fee you submitted, the correct amount should be changed to 850 gpm, correct?

2. Amount of water claimed _____ *CFS or **8500** **GPM _____ ***AF Total Acreage **130**
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

- Also, Item No. 2 states total acreage 130. However, on Item No. 7 where the acres are broken down by quarter – quarter, the number of acres comes to a total of 140 acres, correct?

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(Attach sheet if more space)

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NW1/4NW1/4 Section 17-T118N-R50W	40	
SW1/4NW1/4 Section 17-T118N-R50W	25	

Please respond to this email that you agree.

Sincerely,

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 17, 2023 2:25 PM
To: jpthyen@tnics.com
Subject: Water Permit Application

Mr. Thyen,

We now have received the required maps and fee for your water permit application. There are a couple of items that need to be clarified.

- On the application, Item No. 2 states the amount of water claimed as 8500 gpm. I am assuming that is a typographical error and the amount should be 850 gpm. Do you agree?
- Also Item No. 2 states total acreage as 130 acres. On Item No. 7 where the acres are broke down by quarter-quarter, the number of acres total 140 acres. I am assuming that the total should be 140 acres. Do you agree?

If you have any questions, please let me know.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Law Offices Of
GREEN ROBY OVIATT LLP

A Limited Liability Partnership Including a Professional Corporation

816 South Broadway
P.O. Box 1600
Watertown, South Dakota 57201-6600

Facsimile: 605-886-0934
TELEPHONE: 605-886-5812

James C. Roby, P.C.
Nancy L. Oviatt
John D. Knight
Timothy J. Cummings
Thomas J. Linngren

RECEIVED

JAN 17 2023

OFFICE OF
WATER

Ross H. Oviatt 1918-1991
Thomas J. Green 1936-2010

January 13, 2023

SD DANR
Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501

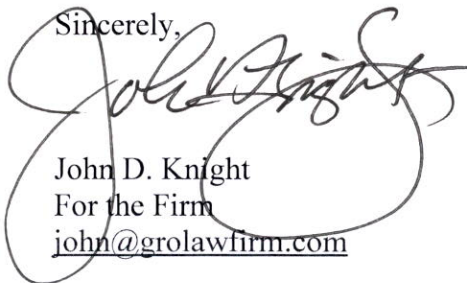
Re: James Thyen Application for Permit
To Appropriate Water For Irrigation

Greetings:

Enclosed please find a check in the amount of \$1,050.00 payable to DANR, along with a copy of the required maps in this matter. Should you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,



John D. Knight
For the Firm
john@grolawfirm.com

JDK/erw
Encl.

PAID

JAN 17 2023

Ck# 3096

Rec't# _____

Schlaak, Karen

From: Duvall, Ron
Sent: Thursday, January 12, 2023 4:37 PM
To: john@grolawfirm.com
Cc: jpthyen@tnics.com; Schlaak, Karen
Subject: FW: [EXT] Application for Irrigation Permit has been Filled by Department of Agriculture and Natural Resources and John Knight!
Attachments: Application for Irrigation Permit - signed.pdf; Application for Irrigation Permit Form Data.csv

Mr. Knight,

We contacted Mr. Thyen because we have not received the map and fee for the attached water permit application. Mr. Thyen asked me to forward this email to inquire what the status is of getting those items. I checked our fee register and cannot locate any fee being sent in for the attached application, also copying Mr. Thyen this email.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Duvall, Ron
Sent: Tuesday, December 6, 2022 4:05 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Cc: Rath, Mark <Mark.Rath@state.sd.us>
Subject: FW: [EXT] Application for Irrigation Permit has been Filled by Department of Agriculture and Natural Resources and John Knight!

Karen,

I spoke to this person on the phone, the map and fee are being mailed in.

Ron

From: Adobe Sign <adobesign@adobesign.com>
Sent: Tuesday, December 6, 2022 4:02 PM
To: John Knight <john@grolawfirm.com>; Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: [EXT] Application for Irrigation Permit has been Filled by Department of Agriculture and Natural Resources and John Knight!

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 11, 2023 2:50 PM
To: jpthyen@tnics.com
Subject: Water Permit Application

Mr. Thyen,

On December 6, 2022, we received your *Application for a Permit to Appropriate Water* submitted on line for irrigation use in Grant County. It is my understanding that you visited with Ron Duvall with our office regarding the application.

As of today, we have not received the required map and the application/license filing fee.

If you have question, please contact Ron Duvall or me.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



605-520-8159
Jon Knight, atty
Jim
Thyen
Sent another
email
1/12/23



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8741-3, James Thyen**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8741-3, James Thyen, 16496 462nd Avenue, Waverly SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 8741-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The South Dakota Department of Game, Fish and Parks holds Recognized Vested Water Right Claim No. 1835-3 for Crooked Lake in Grant County. Diversion of water under this permit shall be in accordance with written orders issued by the Chief Engineer to protect senior water rights.
2. The Water Management Board retains jurisdiction of Water Permit No. 8741-3 in order to amend qualification No. 1 to a specific elevation when the diversion of water can occur if determined necessary to protect senior rights.
3. The irrigation intake in Crooked Lake shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year for the volume of water diverted from Crooked Lake.

See report on application for additional information.

Eric Gronlund, Chief Engineer
June 5, 2023

NOTE: During periods of severe drought, written orders to cease pumping from Crooked Lake may be issued if deemed necessary to protect senior water rights. Therefore, Crooked Lake may not be a reliable source of water for irrigation.

REPORT ON WATER PERMIT APPLICATION NO. 8741-3

James Thyen

May 5, 2023

Application No 8741-3, proposes to appropriate 1.89 cubic feet of water per second (cfs) pumped from Crooked Lake located in Lot 5 (SE1/4 NE1/4) Section 18 for irrigation of 130 acres located in the NE1/4 Section 18, Lot 5 (W1/2 NW1/4) Section 17; all in T118N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 14 miles northeast of Watertown in southcentral Grant County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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 domestic water uses and water rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Water Source

The applicant proposes to irrigate 130 acres at a diversion rate of up to 1.89 cfs from Crooked Lake in Grant County. Crooked Lake is one in a chain of several lakes with the end lake being Round Lake in western Deuel County. The outlet of Round Lake is the beginning of Willow Creek, a tributary to the Big Sioux River. Crooked Lake is a meandered lake covering approximately 420 acres at a surface elevation of 1869 feet mean sea level (fmsl) (NGVD29 datum). The Water Management Board has not set an Ordinary High Water Mark (OHWM) elevation or an outlet elevation for this lake. Crooked Lake is measured by the South Dakota Water Rights Program as part of the bi-annual lake measuring program, and it has been measured twice a year from 1984 to present. A hydrograph of these measurements is displayed in Figure 1. In that time, lake levels have fluctuated between elevation 1864.5 fmsl measured in May 1990 to elevation 1869.1 fmsl measured in May of 1995. The lake level data indicates changes in lake levels are directly affected by climatic conditions but can quickly recover from both extremely wet and dry conditions. The most current measured elevation was collected in September 2022 at 1867.3 fmsl (Water Rights. 2023).

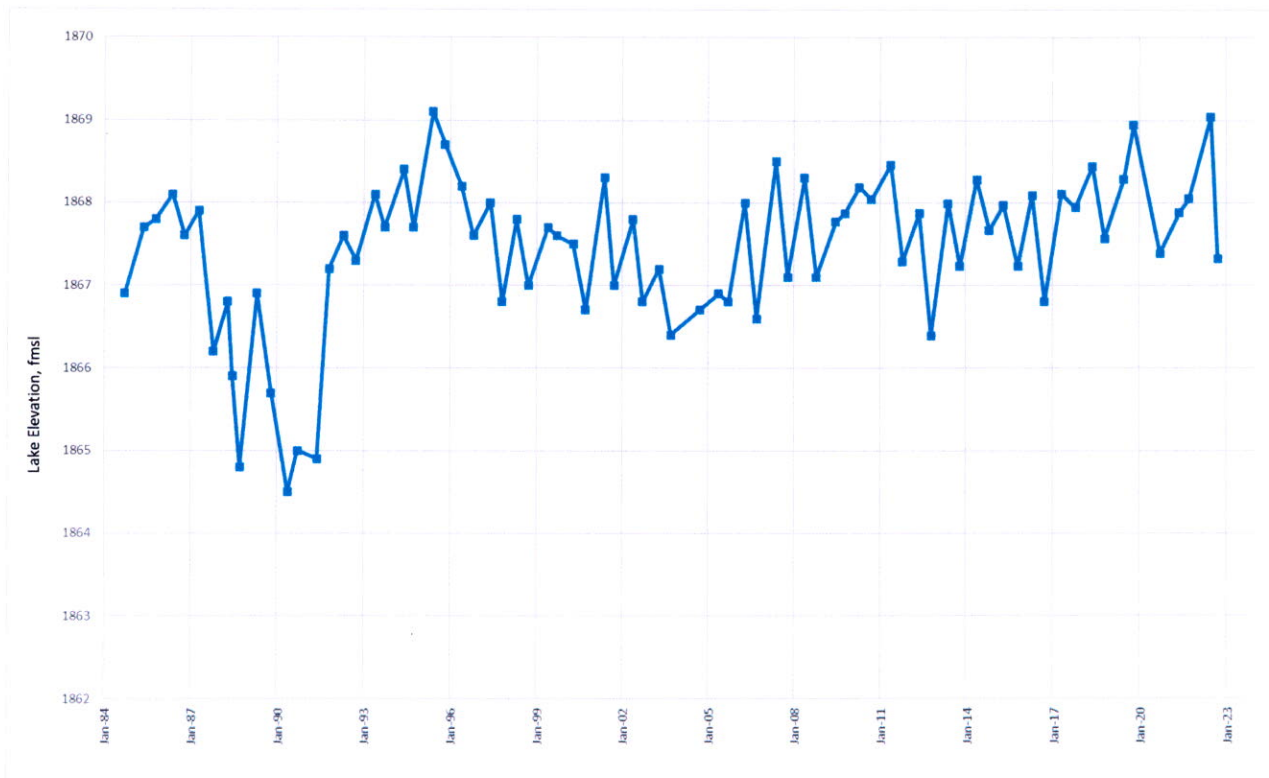


Figure 1 – Lake level hydrograph for Crooked Lake, Grant County SD, 1984 – 2022. (Water Rights. 2023)

Review of Existing Water Rights

There are two existing water rights/permits appropriating water from Crooked Lake. South Dakota Department of Game Fish and Parks holds Recognized Vested Water Right No. 1835-3 for the annual volume of 1,950 acre-feet. Validation of recognized Vested Water Right No. 1835-3 was opposed by the Chief Engineer of the Water Rights Program for purposes of establishing a lake outlet elevation and possibly amending the vested right accordingly. Consequently, the recognized vested right has not yet been validated by the Water Management Board (Water Rights, 2023). The second is a Water Permit No. 8296-3 appropriating 0.89 cfs for irrigating 35.5 acres. Approval of this permit application would have a negligible impact to South Dakota Department of Game Fish and Parks' existing recognized vested right and the existing irrigation right from Crooked Lake.

Conclusions

1. This application proposes to appropriate 1.89 cubic feet of water per second from Crooked Lake for irrigation of 130 acres.

2. There are two existing water right/permits from Crooked Lake. South Dakota Department of Game Fish and Parks holds Recognized Vested Water Right No. 1835-3 for an annual volume of 1,950 acre-feet. The second is a Water Permit No. 8296-3 appropriating 0.89 cfs for irrigation use.
3. Approval of this permit would have a negligible impact on the existing right and irrigation permit on Crooked Lake.



Mark D. Rath
Natural Resources Engineer III

References

1. Water Rights. 2023. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

May 19, 2023

James Thyen
16496 462nd Ave
Waverly SD 57201

Dear Mr. Thyen:

Water Permit Application No. 8741-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Grant County Review printed at Milbank SD (Ph # 605 432-4516) and the Public Opinion printed at Watertown SD (see attachment for contact number). 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,

Rachel Rodriguez

Rachel Rodriguez
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. 8741-3 to Appropriate Water

Notice is given that James Thyen, 16496 462nd Avenue, Waverly SD 57201 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second (cfs) pumped from Crooked Lake located in Lot 5 (SE1/4 NE1/4) Section 18 for irrigation of 130 acres located in the NE1/4 Section 18, Lot 5 (W 1/2 NW 1/4) Section 17; all in T118N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 14 miles northeast of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8741-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 12, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 12, 2023.

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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 18, 2023 4:10 PM
To: gcreview@itcmilbank.com
Subject: 8741-3 James Thyen - Public Notice
Attachments: 8741-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 31, 2023.

James Thyen, 16496 462nd Ave, Waverly SD 57201, (605-520-8159) 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.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 18, 2023 4:13 PM
To: legals@thepublicopinion.com
Subject: 8741-3 James Thyen - Public Notice
Attachments: 8741-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 31, 2023.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Rachel Rodriguez
James Thyen
16496 462Nd AVE
Waverly SD 57201-8764

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

05/31/2023

and that the fees charged are legal.
Sworn to and subscribed before on 05/31/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$50.92

Order No: 8847305

of Copies:

Customer No: 952630

1

PO #: 8741-3 Appropriate

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8741-3
to Appropriate Water**

Notice is given that James Thyen, 16496 462nd Avenue, Waverly SD 57201 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second (cfs) pumped from Crooked Lake located in Lot 5 (SE1/4 NE1/4) Section 18 for irrigation of 130 acres located in the NE1/4 Section 18, Lot 5 (W 1/2 NW 1/4) Section 17; all in T118N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 14 miles northeast of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8741-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person

or the applicant must be filed by June 12, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 12, 2023.

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 5/31/23 at the total approx. cost of \$50.92 and may be viewed free of charge at www.sdpublicnotices.com.
8847305

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Grant County Review, Inc., and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, _____ Owner _____ of said newspaper, in charge of the accounts receivable department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 8741-3 To Appropriate Water, James Thyen _____ a printed copy of which, taken from the paper in which the 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 One successive week(s), on the day of each week on which the said newspaper was regularly published, to-wit:

<u>May 24</u>	<u>20 23</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

That \$ 41.07 being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn to before me this 24th day of May 20 23

Ashlie Schweitzer
Notary Public, Grant County, South Dakota

My Commission Expires:
September 21, 2027



Publication Fee \$ 41.07
Notarial Fee \$ _____
Total \$ 41.07

NOTICE OF APPLICATION NO. 8741-3 TO APPROPRIATE WATER

Notice is given that James Thyen, 16496 462nd Avenue, Waverly, SD 57201 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second (cfs) pumped from Crooked Lake located in Lot 5 (SE1/4 NE1/4) Section 18 for irrigation of 130 acres located in the NE1/4 Section 18, Lot 5 (W 1/2 NW 1/4) Section 17; all in T118N-R50W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 14 miles northeast of Watertown SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8741-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation

RECEIVED

MAY 26 2023

OFFICE OF
WATER

and Attorney's Affidavit Ex-Rel. Fees

In _____ Court

STATE OF SOUTH DAKOTA } ss.
COUNTY OF GRANT }

Filed in the office of _____

_____ on the _____
_____ day of _____, 20 _____

Attorney for _____

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 19, 2023 9:13 AM
To: jpthyen@tnics.com
Subject: 8741-3 James Thyen - Public Notice
Attachments: 8741-3_Rec_Report.pdf; Ltr.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 paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

CURRENTLY ON HOLD AWAITING PRE-PAYMENT OF \$50.92, to publish once in the Public Opinion **ORDER #8847305** on **May 31, 2023**.

DEADLINE TO RECEIVE THIS PAYMENT OR MAKE ANY CHANGES IS BEFORE 8AM FRIDAY, 5-26-23, anyone answering the phone number listed below can assist you, please reference the order number when making payment.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 16 2023

James Thyen
16496 462nd Avenue
Waverly SD 57201

Dear Mr. Thyen:

Enclosed is Water Permit No. 8741-3 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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

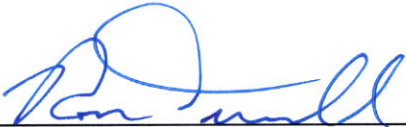
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8741-3

Name of Applicant: James Thyen

Date of Posting: 5/30/2023

Date of Removal: 6/16/2023



Ron Duvall, Water Rights Permitting Administrator

6/23/23

Date

Subscribed and sworn to before me, a notary public, this 23rd day of June, 20 23.



Notary Public - South Dakota
My commission expires: 5/14/2029



(SEAL)



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: JAMES THYEN, 16496 462ND AVE, WAVERLY, SD 57201

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8741-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8741-3 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) 8741-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FJWBQK**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

8741-3

James Thyen
16496 462nd Ave
Waverly SD 57201

Dear Mr. Thyen:

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). 8741-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 2nd, 2026

8741-3

James Thyen
16496 462nd Ave
Waverly, SD 57201

Dear Mr. Thyen:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
(605) 773-3352
email: Shannon.konst@state.sd.us



RECEIVED

JAN 02 2026

OFFICE OF
WATER

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Rights Program, DANR
523 E. Capitol Ave.
Pierre, SD 57501-3182
or via email to DANRmail@state.sd.us

Date 11-30-25

FROM: James Thyen (Sim) 605-520-8199
(name) (phone)
16496-462 ave JThyen@itcTel.com
(address) (email)
Waverly SD 57201
(city, state, zip)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8741-3 states that the water use system is to be constructed by

June 12 2025, and water is to be put to beneficial use by June 12 2032
(date) (date)

The water use system was completed on June 2025
(date)

Applying the water to beneficial use was completed on June 2025
(date)

You may schedule an inspection so that the water license may be issued.