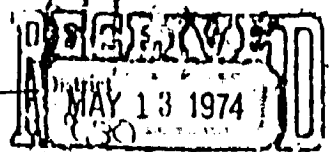
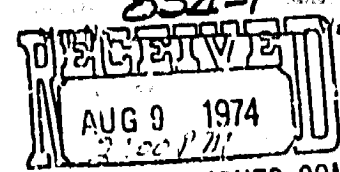


Water Right Number 1031-1

1. Considered 9-11, 1974.
2. Name of Applicant TED BROCKEL & GARY LARSON
3. Post Office Address BISON
4. Amount of Water claimed 7.21
5. Source of Water supply RABBIT CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigated 509
7. Water to be diverted and used in DERKINS County
about 6E, 18S miles of BISON
8. Proof of Publication Received 9-4-74
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1031-1Water Division No. 1 MOREAU RIVER
(Blank) to be Filled by the Engineer for the W. S. C.)STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTASTATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Ted Brockel & Gary Larson
Postoffice address Bison State S. D. 57620
If a corporation show date and place of incorporation No - Partnership
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work T&G Irrigation Project # 1
4. Amount of water claimed (cubic feet per second) 7.27 cfs
5. Source of water supply Rabbit Creek
6. Location of point of diversion Various points from where creek enters property on NW Corner of Section 13-15-14 Choudoin Township until it leaves property on SE corner of Section 18-15-15 Moreau Township County Perkins
7. Annual period or periods during which water is to be used April 1 - Sept 30 each year
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, 509 Total number of acres to be irrigated

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec12, T15N, R14E	25	SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec12, T15N, R14E	17
Lot 38-04-2, Sec7, T15N, R15E	29	SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec12, T15N, R14E	17
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec12, T15N, R14E	19	Lot 38-04-4, Sec7, T15N, R15E	29
Lot 38-04-3, Sec7, T15N, R15E	3	SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec7, T15N, R15E	13

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Lemmon Leader
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump

B. Works proposed to transport water to place of use.

Pipe

C. Works proposed to apply water to beneficial use.

Sprinkler

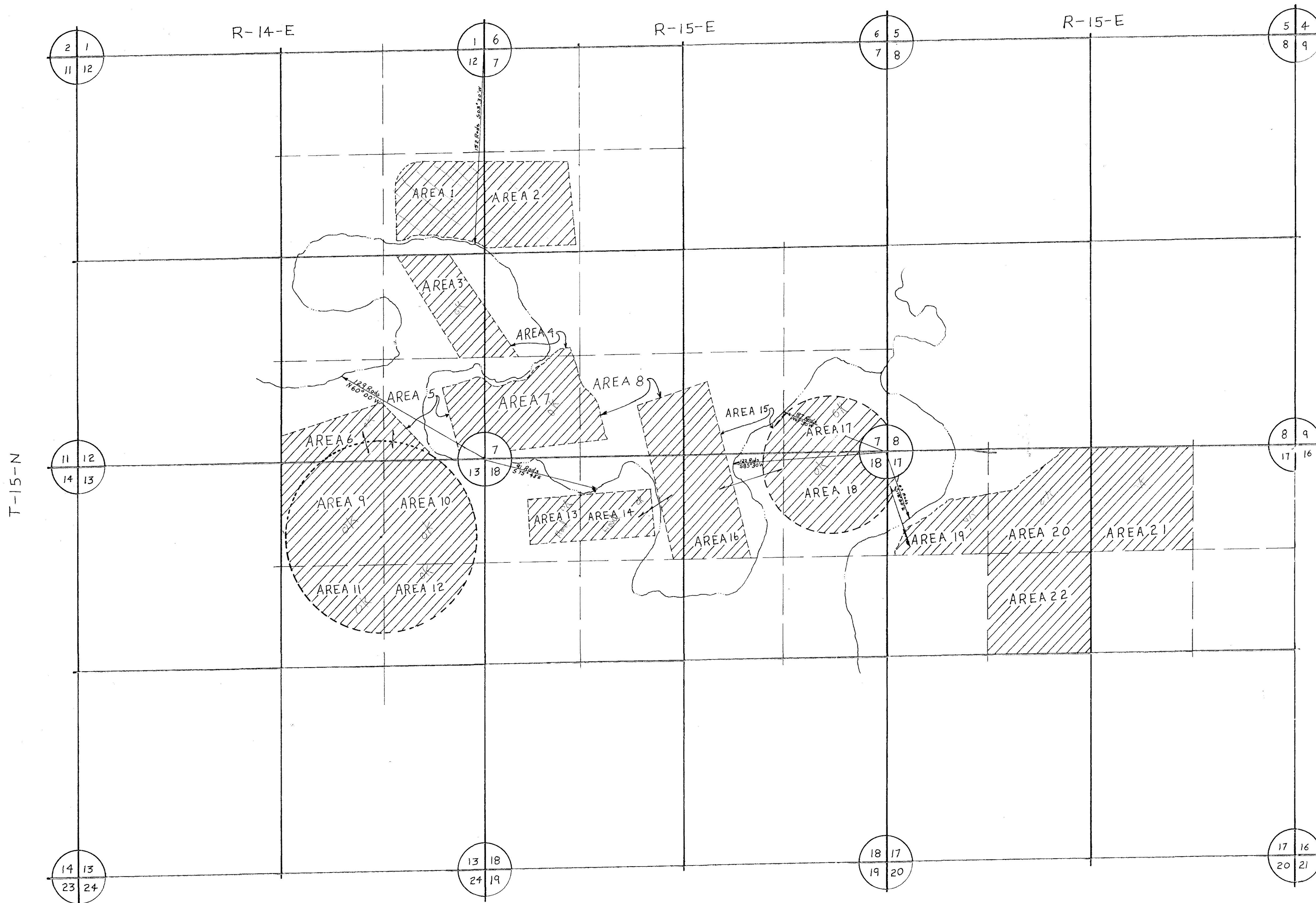
Estimated Total Cost \$ 2,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of PerkinsI, Theodore Brockel and Gary R. Larson, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Subscribed and sworn to before me this 10th day of May 1974

Commission expires 9-2-74

Notary Public (or other qualified officer)



All Lands described are owned by "Ted Brockel & Gary Larson"

Scale 1" = 660'

BROCKEL & LARSON IRRIGATION PROJECT
NO. 1
(TED BROCKEL & GARY LARSON)
 Perkins Co. South Dakota
Keith Kukenbecker, Manager
 West River Conservancy Sub-District

MAP NO. 854-1 (APPROVED)
 (APPL. NO. 1031-1)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1031-1

TED BROCKEL & GARY LARSON
(Applicant)

BISON
(Post Office Address)

SOUTH DAKOTA 57620 With the following modifications:
(State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

Date of first receipt of application MAY 13 19 74
Date of return to applicant for correction, amendments or changes required _____ 19 _____
Date of receipt of corrected application AUGUST 9 19 74
Approved SEPTEMBER 11 19 74, Recorded in Book 13 Page 64

WATER RIGHT PERMIT NO. 1031-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1031-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 9 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 11 19 74
3. The whole of said work is to be completed on or before SEPTEMBER 11 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 11 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 7.27 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 11 19 79; said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 13TH day of SEPTEMBER 19 74

WATER RIGHTS COMMISSION

By:

Donnell D. Dineen
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

APPLICATION FOR PERMIT

Ted Brockel & Gary Larson

Land Description Cont.	No. Acres Irr.
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec13, T15N, R14E	39
NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec13, T15N, R14E	32
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec13, T15N, R14E	18
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec13, T15N, R14E	18
Lot 10 1, Sec18, T15N, R15E	10
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec18, T15N, R15E	21
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec7, T15N, R15E	12
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec18, T15N, R15E	26
SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec7, T15N, R15E	20
NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec11, T15N, R15E	29
NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec17, T15N, R15E	19
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec17, T15N, R15E	33
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec17, T15N, R15E	40
NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec17, T15N, R15E	40
TOTAL	509

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Perkins) ss.

I, Marileen Trusty hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Lemmon Leader

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Lemmon Leader of Lemmon

County of Perkins and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

August 22, 1974

August 29, 1974

Marileen Trusty
(Signature)

Editor
(Title)

August 30, 1974
(Date Signed)

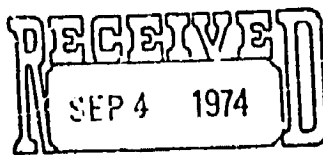
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
August 12, 1974

Notice is hereby given that Ted Brockel and Gary Larson whose post office address is Bison, South Dakota, has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.27 cubic feet of water per second of time from Rabbit Creek through the T & G Irrigation Project No. 1, the point of diversion of which is to be located between points in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T15N, R14E and a point in the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 17, Twp 15N, Range 15E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$, SE $\frac{1}{4}$, Section 12; NE $\frac{1}{4}$, Section 13, T15N, R14E; SW $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$, SE $\frac{1}{4}$, Section 7; NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 18; NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 17, T15N, R15E.

This application No. 1031-1 will be considered by the Water Resources Commission at their office at Pierre upon the 11th day of September, 1974, at 2:30 P.M. All interested person may appear and be heard.

WATER RESOURCES COM-
MISSION

By: s. Burton F. Jones
Burton F. Jones
Water Rights Specialist
(Pub. Aug. 22 & 29, 1974)



STATE WATER RIGHTS COMM.
SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

No. K 1031-1

Publish first publication, on or before August 29, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 12, 19 74

Notice is hereby given that Ted Brockel and Gary Larson

whose post office address is Bison, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

7.27

cubic feet of water per second of time from the Rabbit Creek through the

T & G Irrigation Project #1

the point of diversion of which is to be located in the

between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, T15N, R14E and a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 17, Twp. 15N, Range 15E. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 12; NE $\frac{1}{4}$, Section 13, T15N, R14E; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 7; N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 18; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T15N, R15E

This application No. 1031-1 will be considered by the Water Resources Commission at their office at Pierre upon the 11th day of September, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFI/bv

cc: Mr. Gary R. Larson, Bison, S.D. 57620

LICENSE FOR PERMIT NUMBER 1031-1

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump _____
no. of stages _____

3. Distribution lines:

a) size of lines 8 in 6 in
b) type Aluminum Aluminum
c) length 1 mile 1 mile

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) slderoll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make Hygromatic
- 2) number of towers 2
- 3) distance between towers
≈ 100 ft
- 4) overall length 240 ft
- 5) End gun (Y/N)
- 6) high or low pressure high
- 7) make & size of nozzles
- 8) PSI reading while system is
running 60 - 100
- 9) GPM 700

g) Gun

- 1) make
- 2) serial number
- 3) nozzle size
- 4) capacity (GPM)
- 5) PSI
- 6) hose size
- 7) hose length

d) Gate Pipe

- 1) length
- 2) diameter
- 3) spacing of gates

e) Siphons

- 1) number
- 2) size

f) Portable boom

- 1) make
- 2) serial number
- 3) nozzle size
- 4) capacity (GPM)
- 5) PSI

h) Hydronic

- 1) make
- 2) model
- 3) serial number
- 4) length
- 5) nozzle size
- 6) spacing
- 7) PSI
- 8) capacity (GPM)

YES	NO	Check Items
<u>✓</u>	<u></u>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u>✓</u>	<u></u>	2. Special Qualifications to permit being abided by.
<u>✓</u>	<u></u>	3. All Structures, wells and lands on map.

REMARKS:

motor: Perkins
6cyl. Diesel
C. A. V.
S.N. 16135

pump: Berkeley
S.N. 7376005
imp. 13½ in.

Permit No. 1031-1Moreau River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Ted Brockel
and Gary Larson of Bison, SD holder of
 Permit No. 1031-1 bearing the priority of August 9 19 74 authorizing
 the diversion of 7.27 cu. ft. per second of the waters of Rabbit Creek
 for irrigation purposes, in Perkins County.

I have to report on the conditions of the same as follows: motor: Perkins pump: Barkley
6cyl, Diesel S.N. 7376005
CAY. ino. 1 1/2 in.
SN 16135

A. Works used to divert the water:

B. Works used to transport water to place of use:
 Pipeline: size - 8 in 6 in
 type - Aluminum Aluminum
 length - 1 mile 1 mile

C. Works used to apply water to beneficial use:

Hygromatic center pivot:
2 towers
length - 240 ft, between towers $\approx$ 100 ft.
Pressure - 60 - 100 psi
Capacity - 700 gpm

The system is in the following condition good

The point of diversion is located On Rabbit Creek: Between SW 1/4 SE 1/4 of sec 12,
T15N, R14E and NW 1/4 NW 1/4 of sec 17, T15N, R15E

The works are capable of diverting and conveying to the place of use 1.55
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: see attached sheetcomprising a total of 419.2 acres of land and the license should be issued for 1.55 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Sept. 16 1983

Ron D. Wall
 (signature)

#1031-1

Form 12 attachment Report of Examination of Works

			Acres
1.	SE $\frac{1}{4}$ NE $\frac{1}{4}$	sec 12, T15N, R14E	25.0
2.	NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	19.0
3.	SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	17.0
4.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	17.0
5.	NW $\frac{1}{4}$ NE $\frac{1}{4}$	sec. 13, T15N, R14E	39.0
6.	NE $\frac{1}{4}$ NE $\frac{1}{4}$	"	32.0
7.	SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	18.0
8.	SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	18.0
9.	SW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 7, T15N, R15E	29.0
10.	NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	3.0
11.	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	29.0
12.	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	4.0
13.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	1.9
14.	SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	20.0
15.	NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 18, T15N, R15E	10.0
16.	NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	12.7
17.	NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	3.6
18.	NE $\frac{1}{4}$ NE $\frac{1}{4}$	"	29.0
19.	NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 17, T15N, R15E	19.0
20.	NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	33.0
21.	NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	<u>40.0</u>
			419.2

State of South Dakota
Water License No. 1031-1

(1) Ted Brockel and Gary Larson
of Bison, South Dakota 57620
made Application No. 1031-1 May 13, 1974 for a water permit to appropriate
7.27 cubic feet per second of water from Rabbit Creek
Perkins County, South Dakota for Irrigation purposes.
Permit No. 1031-1, with a priority date of August 9, 1974
was approved September 11, 1974 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before September 11, 1979 and for the application to beneficial use of said
water on or before September 11, 1979.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.55 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on Rabbit Creek; between SW $\frac{1}{4}$ SE $\frac{1}{4}$ (DC) of
Section 12, T15N, R14E and NW $\frac{1}{4}$ NW $\frac{1}{4}$ (BB) of Section 17, T15N, R15E

and

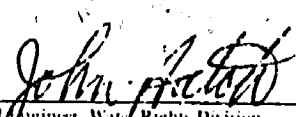
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land:

Section 12, T15N, R14E		Section 7, T15N, R15E Cont. Section 7, T15N, R15E	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	25 Acres (AD)	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3 Acres (CB)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19 Acres (DA)	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20 Acres (CC)
SE $\frac{1}{4}$ SE $\frac{1}{4}$	17 Acres (DD)	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4 Acres (CD)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	17 Acres (DC)	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 Acres (DC)
Section 13, T15N, R14E		SE $\frac{1}{4}$ SE $\frac{1}{4}$	20 Acres (DU)
NW $\frac{1}{4}$ NE $\frac{1}{4}$	39 Acres (AB)	TOTAL ACRES 419.2	
Section 18, T15N, R15E		NW $\frac{1}{4}$ NW $\frac{1}{4}$	19 Acres (BB)
NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 Acres (AA)	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33 Acres (BA)
SW $\frac{1}{4}$ NE $\frac{1}{4}$	18 Acres (AC)	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 Acres (AB)
SE $\frac{1}{4}$ NE $\frac{1}{4}$	18 Acres (AD)	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.7 Acres (BA)
Section 7, T15N, R15E		HW $\frac{1}{4}$ NE $\frac{1}{4}$	3.6 Acres (AB)
SW $\frac{1}{4}$ NW $\frac{1}{4}$	29 Acres (BC)	NE $\frac{1}{4}$ NE $\frac{1}{4}$	29 Acres (AA)

(4) Pursuant to §46-5-30.1 Ted Brockel of Box 91, Bison, South Dakota 57620 and Gary
Larson of Box 337, Bison, South Dakota 57620

the holder(s) and/or owner(s) of Water Permit No. 1031-1 is issued a license to appropriate water, the right to use
1.55 cubic feet per second of water from Rabbit Creek with a priority date
of August 9, 1974 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1031-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

April 4, 1984



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1031-1

December 15, 1983

Ted Brockel & Gary Larson
Bison, South Dakota 57620

Dear Sirs:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1031-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Water Rights Specialist

BH;ms

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee. Please indicate complete mailing address on return mail as postal regulations now require rural route, box or street address on all mail.

DWNR-814 8/83

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

SECOND NOTICE

March 16, 1984

Permit No. 1031-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Ted Brockel & Gary Larson
Bison, South Dakota 57620

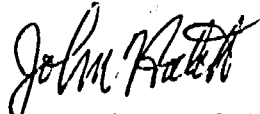
Dear Sirs:

December 15, 1983 you were notified the final inspection fee of \$50.00 is due before Water License No. 1031-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S508.WR

Equal Opportunity Employer

RECEIPT

Division of Water Rights

No 4 9616

South Dakota Department of Water and Natural Resources

Pierre, March 30, 1984

RECEIVED OF Ted and Loretta Brockel, Box 91, Bison, SD 57620

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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. 1031-1 (1/2 of fee-see receipt 4 9617) other half paid by Gary Larson	25	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	25 00

By John Hatch
Chief Engineer JOHN HATCH/MS

RECEIPT

Division of Water Rights

No 4 9617

South Dakota Department of Water and Natural Resources

Pierre, March 30, 1984

RECEIVED OF Gary Larson, Box 337, Bison, SD 57620

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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. 1031-1 (1/2 of fee, see receipt 4 9616) other half paid by Ted Brockel	25	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	25 00

By J. E. Hatch
Chief Engineer JOHN HATCH/MS



No. 1031-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

April 4, 1984

Ted Brockel & Gary Larson
Bison, South Dakota 57620

Dear Sirs:

Enclosed herewith is, Water License No. 1031-1. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

*copy of Water License
sent to both men.*

WNR-817 3/83

Transmittal of Water License

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3191

March 23, 1987

TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 230-1, 1031-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 230-1, 1031-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in cursive script, appearing to read "John Hatch".

SUBJECT: Amendment to Water Permit No(s). 230-1 and 1031-1

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 230-1 and 1031-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 1031-1

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 1031-1 to add the following qualification:

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

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

TED BROCKEL/GARY LARSON
BOX 337
PITSON, SD 57020

NOTICE

Re: Violation of Water Permit No(s). 1031-1

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1031-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1031-1 qualification:

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

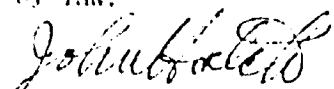
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1031-1 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: TED BROCKEL/GARY LARSEN
BOX 327
BISON, SD 57620

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: One Year Suspension Of Water Permit No(s). 230-1 and 1031-1

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 230-1 and 1031-1 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

TED BROCKEL/GARY LARSON
BOX 337
BISON, SD 57620

NOTICE

RE: Violation of Water Permit No(s) 1031-1, 230-1

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1031-1, 230-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1031-1, 230-1 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

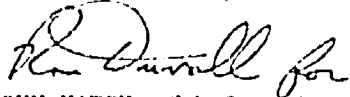
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1031-1, 230-1 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 23, 1990

230-1
1031-1

Ted Brockel
Box 91
Bison SD 57620

Dear Mr. Brockel:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 230-1 and 1031-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall/KS

RON DUVALL
Natural Resources Engineer
Water Rights Division

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 26, 1990

1031-1
230-1

Ted Brockel
Box 91
Bison, SD 57620

Dear Mr. Brockel:

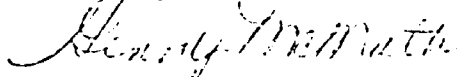
Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 1031-1 and 230-1. You indicated in a telephone conversation with Ron Duvall, of this office, that you are the sole owner of the land described in these water rights.

Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



1031-1

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: Feb. 28, 1990

I/We request that Water ~~Permit~~/Right No. 1031-1

formerly owned by: Ted Brockel & Gary Larson

be transferred to: (name & address) Ted Brockel Bison,
SD 57620 (telephone No.) 244, 5431

Title to the following described land(s)/property has been transferred as described above:
SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 12, NE $\frac{1}{4}$ Sec 13, T15N, R14E; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 7, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 18, T15N, R15E

I/We understand that the validity of Water ~~Permit~~/Right No. 1031-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Berkshire)

I/We Ted Brockel being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ted Brockel
(Signed)

Subscribed and sworn to before me this 27th day of February, 1990.

Fern Brockel
(Notary Public)
Comm. exp 5/6/91

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412115

Pierre, March 2, 1920

RECEIVED OF Ted Brockel Box 51, Bison, SD 57620-0001

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1031-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John H. McCallister
Chief Engineer



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 28, 1990

No. 1031-1
230-1

Ted Brockel
Box 91
Bison SD 57620-0091

Dear Mr. Brockel

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 230-1 and 1031-1.

Our records now show you as the owner of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

KENT LADUE, OPERATOR
HC 69 BOX 455
MEADOW SD 57644

NOTICE

RE: Violation of Water Permit No(s) 230-1 & 1031-1

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 230-1 & 1031-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 230-1 & 1031-1 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 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) 230-1 & 1031-1 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 14, 1992

230-1
1031-1

Kent LaDue
HC 69 Box 455
Meadow, SD 57644

Dear Mr. LaDue:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 230-1 and 1031-1. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMeth
Natural Resources Analyst
Water Rights Division

NOT TO SCALE

(1031)
Map 854-1

John M. Lewton

15-14

1-268L

~~23.0~~
11.5

17.8

~~27.2~~
17.4

16.7

John M. Lewton

5.9

19.1

Gary Larson & Ted Brackel

John M. Lewton
of
Jennie Lewton

12

21.9

John M. Lewton

24.4

David Lano

WR 1031-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: KENT LADUE, OPERATOR, 14478 RABBIT CREEK RD, MEADOW, SD 57644
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 230-1 & 1031-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 230-1 & 1031-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 230-1 & 1031-1 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff will recommend to the Board that Nos. 230-1 and 1031-1 be suspended for three years;**
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 on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: TED BROCKEL, PO BOX 91, BISON SD 57620-0091

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 4, 2008

230-1
1031-1

Kent Ladue
14478 Rabbit Creek Rd
Meadow SD 57644

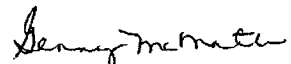
Dear Mr. Ladue:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 230-1 and 1031-1.

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,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Ted Brockel



1031-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: KENT LADUE, OPERATOR, 14478 RABBIT CREEK RD, MEADOW, SD 57644
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 230-1 & 1031-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 230-1 & 1031-1 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, 2019 at 10:30 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) 230-1 & 1031-1 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations, the Water Rights Staff will recommend Nos. 230-1 & 1031-1 be suspended for a period of up to three years.**
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, 2019** 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 Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: TED BROCKEL, PO BOX 91, BISON SD 57620-0091

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.



1031-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2019

230-1
1031-1

Kent Ladue
14478 Rabbit Creek Rd
Meadow SD 57644

Dear Mr. Ladue:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 230-1 & 1031-1. 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,

A handwritten signature in black ink, which appears to read "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Ted Brockel, PO Box 91, Bison SD 57620-0091