

Water Permit No. 1382D-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have made a thorough examination of the water use system constructed by Polly and Jeff Garrett of PO Box 1195, Spearfish, SD 57783 holder of Permit No. 1382D-1, bearing the priority of March 18, 1987 authorizing the diversion of 0.24 cu. ft. per second of water from the Madison and/or Minnelusa Aquifer for Irrigation purposes, in Lawrence County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Graf Drilling Co.
- 2) No. of Wells 1
- 3) Depth(s) 1,060 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 8 5/8, 5 1/2 inches
- 2) Length 800 feet
- 3) Type Steel

Screen:

- 1) Type No Screen
- 2) Static water level Flowing

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The point of diversion is located as follows:

Approximately 1,020 feet north and 1,285 feet east of the SW corner of Section 27-T7N-R2E

(N 44.53519, W -103.86499) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use **0.24** cu. ft. per second of water which is to be used for **Irrigation use**. Water has been put to beneficial use to the maximum extent as follows:

Section 27-T7N-R2E

NW ¼ SW ¼ - 15.3 acres

Section 28-T7N-R2E

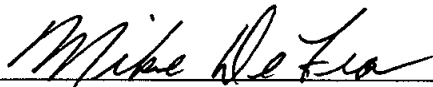
NE ¼ SE ¼ - 1.2 acres

comprising a total of **16.5** acres of land and the license should be issued for **0.24** cfs.

All structures, wells and lands on map **Y**

Comments or other permit(s) associated with the project:

The original permit authorized the diversion of ground water from two wells. The wells were to be completed into the Madison or Minnelusa Aquifers. Only one well was constructed. Well log data identifies the well as being constructed into the Minnelusa Fm. The well is valved, and equipped with a pressure gauge. The authorized acres are flood irrigated.



Mike DeFea

Natural Resources Engineer II

DENR, Water Rights Program

Date report completed: **July 20, 2015**

1382D-1

1382-1

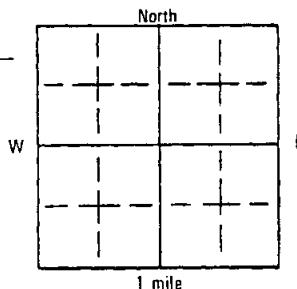
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 544 Sec 27 Twp 7 Rg 2ECounty B4M

Lawrence

Please mark well location with an "X"

Well Completion Date 12/30/86

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
23# LB/FT	8 5/8 IN	0 FT	80 FT	12 1/4 IN
17# LB/FT	5 1/2 IN	0 FT	800 FT	7 7/8 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 0 - 80 0 - 800 FEETWhat is grouting material? cementIf cement, number of sacks? 28 sacks 128 sacks
40 " 28 "Describe grouting procedure 5gal. water persack of cement
plus 2% bentoniteWhat was grout weight? no scales LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain 2000 gal water to 1 gal chlorineBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Eugene Johnson & Carol JohnsonAddress Spearfish, SD

Well Log:

Depth

Formation	From	To
surface	0	80
red bed spearfish	80	565
limestone	565	602
olpeache red bed	602	696
minnusa sand	696	720
claysand stringers	720	900
lost circulation	900	970
hard rock	970	980
honey comed	980	1060

fractured limestone

sandstone

STATIC WATER LEVEL flowing Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

If other: specify _____

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

lost circulation at 556' mixed 5ton

of bentonite, 35 bales chips lost--

circulation at 900' drilled with

bentonite chips blind to 1060' well

started flowing logged by US geo-physical to 883' hole plugged at 883'

with fine sand Continued #100 C/O 27This well was drilled under license # 327

And this report is true and accurate.

Drilling firm GRAF DRILLING CO.

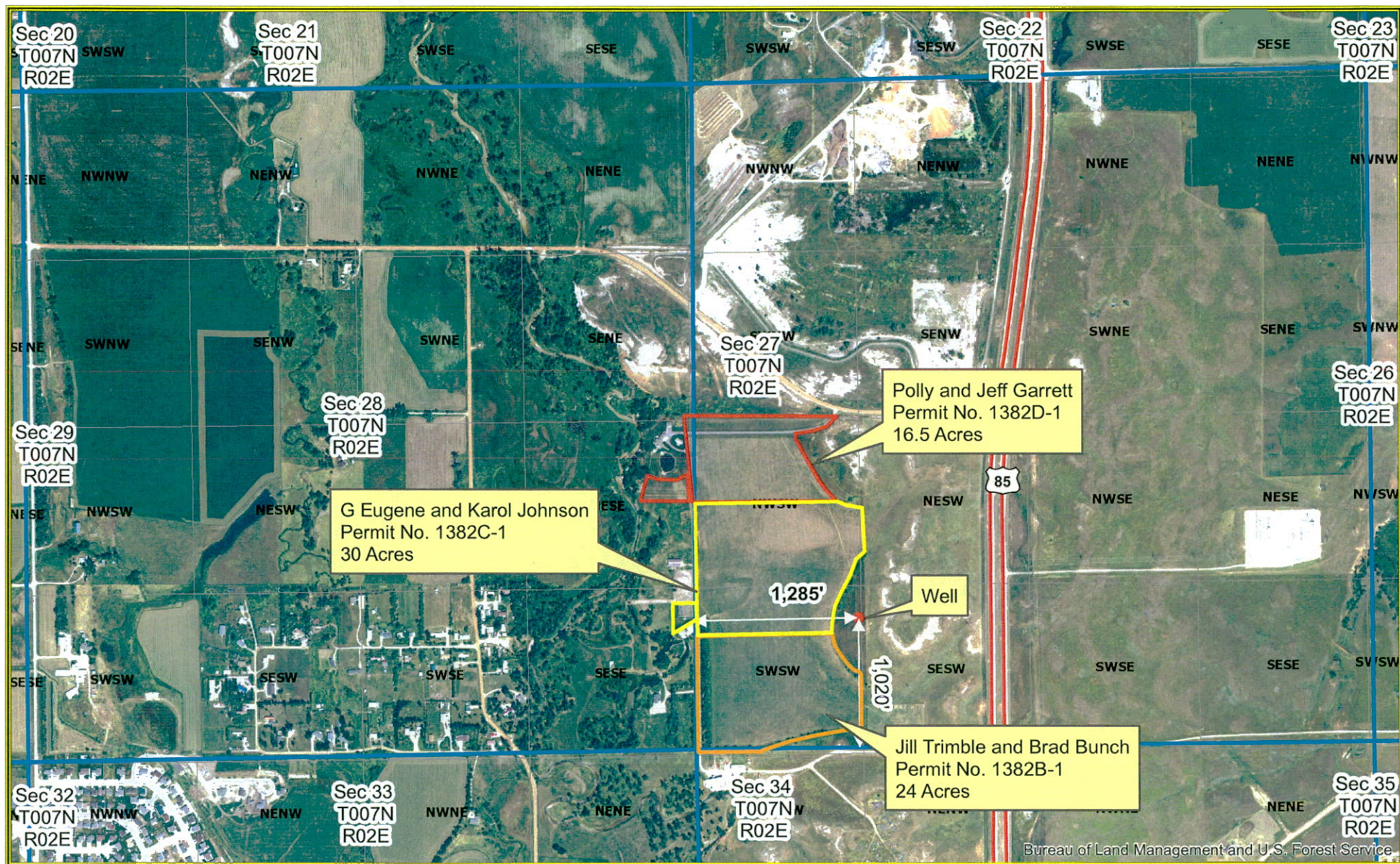
Signature of License Representative:

Signature of Well Owner:

Date _____



Water Permit No(s) 1382B-1, 1382C-1 & 1382D-1



0 0.125 0.25 0.5 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 2, 2015



RECEIVED

JUL 13 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. _____

Date: June 26, 2015

I/We request that portions of Water Permit 1382A-1

formerly owned by: G Eugene Johnson, 635 Ramshead Place, Spearfish SD, 57783

be transferred to: (name & address) Polly and Jeff Garrett

PO Box 1195, Spearfish, SD 57783

Telephone No. 605-641-0574 605-645 2331

Title to the following described land(s)/property has been transferred as described above:

15.3 acres located in the NW SW 1/4 Section 27-T7N-R2E
1.2 acres located in the NE 1/4 SE 1/4 Section 28-T7N-R2E

I/We understand that the validity of Water Permit No. _____ 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 with the Water Rights Program, as evidence of the change of ownership.

✓ **A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Jeff & Polly Garrett, the new owner, certify that the above information is true and correct.

Jeff Garrett Polly Garrett
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/13, 20 15

RECEIVED OF Jeffrey Garrett PO Box 1195 Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1382A-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07450

By Jeanne Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 23, 2015

1382D-1

Polly & Jeff Garrett
PO Box 1195
Spearfish SD 57783

Dear Mr. & Mrs. Garrett:

Recently, the transfer of ownership to divide Water Permit No. 1382A-1 into 1382C-1 and 1382D-1 was completed. The investigation of your water use system, including the extent of application of water to beneficial use, as developed under the permit, was completed by Mike DeFea, a staff engineer with our program. With ownership of the property now defined and the investigation completed, the final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 15, 2015

1382D-1

Polly & Jeff Garrett
PO Box 1195
Spearfish SD 57783

Dear Mr. & Mrs. Garrett:

Back in July, the ownership of property described in Water Permit No. 1382A-1 was split resulting in issuance of Water Permit Nos. 1382C-1 and 1382D-1. At that time, we wrote to you indicating the permit was also ready for licensing based on a field investigation completed by Mike DeFea, a staff engineer with our program (copy of letter enclosed). Prior to issuance of the water license, a \$50 fee is required by Statute. To date, we have not received the fee from you and the license is still pending.

Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/2, 20 15

RECEIVED OF Polly & Jeffrey Garrett PO Box 1195 Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1282D-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07514

By Jane Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 03 2016

1382D-1

Polly & Jeff Garrett
PO Box 1195
Spearfish SD 57783

Dear Mr. & Mrs. Garrett:

Enclosed is Water License No. 1382D-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation. Also enclosed are receipts for the fees you paid for the ownership change and licensing.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1382D-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1382D-1**

(1) G Eugene Johnson, Spearfish SD was originally issued Water Permit No. 1382-1, with a priority date of March 18, 1987 for a water permit to divert 1.19 cubic feet of water per second (cfs) from ground water (two wells – Madison or Minnelusa Aquifer), Lawrence County, South Dakota for irrigation purposes. Based on an ownership change filed on June 20, 2008, Water Permit No. 1382-1 was divided and reissued as follows:

- **Water Permit No. 1382A-1: G Eugene Johnson** – authorizing diversion of 0.85 cfs to irrigate 59.5 acres located in the W ½ SW ¼ Section 27 and the E ½ SE ¼ Section 28, T7N, R2E;
- **Water Permit No. 1382B-1: Jill M Trimble and Bradley E Bunch** – authorizing diversion of 0.34 cfs to irrigate 24 acres in the SW ¼ SW ¼ Section 27, T7N, R2E.

An inspection of the entire water use system was conducted for licensing purposes. Prior to licensing, ownership changes were filed for land described in Water Permit No. 1382A-1.

Based on the system as developed, Water Permit No. 1382A-1 has been divided and licensed as follows:

- **No. 1382C-1, G Eugene Johnson and Karol Johnson** - authorizing diversion of 0.43 cfs from one well (Minnelusa Aquifer) located in the SW ¼ SW ¼ Section 27 to irrigate 30 acres in the W ½ SW ¼ Section 27 and SE ¼ SE ¼ Section 28, T7N, R2E;
- **No. 1382D-1, Polly and Jeff Garrett** – authorizing diversion of 0.24 cfs from one well (Minnelusa Aquifer) located in the SW ¼ SW ¼ Section 27 to irrigate 16.5 acres located in the NW ¼ SW ¼ Section 27 and the NE ¼ SE ¼ Section 28, T7N, R2E.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 0.24 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,020 feet north and 1,285 feet east of the SW corner of Section 27, T7N, R2E (SW ¼ SW ¼).

(The original permit authorized diversion of ground water from two wells into either the Madison or Minnelusa Aquifers. Only one well was constructed and is used for irrigation of land described in Nos. 1382B-1, 1382C-1 and 1382D-1. The well log data identifies the well as being in the Minnelusa Aquifer.)

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 27, T7N, R2E		Section 28, T7N, R2E	
NW ¼ SW ¼	15.3 acres	NE ¼ SE ¼	1.2 acre

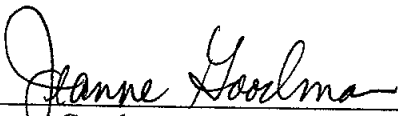
Total – 16.5 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Polly and Jeff Garrett, PO Box 1195, Spearfish SD 57783 the holders and/or owners of Water Right No. 1382D-1 are issued a license to appropriate water, the right to use 0.24 cubic feet of water per second from ground water (one well – Minnelusa Aquifer) with a priority date of March 18, 1987 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1382D-1 and subject to the following qualifications:

- The casing of the wells to be constructed under Permit No. 1382-1 (*1382D-1*) shall be pressure grouted with cement (bottom to top) from the producing formation to the surface and constructed in compliance with Water Management Board Rules, Chapter 74:02:04. (*Only one well was constructed.*)
- The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The wells shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If the wells are abandoned they must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04. (*Only one well was constructed.*)
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. (*Only one well was constructed.*)
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 03 2016

date





1382D-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 20, 2017

NOTICE

TO: POLLY & JEFF GARRETT, PO BOX 1195, SPEARFISH, SD 57783

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1382D-1. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 1382D-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 1, 2017 at 11:00 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) 1382D-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 1, 2017** 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>

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.



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DATE & TIME	STATUS OF ITEM	LOCATION
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Your item was delivered at 11:04 am on January 23, 2017 in SPEARFISH, SD 57783.

January 23, 2017 , 8:47 am	In Transit to Destination	
January 23, 2017 , 7:55 am	Available for Pickup	SPEARFISH, SD 57783
January 23, 2017 , 7:44 am	Arrived at Unit	SPEARFISH, SD 57783
January 22, 2017 , 1:47 am	Departed USPS Origin Facility	RAPID CITY, SD 57701
January 21, 2017 , 11:19 pm	Arrived at USPS Origin Facility	RAPID CITY, SD 57701
January 20, 2017 , 9:19 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 20, 2017 , 6:33 pm	Departed Post Office	PIERRE, SD 57501
January 20, 2017 , 2:16 pm	Acceptance	PIERRE, SD 57501

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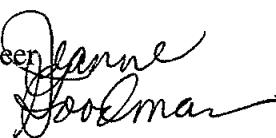
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 2, 2017

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

TO: Polly & Jeff Garrett, PO Box 1195, Spearfish SD 57783

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 1382D-1

On March 1, 2017, the Water Management Board ordered:

Effective April 1, 2017, Water Right No. 1382D-1 be suspended for the 2017 irrigation season for failure to submit the 2016 irrigation questionnaire.

If the 2016 irrigation questionnaire is received prior to April 1, 2017, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2017 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2017 unless the 2016 irrigation questionnaire is submitted by April 1st.

After April 1st, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2016 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 10-11, 2017, in Pierre, SD. The letter should include your reasons for not completing the 2016 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

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DATE & TIME	STATUS OF ITEM	LOCATION
March 6, 2017 , 10:40 am	Delivered	SPEARFISH, SD 57783

Your item was delivered at 10:40 am on March 6, 2017 in SPEARFISH, SD 57783.

March 4, 2017 , 8:58 am	Available for Pickup	SPEARFISH, SD 57783
March 4, 2017 , 7:37 am	Available at PO Box	SPEARFISH, SD 57783
March 4, 2017 , 7:27 am	Sorting Complete	SPEARFISH, SD 57783
March 4, 2017 , 7:26 am	Arrived at Unit	SPEARFISH, SD 57783
March 4, 2017 , 2:15 am	Arrived at USPS Facility	RAPID CITY, SD 57701
March 2, 2017 , 9:57 pm	Arrived at USPS Facility	HURON, SD 57399
March 2, 2017 , 6:28 pm	Departed Post Office	PIERRE, SD 57501
March 2, 2017 , 3:30 pm	Acceptance	PIERRE, SD 57501

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POLLY & JEFF GARRETT
PO BOX 1195
SPEARFISH SD 57783

PS Form 3800, August 2006

See Reverse for Instructions



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 16, 2017

1382D-1

Polly & Jeff Garrett
PO Box 1195
Spearfish SD 57783

Dear Mr. & Mrs. Garrett:

On March 1st the Water Management Board ordered Water Right No. 1382D-1 suspended if the 2016 irrigation questionnaire was not received prior to April 1, 2017. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2017 irrigation season.

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

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: POLLY & JEFF GARRETT, PO BOX 1195, SPEARFISH, SD 57783

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1382D-1. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 1382D-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 3, 2021 at 10:00 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) 1382D-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 3, 2021** 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: <https://denr.sd.gov/iq> using this password: DNIGIX**

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.

1382D-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

1382D-1

Polly & Jeff Garrett
PO Box 1195
Spearfish SD 57783

Dear Mr. & Mrs. Garrett:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 1382D-1. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us