



311A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 310A-1 & 311A-1. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 310A-1 & 311A-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 10, 2003

NOTICE OF AMENDMENT OF WATER RIGHTS

TO: Gail Miller, Mooney Ranch, 907 N Madison, Pierre SD 57501

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right Nos. 310A-1 and 311A-1

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing March 5, 2003, the Water Management Board has amended Water Right Nos. 310A-1 and 311A-1 to add the following qualification:

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

This action was taken for failure to return the 2002 irrigation questionnaires. The addition of this qualification to your water rights means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water rights with no use of water for up to one year for the first violation.

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 311A-1

Date: 7-9-02

I/We request that Water Right No. 311A-1

formerly owned by: Breckenridge Partnership, Ltd.

be transferred to: (name & address) Mooney Ranch, %Gail Miller

907 N Madison, Pierre, SD 57501

Telephone No.

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

Lots 1-5, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 26; Lots 2-6, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; Lots 3-6, SW $\frac{1}{4}$ Section 28; Lot 1 Section 32; Lots 1-4, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 33; and Lots 1-2, Section 34; all in T5N, R12E

I/We understand that the validity of Water Right No. 311A-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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) 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 _____, the new owner, certify that the above information is true and correct.


(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

N~~2~~ 417216

Pierre, July 10, 20 02

RECEIVED OF Mooney Ranch Account, Gail Miller, 907 N Madison, Pierre, SD 57501
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 _____

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 311A-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Ebele
Chief Engineer
gm

R 12 E

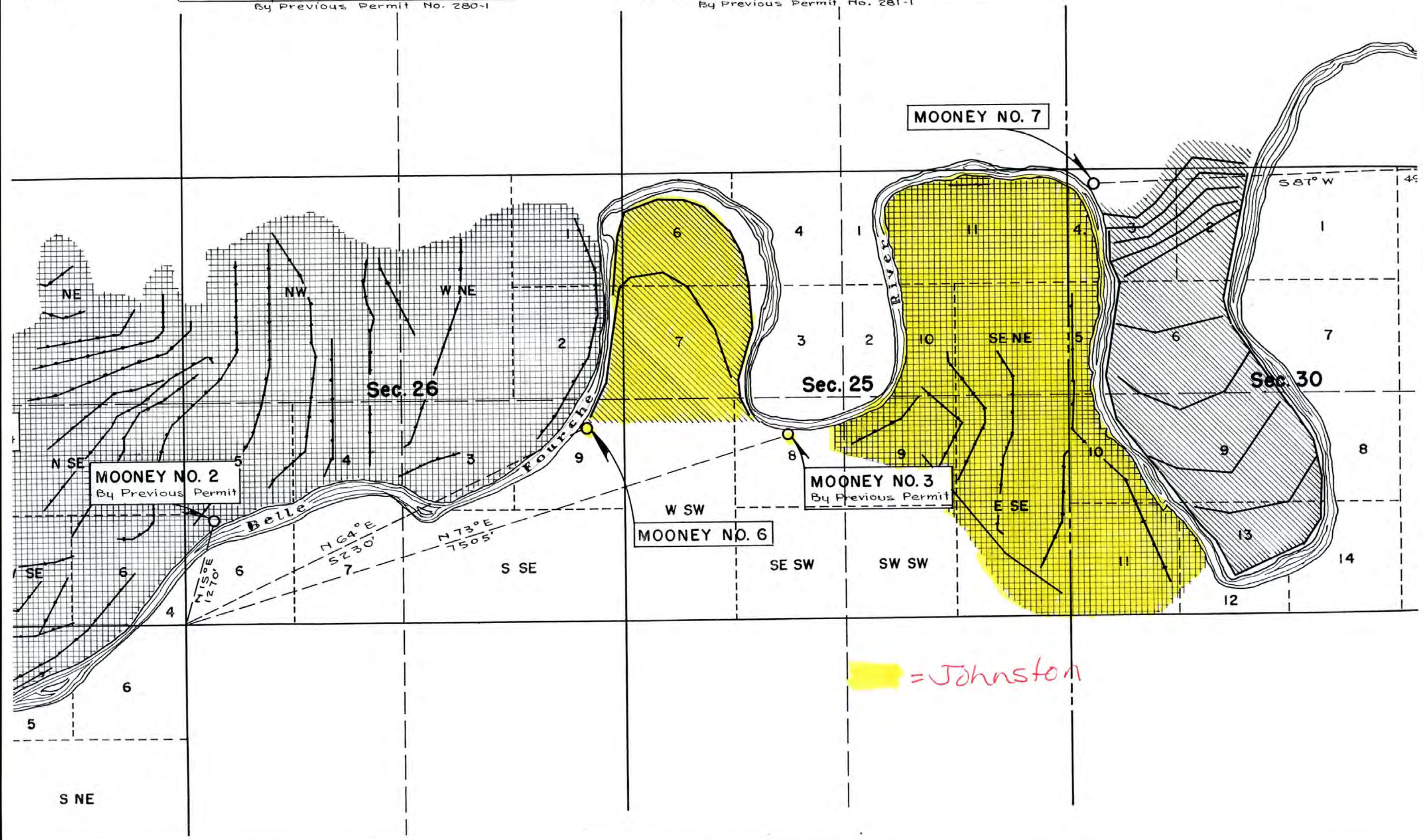
		W 1/2 NE 1/4	50.3
		NW 1/4	37.0
			225.7

By Previous Permit No. 280-1

			E 1/2 SE 1/4	72.4
TSN	R 13 E	30	Lot 4	0.3
			Lot 5	2.9
			Lot 10	20.1
			Lot 11	38.8
			Lot 12	3.4
				783.7

By Previous Permit No. 281-1

R 13 E



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 311A-1
DIVISION OF NO. 311-1 INTO NOS. 311A-1 AND 311B-1

(1) F. A. Mooney was issued Water License No. 311-1, September 28, 1959 for a water permit to divert 16.61 cubic feet of water per second (cfs) from the Belle Fourche River, Meade County, South Dakota for irrigation purposes. Water License No. 311-1 has priority dates of September 8, 1956 and November 7, 1957 and authorized irrigation of 1183.6 acres. Original license incorrectly listed 1163.6 acres.

On July 10, 2002 and November 26, 2002, transfers of ownership were received, transferring portions of the water right to Mooney Ranch and Sam & Cary Johnston. Water Right No. 311-1 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 311A-1, Mooney Ranch, c/o Gail Miller, 907 N Madison, Pierre SD 57501: irrigation of 1089.8 acres in Lots 1-5, NW ¼, W ½ NE ¼ Section 26; Lots 2-6, NE ¼, E ½ NW ¼, NE ¼ SW ¼, N ½ SE ¼, SW ¼ SE ¼ Section 27; Lots 3-6, SW ¼ Section 28; Lot 1 Section 32; Lots 1-4, NW ¼ NW ¼ Section 33; Lots 1 & 2 Section 34; all in T5N-R12E; with diversion of 15.27 cfs from the Belle Fourche River located in Lot 5 Section 26; Lot 2 Section 27; Lot 5 Section 28 and Lot 1 Section 32; all in T5N-R12E.

No. 311B-1, Sam & Cary Johnston, 21216 River Road, Elm Springs SD 57736: irrigation of 93.8 acres in Lots 6, 7, 8 and W ½ SW ¼ Section 25 and Lot 9 Section 26; all in T5N-R12E; with diversion of 1.34 cfs from the Belle Fourche River located in Lot 9 Section 26-T5N-R12E.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 311A-1 is issued a license, bearing priority dates of September 8, 1956 (9.97 cfs) and November 7, 1957 (5.3 cfs) from the Belle Fourche River to irrigate 1089.8 acres.

The diversion points are located: Lot 5 Section 26; Lot 2 Section 27; Lot 5 Section 28 and Lot 1 Section 32; all in T5N-R12E. The acres authorized for irrigation are as follows:

Sec 26-T5N-R12E	Lot 1	24.9 acres	Sec 28-T5N-R12E	Lot 3	37.8 acres
	Lot 2	33.8 acres		Lot 4	31.4 acres
	Lot 3	35.0 acres		Lot 5	19.3 acres
	Lot 4	30.1 acres		Lot 6	34.7 acres
	Lot 5	44.0 acres		SW ¼	58.5 acres
	NW ¼	115.0 acres			
		W ½ NE ¼	50.3 acres	Sec 32-T5N-R12E	Lot 1
Sec 27-T5N-R12E	Lot 2	7.4 acres	Sec 33-T5N-R12E	Lot 1	3.4 acres
	Lot 3	55.1 acres		Lot 2	58.6 acres
	Lot 4	13.3 acres		Lot 3	32.7 acres
	Lot 5	21.7 acres		Lot 4	28.3 acres
	Lot 6	33.8 acres		NW ¼ NW ¼	34.1 acres
	NE ¼	75.5 acres			
	E ½ NW ¼	2.0 acres	Sec 34-T5N-R12E	Lot 1	22.0 acres
	NE ¼ SW ¼	33.8 acres		Lot 2	28.6 acres
	N ½ SE ¼	80.0 acres			
	SW ¼ SE ¼	40.0 acres			
Total 1089.8 acres					

Water License No. 311A-1

Mooney Ranch

Page 2

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 311-1.

Garland Erbele

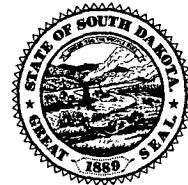
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

OCT 10 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 10 2003

Mooney Ranch
c/o Gail Miller
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

Enclosed are reissued Water License No. 310A-1 and 311A-1 and receipts for payment of the transfer of ownership fee.

On July 10, 2002 and November 26, 2002, transfers of ownerships were received, transferring portions of the water rights to Mooney Ranch and Sam & Cary Johnston. Water Right No. 310-1 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 310A-1, Mooney Ranch: irrigation of 189.6 acres in Lots 2, 3, 6, 9 & 13 Section 30 and SW $\frac{1}{4}$ Section 19; all in T5N-R13E; with diversion of 2.71 cfs from the Belle Fourche River located in Lot 3 Section 30-T5N-R13E.

No. 310B-1, Sam & Cary Johnston: irrigation of 283.7 acres in Lots 8, 9, 10 & 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25-T5N-R12E and Lots 4, 5, 10, 11 & 12 Section 30-T5N-R13E; with diversion of 4.05 cfs from the Belle Fourche River located in Lot 8 Section 25-T5N-R12E.

Water Right No. 311-1 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 311A-1, Mooney Ranch: irrigation of 1089.8 acres in Lots 1-5, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26; Lots 2-6, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; Lots 3-6, SW $\frac{1}{4}$ Section 28; Lot 1 Section 32; Lots 1-4, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; Lots 1 & 2 Section 34; all in T5N-R12E; with diversion of 15.27 cfs from the Belle Fourche River located in Lot 5 Section 26; Lot 2 Section 27; Lot 5 Section 28 and Lot 1 Section 32; all in T5N-R12E.

No. 311B-1, Sam & Cary Johnston: irrigation of 93.8 acres in Lots 6, 7, 8 and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25 and Lot 9 Section 26; all in T5N-R12E; with diversion of 1.34 cfs from the Belle Fourche River located in Lot 9 Section 26-T5N-R12E.

As long as you use the water beneficially, as stated in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning your reissued license, please contact us.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

enclosures

311A-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

March 23, 2004

587-1
310A-1
311A-1

Ted Robb
20960 Oxbow Place
New Underwood SD 57761

Dear Mr. Robb:

Enclosed, as we discussed, are copies of Water Right Nos. 587-1, 310A-1 and 311A-1 currently listed in the name of Mooney Ranch. I have included maps outlining the area described in each water right.

You indicated you may want to change diversion points and/or set up center pivots in the area. As soon as you have reviewed the water rights and made a decision on what you would like to do, please get in touch with us so we can discuss whether or not the plan falls under the current water rights or whether amendments will be necessary.

Sincerely,

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

enclosures



311A-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 20, 2005

NOTICE

TO: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 310A-1 & 311A-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 310A-1 & 311A-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 2, 2005 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) 310A-1 & 311A-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 on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



311A-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

March 2, 2005

310A-1
311A-1

Gail Miller
for Mooney Ranch
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 310A-1 and 311A-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



311A-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 24, 2006

NOTICE

TO: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 310A-1 & 311A-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 310A-1 & 311A-1 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 310A-1 & 311A-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 on/or before February 24, 2006, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



311A-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

February 22, 2006

Gail V Miller
907 N Madison Ave
Pierre SD 57501

RE: Water Right Nos. 310A-1, 311A-1, 3349-3 and Water Permit No. 6502-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 310A-1, 311A-1, 3349-3 and Water Permit No. 6502-3.

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



**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: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501

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) 310A-1 & 311A-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) 310A-1 & 311A-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) 310A-1 & 311A-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 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>

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.

311A-1

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3301
Status: **Delivered**

Your item was delivered at 12:28 PM on January 19, 2008 in PIERRE, SD 57501. The item was signed for by D MILLER.

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United States Postal Service



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10EE 2090 0000 0902 E0E2
2303 2160 0000 0802 3301

MOONEY RANCH
GAIL MILLER
907 N MADISON
PIERRE SD 57501

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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**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 26, 2008

310A-1

311A-1

Gail Miller
Mooney Ranch
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

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. 310A-1 and 311A-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 cursive script that reads "Genny McMath".

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



311A-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 22, 2010

NOTICE

TO: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 310A-1 & 311A-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 310A-1 & 311A-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 10, 2010** 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) 310A-1 & 311A-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 on/or before **March 5, 2010**, 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 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/asp>

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

March 9, 2010

310A-1
311A-1

Gail Miller
Mooney Ranch
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of the information needed for your 2009 irrigation questionnaires. Mr. Robb called and indicated no irrigation took place in 2009. I completed forms for you based on this information. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 310A-1 and 311A-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 that reads "Genny McMath".

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



311A-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 21, 2011

NOTICE

TO: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 310A-1 & 311A-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 310A-1 & 311A-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 9, 2011** 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) 310A-1 & 311A-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 on/or before **March 4, 2011**, 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.

311A-1


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MOONEY RANCH
GAIL MILLER
907 N MADISON
PIERRE SD 57501

Waiver of Signature ☐ YES ☐ NO

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(See Reverse)



**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 3, 2011

310A-1
311A-1

Gail Miller
Mooney Ranch
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 310A-1 and 311A-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 cursive script that reads "Genny McMath".

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



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 24, 2014

NOTICE

TO: MOONEY RANCH, GAIL MILLER, 907 N MADISON, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 310A-1 & 311A-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 310A-1 & 311A-1 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 310A-1 & 311A-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 on/or before **March 3, 2014**, 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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PS Form 3800, August 2006

See Reverse for Instructions

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Carl Mathews, dba Miller Mathews Partnership, 25620 Capa Rd, Midland
SD 57552

DATE: March 18, 2014

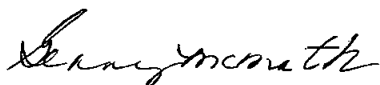
TELEPHONE: 605 843-2285

RE: Water Right or Permit Nos. 310A-1, 311A-1 (Mooney Ranch); 1306-2, 3349-3 & 6502-3
(Gail Miller)

The 2013 irrigation questionnaires were hand delivered to the office on March 17, 2014. A notation was placed on all of them that indicated they should be changed to Miller Mathews Partnership.

I contacted Carl Mathews concerning ownership of the land and he indicated that part of the land was now under the partnership and the rest he farmed for Gail Miller. He requested that for the time being, just list them all in care of the partnership as "manager" and leave ownership of everything the same as it is. Listing the partnership as manager would allow the annual irrigation questionnaires to be sent directly to Mr. Mathews in Midland. He said he was the one responsible for completing them anyway.

He indicated he had not received anything from Mr. Miller for 2013 until a week after the Board meeting. I explained that since the forms were received prior to April 7th, no violations occurred and the suspensions did not take effect.



Genny McMath
Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 19, 2014

Carl Mathews
Miller Mathews Partnership
25620 Capa Rd
Midland SD 57552

RE: Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 and 6502-3

Dear Mr. Mathews:

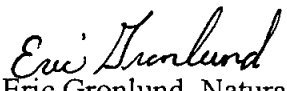
On March 6th, the Water Management Board ordered a one year suspension of Water Right Nos. 310A-1, 311A-1 and Water Permit No. 6502-3 if the 2013 irrigation questionnaires were not received prior to April 6, 2014. The irrigation questionnaires were hand delivered to our office March 17th.

The irrigation questionnaires are now on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate in 2014.

Questionnaires were also received for Water Right Nos. 1306-2 and 3349-3. The Board took action on March 6th to amend these two water rights to include the mandatory irrigation questionnaire qualification. The action to amend the water rights was effective the day of the hearing. The addition of the qualification means that future violations could result in suspension of the water rights.

As referenced on the irrigation questionnaires, future forms will be directed to "Miller Mathews Partnership" as manager. If you have any questions, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,


Eric Gronlund, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program



311A-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: MILLER MATHEWS PARTNERSHIP, MGR, CARL MATHEWS, 25620 CAPA RD,
MIDLAND, SD 57552

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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3. 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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3 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, 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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3 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, 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>

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.

311A-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2019

Carl Mathews
Miller Mathews Partnership, Mgr
25620 Capa Rd
Midland SD 57552

RE: Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3

Dear Mr. Mathews:

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. 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

All of the above listed water rights are listed in either Mooney Ranch or Gail Miller. Something to keep in mind, at some point in time when the estate is settled, the water rights will need to be transferred to reflect current ownership.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2020

310A-1
311A-1

Carl Mathews
25620 Capa Rd
Midland SD 57552

Dear Mr. Mathews:

Thank you for visiting with me about the pending ownership changes for Water Right Nos. 310A-1 and 311A-1. These are the Meade County water rights.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please give them to the new owner at closing. The forms will need to be reviewed and signed by the new owner and returned to our office with a required filing fee of \$50 each (\$100.00 total). The check or money order for the fee can be made payable to the Water Rights Program.

I have also included copies of the water rights for you to give the new owner. Thank you for taking care of all this. If you have any questions, please let me know.

Sincerely,

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

enclosures

3/1A-1

RECEIVED

**COSTELLO, PORTER, HILL, HEISTERKAMP,
BUSHNELL & CARPENTER, LLP**

JUN 10 2020

**WATER RIGHTS
PROGRAM**

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP
GENE R. BUSHNELL
EDWARD C. CARPENTER
DONALD A. PORTER
JOSEPH R. LUX
HEATHER LAMMERS BOGARD¹
JESS M. PEKARSKI

200 SECURITY BUILDING
704 ST. JOSEPH STREET
MAILING ADDRESS P. O. BOX 290
RAPID CITY, SD 57709

Telephone: (605) 343-2410
Fax: (605) 343-4262

PHILLIP R. STILES
SHANE M. PULLMAN ±
JONATHAN P. MCCOY*
MICHAEL F. STEVE^+
DAVID R. HANSEN
KRISTEN E. BASHAM
REECE R. WEBER

± Registered Patent Attorney

J.M. COSTELLO
1923-2007

WILLIAM G. PORTER
1926-2004

¹Also available at Spearfish office
115 N. 7th Street, Suite 3
Spearfish, SD 57783

+ Also admitted in North Dakota

* Also admitted in Wyoming

^Also admitted in Nebraska

June 8, 2020

PMB 2020
DENR – Water Rights Program
523 E. Capital Ave.
Pierre, SD 57501-3182

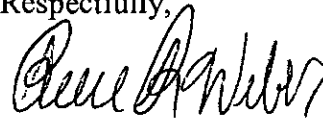
Re: Notices of Transfer of Ownership
Our File No.: 182348

To Whom It May Concern:

Please find enclosed three Notices of Transfer of Ownership for filing with your office and a check in the amount of \$150.00 for the filing fee.

Thank you for your consideration in this matter and please do not hesitate to contact our office with any questions or concerns.

Respectfully,



Reece R. Weber

RRW/arb
Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUN 10 2020

Ck# 078933

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JUN 10 2020

Water Right/Permit No. 311A-1Date: January 1, 2020WATER RIGHTS
PROGRAMI/We request that Water Right/Permit No. 311A-1 formerly owned by:Gail Miller, dba Mooney Ranch of 907 N. Madison, Pierre SD 57501 be transferred to:New Owner Name: HBW, LLCAddress: 13655 Silver Fox SpurCity, State, Zip Rapid City SD 57702 Telephone No. _____

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

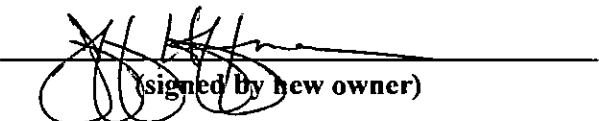
1089.8 acres; Lots 1-5, NW1/4, W1/2NE1/4 Section 26; Lots 2-6, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, SW1/4SE1/4 Section 27; Lots 3-6, SW1/4 Section 28, Lot 1 Section 32; Lots 1-4, NW1/4NW1/4 Section 33; Lots 1-2 Section 34; all in T5N, R12E

☒ I understand that the validity of Water Right/Permit No. 311A-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, HBW, LLC, the new owner, certify that the above information is true and correct.


(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.

311A-1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 10, 2020

RECEIVED OF Costello Porter Hill Heisterkamp Bushnell & Carpenter LLP PO Box 290 Rapid City SD 57709

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	\$
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>311A-1</u>	\$50.00
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	\$50.00

By Eric Gronlund
Chief Engineer

me

311A-1



DENR
SOUTH DAKOTA

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

June 11, 2020

310A-1
311A-1
587-1

Jeff Hoffman
HBW LLC
13655 Silver Fox Spur
Rapid City SD 57702

Dear Mr. Hoffman:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 310A-1, 311A-1 and 587-1. The ownership changes have been completed. The water rights formerly held by Gail Miller dba Mooney Ranch, are now listed under HBW LLC.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

I also included a couple past irrigation questionnaires pertaining to Nos. 310A-1 and 311A-1 to give you an idea of what they reported. An annual irrigation questionnaire is not required for Water Right No. 587-1 since the water source is a dry draw.

I have also included a copy of all three water rights for your files in the event you do not have them. The receipts for the filing fees are being sent to Costello law firm with a copy of this letter. If I can answer any questions for you, please let me know.

Sincerely

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

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

Enclosures

cc: Reece R Weber, Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter, LLP w/Receipts

311A-1



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: HBW LLC, JEFF HOFFMAN, 13655 SILVER FOX SPUR, RAPID CITY, SD 57702
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) 310A-1 & 311A-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) 310A-1 & 311A-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) 310A-1 & 311A-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: TOSCGA**

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.

311A-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 4, 2021

310A-1

311A-1

Jeff Hoffman
HBW LLC
13655 Silver Fox Spur
Rapid City SD 57702

Dear Mr. Hoffman:

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 Nos. 310A-1 & 311A-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 cursive script, appearing to read "Genny McMath".

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