

1. Considered 1-26, 19 60 Appl. No. 427-1
2. Name of Applicant Thomas Mc Lienny
3. Post Office Address Sturgis
4. Amount of water claimed 7
5. Source of water supply B. F. River
6. Water to be used for Irrigation
Acres to be irrigated 927
7. Water to be diverted and used in Meade County about
_____ miles _____ of _____
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Letter from Eabl E. Mc Pherson

No. 437-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

Belle Fourche River

NOV 7 1959

10:30 AM

STATE WATER RESOURCES COM. I.

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 THOMAS MCWENNY, President, Trico
Postoffice address NEW SPURGIS, County MEADE, State S.D.

- I. If a corporation X X X X
- (a) Name of same X X X X
- (b) Date and place of incorporation X X X X
- (c) Amount of capital stock X X X X
- (d) Amount paid in X X X X
- (e) Names and addresses of directors X X X X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

- X X X
- (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
- (d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work THE MCWENNY IRRIGATION PROJECT3. Amount of water claimed 7 cubic feet per second4. Source of water supply THE BELLE FOURCHE RIVER
N 00°E from S $\frac{1}{4}$ Cor. Sec. 10-1231' to a point S 00°E 1233' from the N $\frac{1}{4}$ Cor.5. Location of point of diversion
Sec. 24, T.5 N., R.9 E-BHM on Both Banks
on Meade County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

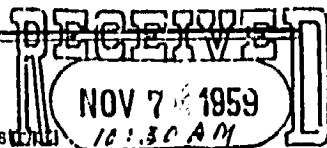
I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 121 acres.

(b) Legal subdivisions to be irrigated

(NOTE—List each subdivision and acreage thereof, should be written here, or may be

SE-38 Ac., NE-SE-29 Ac., SW-SE-19 Ac., SE-SE-25 Ac., Sec 10 Total 111 AcSW-31, Ac. SE-3W-27 Ac. SW-SE-5 Ac., Sec. 11 Total 63 AcNW-NE-15 Ac., NE-NE-39 Ac., SE-NE-9 Ac. Sec. 15 Total 63 AcNW-NW-40 Ac. NE-NW-31 Ac., SW-NW-30 Ac., SE-NW-28 Ac. NW-NE-37 AcNE-NE-26 Ac., SW-NE-40 Ac., SE-NE-34 Ac. NE-SW-4 Ac., NW-SE-9 Ac.(c) Point where water will be returned to stream X X

Map No. 281-1



No. 437-1
 Water Division No. 1 Belle Fourche River
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES 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 THOMAS M. WENNY, P. O. BOX 2, T. 5 N., R. 9 E., S. 10
 Postoffice address NEW STURGIS, County MEADE, State S.D.

- I. If a corporation X X X X
- (a) Name of same X X X X
- (b) Date and place of incorporation X X X X
- (c) Amount of capital stock X X X X
- (d) Amount paid in X X X X
- (e) Names and addresses of directors X X X X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

- X X X
- (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
- (d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work THE MONENNY IRRIGATION PROJECT

3. Amount of water claimed 7 cubic feet per second

4. Source of water supply THE BELLE FOURCHE RIVER
N 0°E from S 1/4 Cor. Sec. 10-1231' to a point S 0°E 1232' from the N 1/4 Cor.

5. Location of point of diversion
Sec. 24, T. 5 N., R. 9 E-BHM on Both Banks On head bank Meade County.

6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination

(a) Number of acres to be irrigated 727 acres.

(b) Legal subdivisions to be irrigated

(NOTE—List all subdivisions to be irrigated, showing each subdivision and fraction with acreage thereof, should be written here, or may be

SE-38 Ac., NE-SE-29 Ac., SW-SE-19 Ac., SE-SE-25 Ac., Sec 10	Total 111 Ac
SW-31, Ac. SE-SW-27 Ac. SW-SE-5 Ac., Sec. 11	Total 63 Ac
NW-NE-15 Ac., NE-NE-39 Ac., SE-NE-9 Ac. Sec. 15	Total 63 Ac
NW-NW-40 Ac. NE-NW-31 Ac., SW-NW-30 Ac., SE-NW-28 Ac. NW-NE-37 Ac	
NE-NE-26 Ac., SW-NE-40 Ac., SE-NE-34 Ac. NE-SW-4 Ac., NW-SE-9 Ac.	
Sec. 14, T. 5 N., R. 9 E-BHM	Total 279 Ac
NW-NW-6 Ac. SW-NW-21 Ac., SE-NW-12 Ac., NW-SW-39 Ac., NE-SW-39 Ac.	
SW-SW-21 Ac., SE-SW-29 Ac., Sec. 13, T. 5 N., R. 9 E-BHM	Total 167 Ac
NE-NW-14 Ac. SE-NW-30 Ac., Sec. 24, T. 5 N., R. 9 E-BHM	Total 44 Ac.
Grand Total	727 Ac.

Map No. 381-1

8. Estimated cost of work:

(a) Head Gates, \$----- Sprinkler system (b) Pumping plant, \$3000.00
 (c) Fluming, \$----- Flood system (d) Canal earth, \$----- Rock, \$3000.00
 (e) Other structures ----- \$----- Total, \$6000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping from the Belle Fourche River thru sprinkler system and also a

II. Dimensions of works: flood system, which will use a system of dikes.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----
 (b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----

(d) Canal: Total length: ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 5 ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- 4 ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
 Sturgis Tribune, Sturgis, So. Dak.

STATE OF SOUTH DAKOTA

County of ----- ss.

I, Thomas McHenry, 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, examine the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this ----- day of ----- 18. 37

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

11/2/27

THE McHENNY IRRIGATION PROJECT
Sections 10, 11, 13, 14, 15 and 24, T.5 N., R.9 E-BLM
Meade County, South Dakota.

Scale: 1 inch = 660 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor in and for the State of South Dakota, do hereby certify that, at the request of Thomas McNenny, of Sturgis, Meade County, South Dakota, I have made a survey of the several tracts of irrigable land shown hereon and have drawn this plat for the purpose of showing the location and areas of the several tracts embraced in his application for a permit to appropriate water, of which, this plat is a part.

I further certify that the bearings and lengths of the several lines shown hereon and their location with reference to the Government Land Corners show, are correct, to the best of my knowledge and belief.

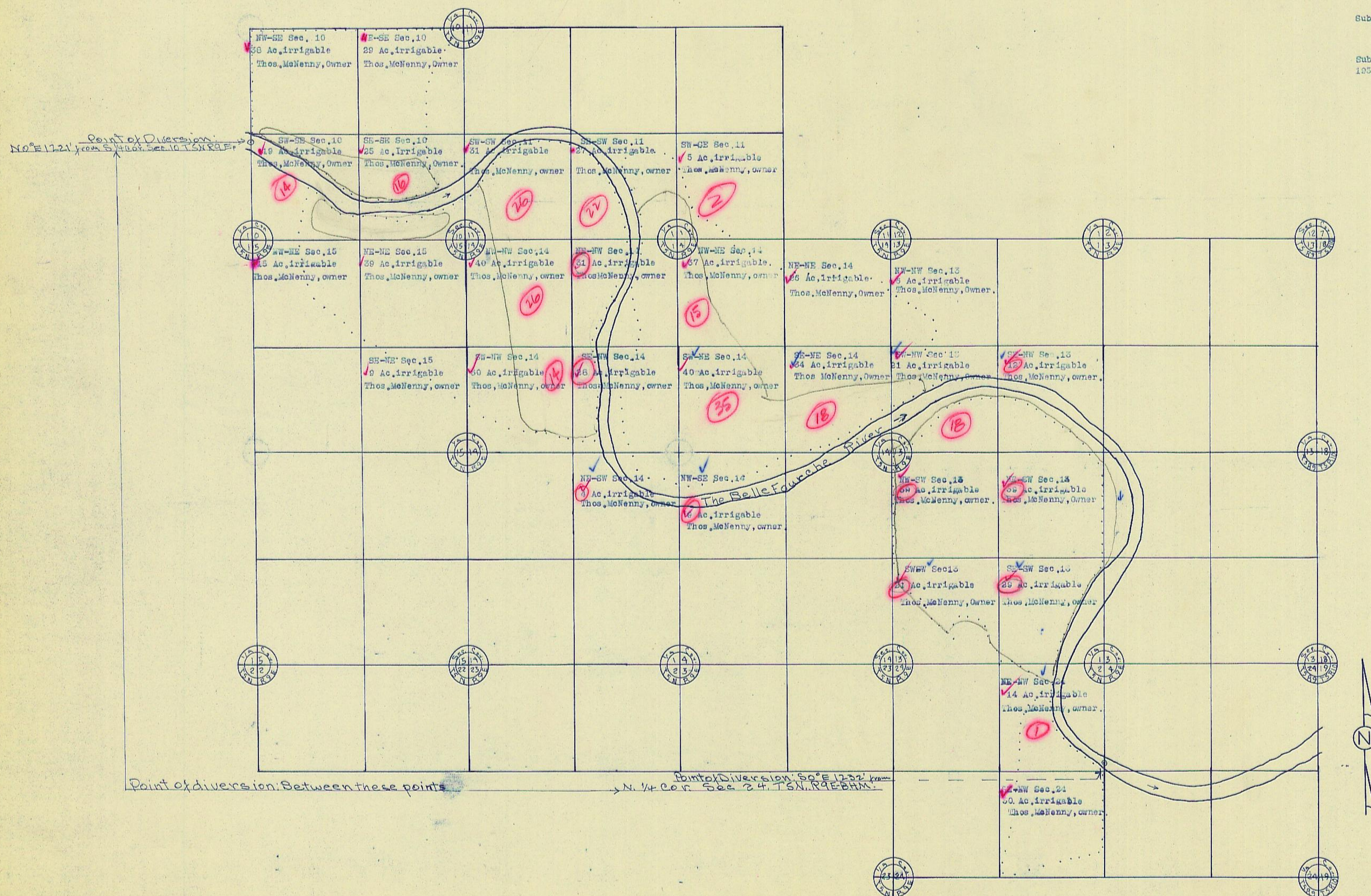
Subscribed and sworn to at Buffalo, South Dakota this 28th day of October, 1939.

SIGNED: Carl M. Cornell

Carl M. Cornell, Licensed Surveyor - 144

Subscribed and sworn to before me at Buffalo, South Dakota this 28th day of October, 1939.

Florence Gundersen
NOTARY PUBLIC, (S.D.)
FLORENCE GUNDERSEN
Commission Expires 4-4-46



Remarks by State Water Resources Commission:

Your use of the waters under this permit is contingent upon supplies being available to prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, January 29, 1960

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock A.m. upon the 7th day of November, 1959.

State Water Resources Commission

By:

John R. Miller
Chief Engineer, Executive Officer

Number of permit 437-1

Date of first receipt of application November 7, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right November 7, 1959

Approved January 26, 1960, Recorded in Book 15 Page 307

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

July 26, 1962

2nd. The whole of said work is to be completed on or before January 26, 1965

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

January 26, 1969

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 7.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 be fully applied for irrigation on or before January 26, 1969; said water to be used during following described annual period:

April to November, inclusive

Witness my hand this 29th day of January, 1960

State Water Resources Commission

By:

John R. Miller
Chief Engineer, Executive Officer

Certificate of instruction issued October 30, 1962

Water permit issued October 30, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 437--1

WHEREAS, On the 7th day of November A. D. 1959

Thomas Mc Nenny

of Sturgis County of Meade and State of South Dakota duly made application (No. 437-1) to us for a permit to use 7.0 cubic feet per second of the waters of the Belle Fourche River County of Meade, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 29th day of January A. D. 1960 Permit No. 437-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 26th day of January A. D. 1965 and for the application to beneficial use of said water on or before the 26th day of January A. D. 1969 and.

WHEREAS, On the 12th day of September A. D. 1962 the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.2 cubic feet per second of said waters, as evidenced by our Certificate No. 437-1 dated October 30, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6.2 cubic feet per second of water, with date of priority of November 7, 1959 ~~xxx~~ and,

WHEREAS, On the 12th day of September A. D. 1962 proof was duly made of the application to beneficial use of 5.90 cubic feet per second of said water; for irrigating 418 acres in Sections 10, 11, 13, 16 and 24, T. 5N, R. 9E.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Thomas Mo Nenny
of Sturgis the holder and owner of said permit No. 437-1
a water right, dating from November 7, 1959 to the use of 5.9
cubic feet per second of the waters of the Belle Fourche River
in the County of Meade and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at between a point N 0° E 1221 feet
from the S 1/4 corner, Section 10, and a point S 0° E 1232 feet from the N 1/4 corner, Section 24,
T 5N, R 9E.
and conducted to and upon portions of Sections 10, 11, 13, 14 and 24, T-5N, R-9E, were
specifically described in the Certificate of Completion of Works.

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 30th day of October A. D. Nineteen
Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 437-1Water Division No. 1 Belle Fourche Water District
River

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Thomas M. Henryof Sturgis, County of Meade, and State of
South Dakota, the holder of Permit No. 437-1, issued upon ApplicationNo. 437-1, bearing date of priority of November 7, 1959, authorizing the diversion of7.0 cu. ft. per second of the waters of the Belle Fourche RiverCounty of Meade, State of South Dakota, at between a point N 0° E,1221 feet from the S 1/4 Corner, Section 10, and a point S 0° E, 1232 feet from theN 1/4 Corner, Sec. 24, T5N, R9E, for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory condition for diverting and conveying to the place of intended use 6.2 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: All in S 5N, R 9E

Section 10	SW 1/4 SE 1/4	14 acres	Section 14	SE 1/4 NE 1/4	18 acres
	SE 1/4 SE 1/4	16 acres		SW 1/4 NE 1/4	35 acres
Section 11	SW 1/4 SW 1/4	26 acres		NW 1/4 NE 1/4	15 acres
	SE 1/4 SW 1/4	22 acres		NW 1/4 NW 1/4	26 acres
	SW 1/4 SE 1/4	2 acres		NE 1/4 NW 1/4	31 acres
SECTION 13	SE 1/4 SW 1/4	29 acres		SW 1/4 NW 1/4	14 acres
	SW 1/4 SW 1/4	21 acres		SE 1/4 NW 1/4	28 acres
	NW 1/4 SW 1/4	39 acres		NW 1/4 SE 1/4	9 acres
	NE 1/4 SW 1/4	39 acres		NE 1/4 SW 1/4	4 acres
	SW 1/4 NW 1/4	18 acres			
	SE 1/4 NW 1/4	12 acres	Section 24	NE 1/4 NW 1/4	1 acres

Grand Total 128 AcresWitness my hand this 30th day of October A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. GRIMES

Permit No. 137-1Water Division No. 1 Belle Fourche Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 10_____, I have this day made a thorough examination of the diversion works constructed by _____
Thomas McNeeney, of _____
Meade County, South Dakota, holder of Permit No. 137-1, issued
 upon Application No. 437-1, bearing date of priority of Nov. 7, 1057, authorizing the
 diversion of 7 cu. ft. per second of the waters of Belle Fourche for Irrigation
 purposes, I have to report on the condition of the same as follows:

The diversion works comprise Rockley pump, trailer mounted,
8" in & out. Mod # B86RM, Ser. No. 6010506, B.M. # 2361
Run by a Cord Major diesel, 13 H.P. on P.T.O.
600'± of 12" pipe. 1 1/4 miles of ditches & 4 miles
of lateral ditches.

and the system is in the following condition: Good

The point of diversion is located N 0° E from S 1/4 Cor. Sec. 10, 1221' to a Pt. S 0° E 1232'
From the N 1/4 Cor. Sec. 24 T 5 N R 9 E B 1 M on both Banks

The works are capable of diverting and conveying to the place of use 7 cu. ft. per second of water,
 which is to be used for Irrigation

The following lands are to be irrigated and

NW-SE-30-Ac., NW-SE-39-Ac., SW-SE-15-Ac., SE-SE-25-Ac., Sec 10	Total 111 Ac
SW-SW-32, Ac. SE-SW-22 Ac. SW-SW-5 Ac., Sec. 11	Total 63 Ac
NW-NE-15-Ac., NE-NE-39-Ac., SE-NE-9-Ac., Sec-15	Total 63 Ac
NW-NW-40 Ac. NE-NW-31 Ac., SW-NW-30 Ac., SE-NW-28 Ac., NW-NE-37 Ac	
NE-NE-26-Ac., SW-NE-40 Ac., SE-NE-34 Ac. NE-SW-4 Ac., NW-SE-9 Ac.	
Sec. 14, T. 5 N., R. 9 E-B 1 M	Total 180 Ac
NW-NW-6-Ac., SW-NW-21 Ac., SE-NW-13 Ac., NW-SW-39 Ac., NE-SW-39 Ac.	
SW-SW-31 Ac., SE-SW-29 Ac., Sec. 13 T. 5 N. R. 9 E-B 1 M	Total 167 Ac
NE-NW-14 Ac. -SE-NW-30-Ac., Sec-24, T. 5 N., R. 9 E-B 1 M	Total 44 Ac.
Grand Total	227 Ac.,

418 Ac

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
County of Meade

Morris G. Hallock

~~Brooks McKim~~, of said county being first duly sworn, on oath says that he is the publisher of The Sturgis Tribune, a weekly newspaper printed and published in Sturgis, said county of Meade and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that Water Appropriation

No. 437-1, a printed copy of which taken from the paper in which the same was published, is attached to this sheet, and made a part of this Affidavit, was published in said newspaper at least once in each week for four successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

December 9, 1959;	19
December 16, 1959;	19
December 23, 1959;	19
December 30, 1959;	19
19;	19
19;	19

that the full amount of the fees for the publication of the annexed notice is \$22.08

Morris G. Hallock

Subscribed and sworn to before me this 4th day January 1960

David S. Merrill
Notary Public

County of Meade, South Dakota

My Commission Expires Apr 18/1966

RECEIVED
JAN 5 1960

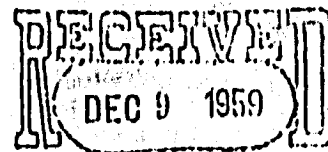
STATE WATER RESOURCES COM. 12.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
No. 437-1
Office of State Water Resources
Commission, Pierre, S. Dak.
December 1, 1959
Notice is hereby given that
Thomas J. Nenny whose place of
residence is Sturgis, S. Dak.,
has made an application in accordance
with the provisions of the
water laws of South Dakota for
a permit to appropriate for beneficial
use 7.0 cubic feet of water per
second of time from the Belle
Fourche River through the Mc-
Nenny Irrigation Project, the
point of diversion of which is to
be located on both banks of said
stream between a point in the
stream between Sec. 10 and a point
NW 1/4 Sec. 10 and a point
in the NW 1/4 of the NW 1/4 of
Section 2, Twp. 5N Range 6E. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
lands:
BE 1/4 Sec. 10, SW 1/4 Sec. 10, and
SW 1/4 Sec. 11, NW 1/4 Sec. 15,
NW 1/4 and SE 1/4 and NE 1/4 NW 1/4
and NW 1/4 Sec. 14, NW 1/4 NW 1/4
and NW 1/4 Sec. 13, NW 1/4 NW 1/4 Sec.
2, all in Township 5N, Range
6E and for stockwatering pur-
poses.
This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon the
15th day of January, 1960,
at 2 P. M. All interested persons
may appear and be heard.
Appropriate action will be tak-
en by the Water Resources Com-
mission after suitable time has
elapsed for the consideration of
any or all information presented.
State Water Resources
Commission
By: Burton F. Jones,
Water Rights Specialist
Dec. 5, 15, 25 and 30.

No. 437-1

(First Publication on or before Jan. 1, 1960.)

APPROPRIATION OF WATER

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Office of State Water Resources Commission,

Pierre, S. Dak., December 4, 1959.

Notice is hereby given that Thomas McNenny whose postoffice address is Sturgis S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.0 cubic feet of water per second of time from the Belle Fourche River through the McNenny Irrigation Project the point of diversion of which is to be located on the both between a point in the SW 1/4 Sec 10, and a point banks of said stream in the NE 1/4 of the NW 1/4 of Section 24 portions of Twp. 5N Range 9E. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Sec 10; S 1/2 SW 1/4 & SW 1/4 SE 1/4, 11; NE 1/4, Sec 15; NW 1/4, NE 1/4 and
NE 1/4 SW 1/4 and NW 1/4 SE 1/4, Sec 14; NW 1/4 and SW 1/4, Sec 20; and E 1/2 NW 1/4
Sec 24, all in T 5N, R 9E
and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of January, 19 60, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

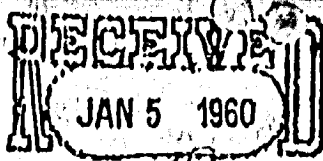
State Water Resources Commission

By: *Burton F. Jones*

~~XXXXXXXXXXXXXXXXXXXX~~
Burton F. Jones,
Water Rights Specialist

CC: Morris G. Hallock—Publisher
Sturgis Tribune
Sturgis, South Dakota

Black Hills Press



Sturgis, S.Dak
Dec 31. 1959

State Water Resources Commission,
Pierre, S.Dak

Pierre, S.Dak

Mr. Burton F. Jones

Water Rights Specialist

Dear Mr. Jones:

I have just finished reading two applications for irrigation water to be taken from the Belle Fourche River. One No 437-1 for Thomas McNenny, and No 440-1 for E.W. Richards. Since these two applications if approved, would permit the taking of 5400 gallons of water per minute from the river and whereas my land holdings are downstream from the above locations and whereas during dry periods like the past summer, I am totally dependent on the Belle Fourche River for water for my livestock, I am wondering whether our present water laws permit the appropriation of the entire flow of the river during slack period of flow, so that some ranchers in the river are deprived of livestock water or whether sufficient water to provide for domestic & livestock purposes must be permitted to bypass the

point of diversion at any approved location

To note that a public hearing is to be held at Pelee on Jan 26, 1960 in regard to the two above mentioned applications, however since these men are my neighbors & Friends, I do not wish to appear and oppose their plans, unless my future rights to livestock water are being jeopardized.

I would appreciate your opinion on this matter and am eagerly waiting for a reply.

Yours very truly

Ed E. M. Phoenix

January 11, 1960

Mr. Earl E. McPherson
Sturgis, South Dakota

Dear Mr. McPherson:

Section 61.0101 (5a) of the South Dakota Water Laws states "that the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights."

As defined in the water laws, "stockwatering shall be considered a domestic use." Irrigation permits are issued with the stipulation that the use of the waters is contingent upon supplies being available for domestic purposes and to prior water rights.

The Water Resources Commission, prior to approving any appropriative water right, shall determine if there is sufficient unappropriated water available to fulfill the amount requested, and still allow supplies for downstream users.

In the case of the Belle Fourche River, fairly good records are available of flows through the surface water branch of the U. S. Geological Survey. At their gaging station at Bear Butte Crossing, which is above the proposed diversion for both 437-1 and 440-1, for the eight year period 1951-1958 inclusive, the average flow during the irrigation period (May through October) was 206 cubic feet of water per second of time. Converting this to gallons per minute, we get an average flow of 92,700 G.P.M. As you will note, the 5,400 G.P.M. requested in the two applications is a relatively small percentage of the total flows.

However, as you mention in your letter, during extremely slack periods of flow, there may not be enough to provide for

Earl E. McNealson

2

January 11, 1960

irrigation. If such is the case, South Dakota Water Laws insure your stockwater and domestic supplies as mentioned above.

I hope this will clarify the situation and answer your questions. If we can be of further assistance, feel free to contact us.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls:BJ

South Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 10, 1981

McNenny Ranch Inc.
Sturgis, SD 57785

Dear Sirs:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or part on thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
437-1	5.00	418.0	\$164.50
TOTAL			\$164.50

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

Nº 4 8356

June 30 19 31

PIERRE,

RECEIVED OF Kenneth McKenny, McKenny Ranch Inc., Sturgis, SD 57785

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for water master services on WR# 437-1	154.50
(any other work as provided by law)	
TOTAL	154.50

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH /bt

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE
1111	11/10/81

PAYEE • McNenny Ranch Inc.
Sturgis, SD 57788

DEPT. • DWNR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

STAPLE
HERE

AGENCY • ADDRESS •

Agency	Fund	Sub Fund	Prog - Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		145.61	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL 22						145.61	

Warrant # 83079279
AC # 077380
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			437-1 McNenny Ranch Inc.		145.61	
TOTAL					145.61	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in assisted programs.

[Signature]
Claimant Signature

11-5-81
Date

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

[Signature]
DIVISION APPROVAL

11-5-81
DATE

APPROVAL SIGNATURE

DATE

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Brumayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.45	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
392-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	185.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.08	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Lavin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.39	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Akar	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1322-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	315.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foss	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---



Department of Water & Natural Resources

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

February 8, 1989

KENNY MCNENNY
MCNENNY RANCHES INC
HC 76 BOX 192
STURGIS, SD 57785

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 437-1. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt 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. Amend Permit No(s). 437-1 to require the Irrigation Water Use Questionnaire to be submitted each 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 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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



South Dakota
Department of
Water & Natural Resources

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

February 24, 1989

437-1

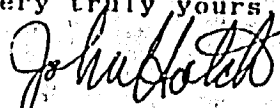
Kenny McNenny
McNenny Ranches Inc
HC 75 Box 192
Sturgis, SD 57785

Dear Mr. McNenny:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 437-1. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours



JOHN HATCH, Chief Engineer
Water Rights Division

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MCNENNY RANCHES INC
KENNETH MCNENNY
HC 75 BOX 192
STURGIS SD 57785

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1-19-01

C. Signature

X *Kenneth McNenny* ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3185

PS Form 3817, July 1999

Domestic Return Receipt

102555-00-M-0952



437-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: MCNENNY RANCHES INC, KENNETH MCNENNY, HC 75 BOX 192, STURGIS, SD 57785

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 437-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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 10:00 am, March 7, 2001, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 437-1 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 is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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**

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

December 4, 2007

437-1

Kenneth McNenny
McNenny Ranches Inc
15252 Alkali Rd
Sturgis SD 57785

Dear Mr. McNenny:

I am writing in regard to your 2007 irrigation questionnaire. The questionnaire was sent to you in mid October, 2007. On November 27th, we received the cover letter back from you but the correspondence did not include the irrigation questionnaire.

I am sending along an additional copy of the questionnaire in the event you no longer have the original. Please complete the form and return it to our office by December 14, 2007. I am including a postage paid envelope for your reply.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



437-1
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 26, 2018

NOTICE

TO: MCNENNY RANCHES INC, KENNETH MCNENNY, 15252 ALKALI RD, STURGIS, SD 57785

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 437-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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 **Wednesday, March 7, 2018 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 437-1 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 before the **March 7, 2018** 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2018

437-1

Kenneth McNenny
McNenny Ranches Inc
15252 Alkali Rd
Sturgis SD 57785

Dear Mr. McNenny:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 437-1. 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". The signature is written in a cursive, flowing style.

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



437-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: MCNENNY RANCHES INC, KENNETH MCNENNY, 15252 ALKALI RD, STURGIS, SD 57785

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 437-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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 **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 437-1 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 before the **March 8, 2023** 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://danr.sd.gov/iq> using this password: ADWRVI**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 8, 2023

437-1

Kenneth McNenny
McNenny Ranches Inc
15252 Alkali Rd
Sturgis SD 57785

Dear Mr. McNenny:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 437-1. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: MCNENNY RANCHES INC, KENNETH MCNENNY, 15252 ALKALI RD, STURGIS, SD 57785

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 437-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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 on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 437-1 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PHEFJM**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

437-1

McNenny Ranches Inc
c/o Kenneth McNenny
15252 Alkali Rd
Sturgis SD 57785

Dear Mr. McNenny:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 437-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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