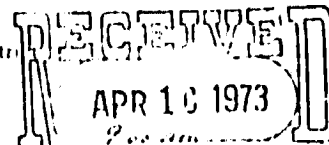


Water Right Number 980-1

1. Considered May 23, 19 73
2. Name of Applicant Foss Bros.
3. Post Office Address Box 21A, Lemmon, S.D.
4. Amount of Water claimed 4.30
5. Source of Water supply North Fork Grand River
6. Water to be used for irrigation
Acres to be irrigated 301.00
7. Water to be diverted and used in Perkins County
about 10S 12W miles of LEMMON
8. Proof of Publication Received 5-1-73
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 980-1Map No. 808-1 Water Division No. 1 GRAND RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant FOSS BROS.
 Postoffice address Lenmon Box 21A State South Dakota
 If a corporation, how date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor
3. Name of diversion work FOSS BROS. IRRIGATION PROJECT NO. 1
4. Amount of water claimed (cubic feet per second) 4.3 cfs.
5. Source of water supply North Fork Grand River
6. Location of point of diversion from a point on the North Grand River 52 rods S80°00'W of the center of Sec. 8, T21N, R14E, to a point 16 rods N5°00'W of the center of Sec. 9, T21N, R14E. County Perkins
7. Annual period or periods during which water is to be used March 15 to December 1
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use. Total number of acres to be irrigated 301.0 Ac.

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T21N, R14E	38.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T21N, R14E	36.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T21N, R14E	39.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T21N, R14E	39.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T21N, R14E	39.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T21N, R14E	39.2
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T21N, R14E	39.3	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T21N, R14E	31.5

Attach sheet if more space is needed

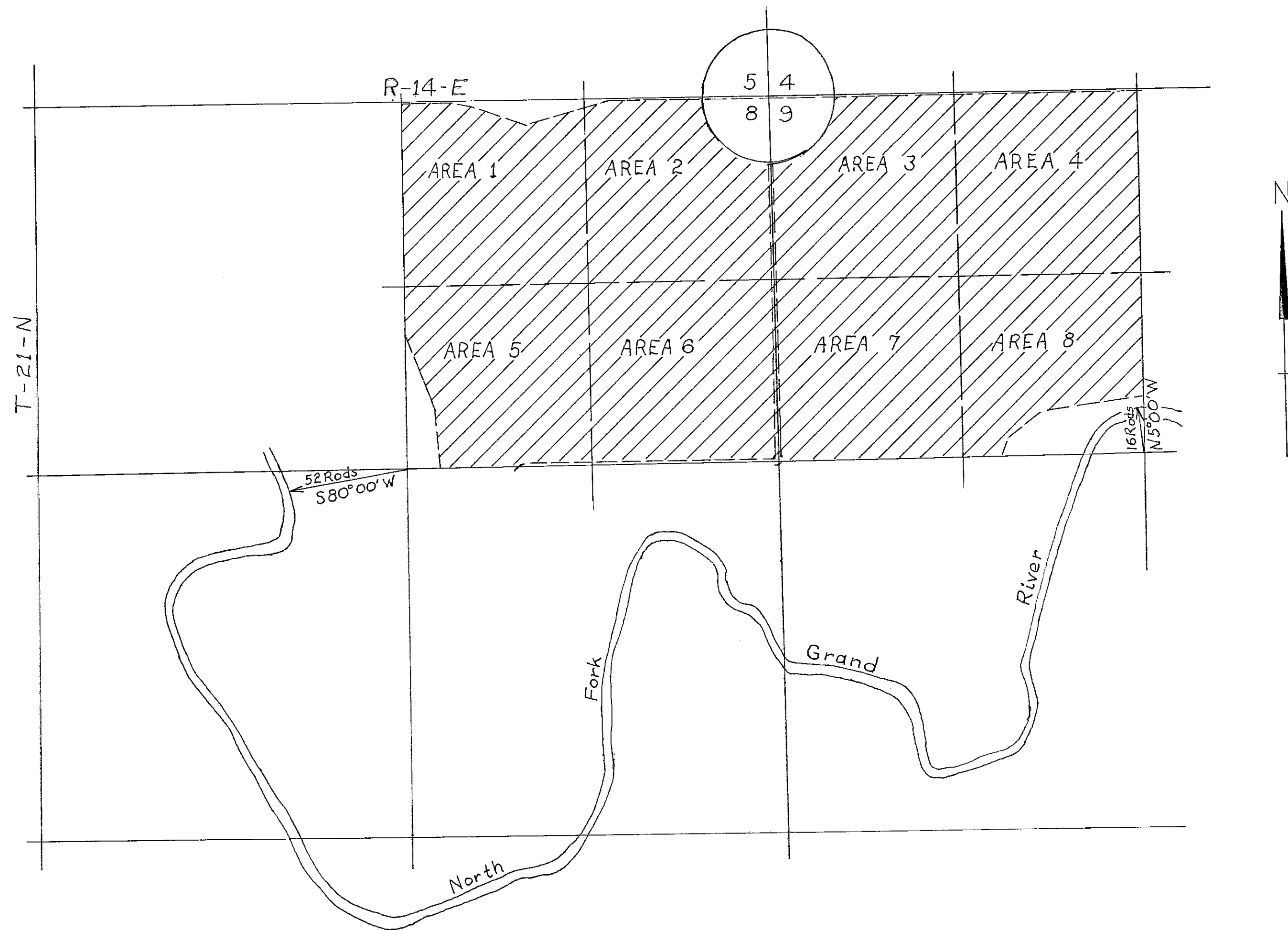
10. Time required to complete construction of water supply system 5 years. * Additional time required to complete application of water to the proposed beneficial use 10 9 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Lenmon Leader
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. PumpsB. Works proposed to transport water to place of use. PipelinesC. Works proposed to apply water to beneficial use. Sprinkler systems.Estimated Total Cost \$ 35,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of PerkinsI, County Clerk, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Subscribed and sworn to before me this 11th day of April, 1973.

Notary Public (or other qualified officer)



All lands described are owned by Foss Bros.

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW ⁴ NE ⁴	8	21N	14E	38.0
2	NE ⁴ NE ⁴	8	21N	14E	39.0
3	NW ⁴ NW ⁴	9	21N	14E	39.0
4	NE ⁴ NW ⁴	9	21N	14E	39.3
5	SW ⁴ NE ⁴	8	21N	14E	36.0
6	SE ⁴ NE ⁴	8	21N	14E	39.0
7	SW ⁴ NW ⁴	9	21N	14E	39.2
8	SE ⁴ NW ⁴	9	21N	14E	31.5
TOTAL					301.0

Scale: 1" = 660'

FOSS BROS. **IRRIGATION PROJECT** **NO. 1**

Perkins County, South Dakota

Keith L. Harner, Manager
West River Conservancy Sub-District

MAP NO 808-1 (APPL NO 980-1)



All lands described are owned by Foss Bros.

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW ¹ / ₄ NE ¹ / ₄	8	21N	14E	38.0
2	NE ¹ / ₄ NE ¹ / ₄	8	21N	14E	39.0
3	NW ¹ / ₄ NW ¹ / ₄	9	21N	14E	39.0
4	NE ¹ / ₄ NW ¹ / ₄	9	21N	14E	39.3
5	SW ¹ / ₄ NE ¹ / ₄	8	21N	14E	36.0
6	SE ¹ / ₄ NE ¹ / ₄	8	21N	14E	39.0
7	SW ¹ / ₄ NW ¹ / ₄	9	21N	14E	39.2
8	SE ¹ / ₄ NW ¹ / ₄	9	21N	14E	31.5
TOTAL					301.0

Scale: 1" = 660'

FOSS BROS. **IRRIGATION PROJECT** **NO. 1**

Perkins County, South Dakota

Ruth L. Harner, Manager
 West River Conservancy Sub-District

MAP N^o 980-1 (APPL N^o 980-1)
 808-1

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 980-1
FOSS BROS. Box 21A, LEMMON
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.
 Flows of the Grand River proposed for use under this Permit are included under U.S. Withdrawal No. 594-1 for storage in Shadehill Reservoir. Restrictions on the use of water under this Permit may be necessary if the Bureau of Reclamation develops the Shadehill Irrigation Project under such withdrawal.
 This Permit does not authorize diversions from the North Fork of the Grand River after July 15th of each calendar year, nor at any time when the river is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders issued by the Commission or its representative.

Date of first receipt of application APRIL 16 1973
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application — 19—
 Approved MAY 23 1973 Recorded in Book 12 Page 199

WATER RIGHT PERMIT NO. 980-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 980-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 16 1973
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 23 1973
3. The whole of said work is to be completed on or before MAY 23 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 23 1982
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 4.3 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served; and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 23 1982; said water to be used during the following described annual period: MARCH 15 TO JULY 15

Witness my hand this 25TH day of MAY 1973

WATER RESOURCES COMMISSION

By

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 2 1978

Water License Issued FEBRUARY 2 1978

Form 15.

Permit No. 980-1

Water Diversion No. 1 Grand River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Foss Brothers

_____ the holder _____ of
Permit No. 980-1, issued upon Application No. 980-1, bearing date of priority of April 16,
1973 authorizing the diversion of 4.3 cu. ft. per second of the waters of _____
Fork Grand River County of Perkins, State of South Dakota at _____
a point N32°W. 330 feet from the center of Section 9, T21N. R14E

_____, for irrigation

_____ purposes, has _____ 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 2.0 cu. ft. per second of water.

Date February 2 1978

By: John Hatch
WATER RIGHTS COMMISSION
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 980-1

(1) WHEREAS, On the 16th day of April A. D. 19 73

Boon Brothers

made Water Right Application No. 980-1 for a permit to use 4.3 cubic feet per second of the waters of North Fork Grand River

County of Perkins, State of South Dakota, for irrigation purposes and

(2) WHEREAS, On the 25th day of May A. D. 19 73

Permit No. 980-1, with a date of priority of April 16, 1973

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 23rd day of May A. D. 19 76 and for the application to beneficial use of said water on or before the 23rd day of May A. D. 19 82

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.9 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land:

T21N, R14E, Section 8 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 "

Section 9 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 "

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 "

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 "

TOTAL 260 "

(5) 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 JOHN BROTHORN

_____ of SALMON

the holder _____ and owner _____ of said permit No. 280-1 a water right, dating from April 16, 1973

_____ to use of 2.0 cubic feet per second of the waters

of North Fork Grand River

in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the purposes heretibelow mentioned, to be diverted at _____

a point N32°W, 330 feet from the center of Section 4, T21N R14E

and conduct to and upon portions of Sections 8 and 9, T21N, R14E, described
on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 280-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of February A. D.
Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 999-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County PERKINS) ss.

I, Jane Noonan hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Lemmon Leader

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

City Lemmon of _____

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

April 19, 1973

April 26, 1973

Jane Noonan
(Signature)

Editor
(Title)

April 26, 1973
(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER
Notice is hereby given that Foss Bros., whose post office address is Lemmon, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.3 cubic feet of water per second of time from the North Fork Grand River through the Foss Bros. Irrigation Project No. 1, the point of diversion of which is to be located in between points in the 1/4 E 1/4 SW 1/4, Section 8, and in the SE 1/4 NW 1/4 of Section 9, Twp. 21N, Range 14E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 8 and NW 1/4, Section 9, T21N, R14E.
This application No. 999-1 will be considered by the Water Resources Commission at their office at Pierre upon the 23rd day of May, 1973, at 2:00 P.M. All interested persons may appear and be heard.
WATER RESOURCES COMMISSION
By: s: Burton F. Jones
BURTON F. JONES,
Water Rights Specialist

RECEIVED
MAY 1 1973

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

980-1

Publish first publication, on or before May 10, 1973

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 16, 1973

Foss Bros.

Notice is hereby given that

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

4.3 cubic feet of water per second of time from the North Fork Grand River through the

Foss Bros. Irrigation Project #1, the point of diversion of which is to be located between points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 9, Twp. 21N, Range 14E. Said water to be used for the purpose of providing irrigation on the following described land:
NE $\frac{1}{4}$, Section 8 and NW $\frac{1}{4}$, Section 9, T21N, R14E

This application No. 980-1 will be considered by the Water Resources Commission at their office at Pierre upon the 23rd day of May, 1973, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/LW
cc: Foss Bros., Box 21A, Lermon, S.D. 57638

Phone Tony - 514-5125
Noy 514-5384

980-1

7-16-77

Motor

100 H.P.

1.0" C-54 56-60-305 84-12572

Pump. Bore 44.0

Ac. 3 H.P. 6-272 3400 R.P.M.

900 GPM Pumping 250

Portable Pump + Motor Mounted

on a 2 wheel trailer.

Auto. Switch - J. J. J. J.

Model 307 - Ac. 3025

1 inch. Auto. C.P. for fire protection

Auto. Control

8" PVC underground Pipe

Why is hydrostatic test of pipe failed? -

Permit No. 780-1Water Division 1 Grand River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Foss Bros.
 of ^{19A}Box 211, Lemon, South Dakota holder
 of Permit No. 780-1, bearing date of priority of April 16, 1973
 authorizing the diversion of 4.3 cu. ft. per second of the waters of North Fork of Grand River
 for Irrigation purposes, in Perkins County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Motor: US Electrical, ID# C-5456-00-396-84-12510, 100 H.P.
 Pump: Peerless, Model 4AD-7½, Ser# 3AD 56472, 3400 RPM
Trailer mounted Pumping 900 gpm.

B. Works used to transport water to place of use,

3960 ft. 8" dia. PVC pipe - underground.

C. Works used to apply water to beneficial use.

Center Pivot: Zimmatic, Model 307, Ser# 3025.

The system is in the following condition: Good

The point of diversion is located From a point on the North Grand River N 37° 0' W
330 ft from the center of Section 9, T21N R14E

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In sec. 8, T21N R14E

NW¼ NE¼ - 33 Ac. NE¼ NE¼ - 34 Ac. SW¼ NE¼ - 33 Ac. SE¼ NE¼ - 34 Ac.
In Sec. 9 T21N R14E, NW¼ NW¼ - 35 Ac. NE¼ NW¼ - 28 Ac.
SW¼ NW¼ - 35 Ac. SE¼ SW¼ - 28 Ac.

comprising a total of 260 acres of land.Date October 6, 1977

LeRoy J. McLaughlin
 (Signature)

950-1

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

September 4, 1980

You are hereby ordered to cease pumping water from the North Fork of the Grand River from the North Dakota - South Dakota border to the tailwaters of the Shadepill Reservoir, for the remainder of the year, unless written notice is received indicating otherwise. Apparently there was some misunderstanding with the order issued July 15, 1980 and this order is issued to clarify any misunderstanding.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

All the permits above the Shadepill contain the qualification that low flows as needed for downstream domestic use, including livestock watering must be bypassed.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

980-1

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

September 8, 1980

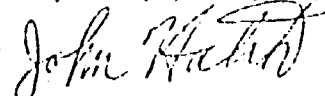
980-1
Foss Brothers
Lemmon, SD 58638

This letter will revoke the order dated September 4, 1980 shutting off irrigation pumping from the North Fork of the Grand River between Shadehill Reservoir and the North Dakota border.

In an effort to provide more local control of the pumping from the North Fork of the Grand River, we are going to allow the local Irrigators Association to attempt to regulate themselves to better utilize the limited flows in the North Fork. The primary requirement will be that water for livestock use will need to be made available for downstream use.

We expect that someone from this office will be in the area this week.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer



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

FOSS BROTHERS
HCR 82 BOX 65
LEMMON SD 57638

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 980-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 980-1 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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 775-3352



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

February 5, 1992

980-1

Foss Brothers
HCR 82 Box 65
Lemmon, SD 57638

Dear Sirs:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 980-1. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script, which appears to read "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

FOSS BROTHERS
HCR 82 BOX 65
LEMMON, SD 57638

4a. Article Number

P 966-557 675

4b. Service Type:

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

FOSS BROTHERS

6. Signature (Agent)

FOSS 1-29-92

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1990 U.S. GPO: 1991-287-006

DOMESTIC RETURN RECEIPT



January 30, 1996

980-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: FOSS BROTHERS, GARY FOSS, HCR 82 BOX 65, LEMMON, SD 57638

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 980-1. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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) 980-1 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 March 1, 1996 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

FOSS BROTHERS
GARY FOSS
HCR 82 BOX 65
LEMMON SD 57638

4a. Article Number

2 348 318 818

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-31-96

5. Receiver By: (Print Name)

Ladonne Foss

6. Signature: (Addressee or Agent)

XECF - 1-31-96

8. Addressee's Address (Only if requested and fee is paid)

980-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

February 21, 1996

980-1

Gary Foss
Foss Brothers
HCR 82 Box 65
Lemmon, SD 57638

Dear Mr. Foss:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back, if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

FOSS BROTHERS
GARY FOSS
HCR 82 BOX 65
LEMMON SD 57638

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

4b. Service Type

- ☐ Registered
☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-6-97

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

NOTICE

TO: FOSS BROTHERS, GARY FOSS, HCR 82 BOX 65, LEMMON, SD 57638

FROM: Ron Duvall, Natural Resources Engineer
for John Haich, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 980-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action can be taken concerning the violation.

The hearing will be held at 10:00 am, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. The hearing 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 cases hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 980-1 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, 1997, 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
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 12, 1997

980-1

Gary Foss
Foss Brothers
HCR 82 Box 65
Lemmon, SD 57638

Dear Mr. Foss:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

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



980-1
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: FOSS BROTHERS, GARY FOSS, 18098 105TH ST, LEMMON, SD 57638 6208

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 980-1. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 980-1 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 February 25, 2005, 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.



980-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1411

Your item was delivered at 12:07 pm on January 21, 2005 in LEMMON, SD 57638. The item was signed for by S 1.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1411

FOSS BROTHERS
GARY FOSS
18098 105TH ST
LEMMON SD 57638 6208

Waiver of Signature ☐ YES ☐ NO

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PS Form 158, July 2001

(See Reverse)



**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 25, 2005

980-1

Gary Foss
Foss Brothers
18098 105th St
Lemmon SD 57638-6208

Dear Mr. Foss:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 980-1.

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



980-1
**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 26, 2007

NOTICE

TO: FOSS BROTHERS, GARY FOSS, 18098 105TH ST, LEMMON, SD 57638 6208

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No. 980-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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 10:30 am, March 7, 2007, 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. 980-1 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 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed is an additional questionnaire 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/E0455V5-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.



980-1

home | help

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6569

Status: **Delivered**

Your item was delivered at 12:42 PM on January 27, 2007 in LEMMON, SD 57638. The item was signed for by G GF.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 6569

FOSS BROTHERS
GARY FOSS
18098 105TH ST
LEMMON SD 57638 6208

Waiver of Signature ☐ YES ☐ NO

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PS Form 3800, May 2002

(See Reverse)



**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 2, 2007

980-1

Gary Foss
Foss Brothers
18098 105th St
Lemmon SD 57638-6208

Dear Mr. Foss:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 980-1.

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



980-1
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: FOSS BROTHERS, GARY FOSS, 18098 105TH ST, LEMMON, SD 57638 6208

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 has not been submitted for Permit No(s) 980-1. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 980-1 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 **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.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.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7880

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:40 PM on January 23, 2010 in LEMMON, SD 57638. The item was signed for by G FOSS.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 23, 2010, 1:40 pm, LEMMON, SD 57638
- Out for Delivery or Available at PO Box, January 23, 2010, 9:38 am, LEMMON, SD 57638
- Sorting Complete, January 23, 2010, 9:08 am, LEMMON, SD 57638
- Arrival at Post Office, January 23, 2010, 8:57 am, LEMMON, SD 57638

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7880

FOSS BROTHERS
GARY FOSS
18098 105TH ST
LEMMON SD 57638 6208

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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PS Form 153, May 2002

(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

January 28, 2010

980-1

Gary Foss
Foss Brothers
18098 105th St
Lemmon SD 57638-6208

Dear Mr. Foss:

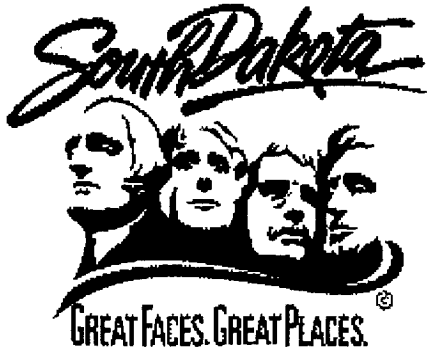
I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 980-1.

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
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

December 7, 2010

980-1

Larry Foss
18096 105th St
Lemmon SD 57638

Dear Mr. Foss:

Thank you for submitting the 2010 irrigation questionnaire. I am writing in regard to the notation you made on the questionnaire indicating an ownership change is needed.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right in the event you do not have one. 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

RECEIVED

DEC 20 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 980-1
Date: 12-16-2010

I/We request that Water Right No. 980-1

formerly owned by: Foss Brothers

be transferred to: (name & address) LARRY FOSS
18096-105TH ST. LEMMON, SD 57638-6208
Telephone No. 605 374-5125

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

260 acres - NE 1/4 Section 8 and NW 1/4 Section 9, T21N, R14E

I/We understand that the validity of Water Right No. 980-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We LARRY FOSS, the new owner, certify that the above information is true and correct.

Larry Foss
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/20, 20 10

RECEIVED OF Larry D Foss 18096 105th St Lemmon SD 57638

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 980-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04733

By

Garland E. Schell
Chief Engineer



**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 23, 2010

980-1

Larry Foss
18096 105th St
Lemmon SD 57638

Dear Mr. Foss:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and the filing fee you submitted for Water Right No. 980-1.

The transfer has been completed. The water right formerly held by Foss Brothers is now listed in your name.

Enclosed for your records is Receipt No. 04733 in the amount of \$50.00. If I can answer any questions for you, 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 19, 2015

980-1

Kalon Foss
10127 White Butte Rd
Lemmon SD 57638

Dear Mr. Foss:

I am contacting you in regard to ownership of land described in Water Right No. 980-1 (copy enclosed). Through submission of the annual irrigation questionnaire, we were notified you have purchased the land.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 14 2015

WATER RIGHTS
PROGRAM

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

No. 980-1

Date: 12/09/2015

I/We request that Water Right No. 980-1

formerly owned by: Larry Foss

be transferred to: (name & address) Kalon Foss, 10127 White Butte Rd, Lemmon SD 57638

Telephone No. 605-374-3191

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

260 acres – NE ¼ Section 8 and NW ¼ Section 9, T21N, R14E

I/We understand that the validity of Water Right No. 980-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Kalon Foss, the new owner, certify that the above information is true and correct.

Kalon Foss

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/18, 20 15

RECEIVED OF Kalon Foss 10127 White Butte Rd Lemmon SD 57638

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 980-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **07554**

By J. Cameron Hochman Jr.
Chief Engineer



980-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 21, 2015

980-1

Kalon Foss
10127 White Butte Rd
Lemmon SD 57638

Dear Mr. Foss:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 980-1.

The ownership change has been completed. Water Right No. 980-1 formerly held by Larry Foss is now listed in your name.

Enclosed for your records is Receipt No. 07554 in the amount of \$50. If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosure



980-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: KALON FOSS, 10127 WHITE BUTTE RD, LEMMON, SD 57638

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 980-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire 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 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 980-1 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



980-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2017

980-1

Kalon Foss
10127 White Butte Rd
Lemmon SD 57638

Dear Mr. Foss:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 980-1. 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
email: genny.mcmath@state.sd.us



980-1
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: KALON FOSS, 10127 WHITE BUTTE RD, LEMMON, SD 57638

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) 980-1 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) 980-1 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 1, 2018

980-1

Kalon Foss
10127 White Butte Rd
Lemmon SD 57638

Dear x:

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. 980-1. 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