

1400-2

1. Considered 7-21, 1976
2. Name of Applicant L. P. SWISHER
3. Post Office Address KADOKA
4. Amount of water claimed 2.6
5. Source of water supply BRADY & WILLOW CREEKS
6. Water to be used for IRRIGATION
Acres to be irrigated 184
7. Water to be diverted and used in JACKSON county
about 24.5 miles of KADOKA
8. Proof of Publication
Received 7-16-76
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

8:31
12/2

No. 1400-2
Map No. 1186-2 Water Division No. 2 BAD RIVER
(Forms to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant L. P. Swisher - Ben Hancock
 Postoffice address Kadoka, State South Dakota
 If a corporation show date and place of incorporation -0-
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Swisher Irrigation Project No. 4
4. Amount of water claimed (cubic feet per second) 2.6 cfs
5. Source of water supply Brady & Willow Creeks
6. Location of point of diversion See attached sheet
- County Jackson
7. Annual period or periods during which water is to be used February 1 to November 15
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 184.0

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.
See attached sheet			

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Kadoka Press
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Pipe & Gravity Flow

C. Works proposed to apply water to beneficial use.

Gravity Flow & Sprinkler

Estimated Total Cost \$ 10,000.00

Attachments: 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 Jackson)
L. P. Swisher)

I, L. P. Swisher 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.

Signed [Signature]

Subscribed and sworn to before me this 28th day of April 1976

[Signature]
 Notary Public (or other qualified officer)

My Commission expires 6-18-

SWISHER IRRIGATION PROJ.

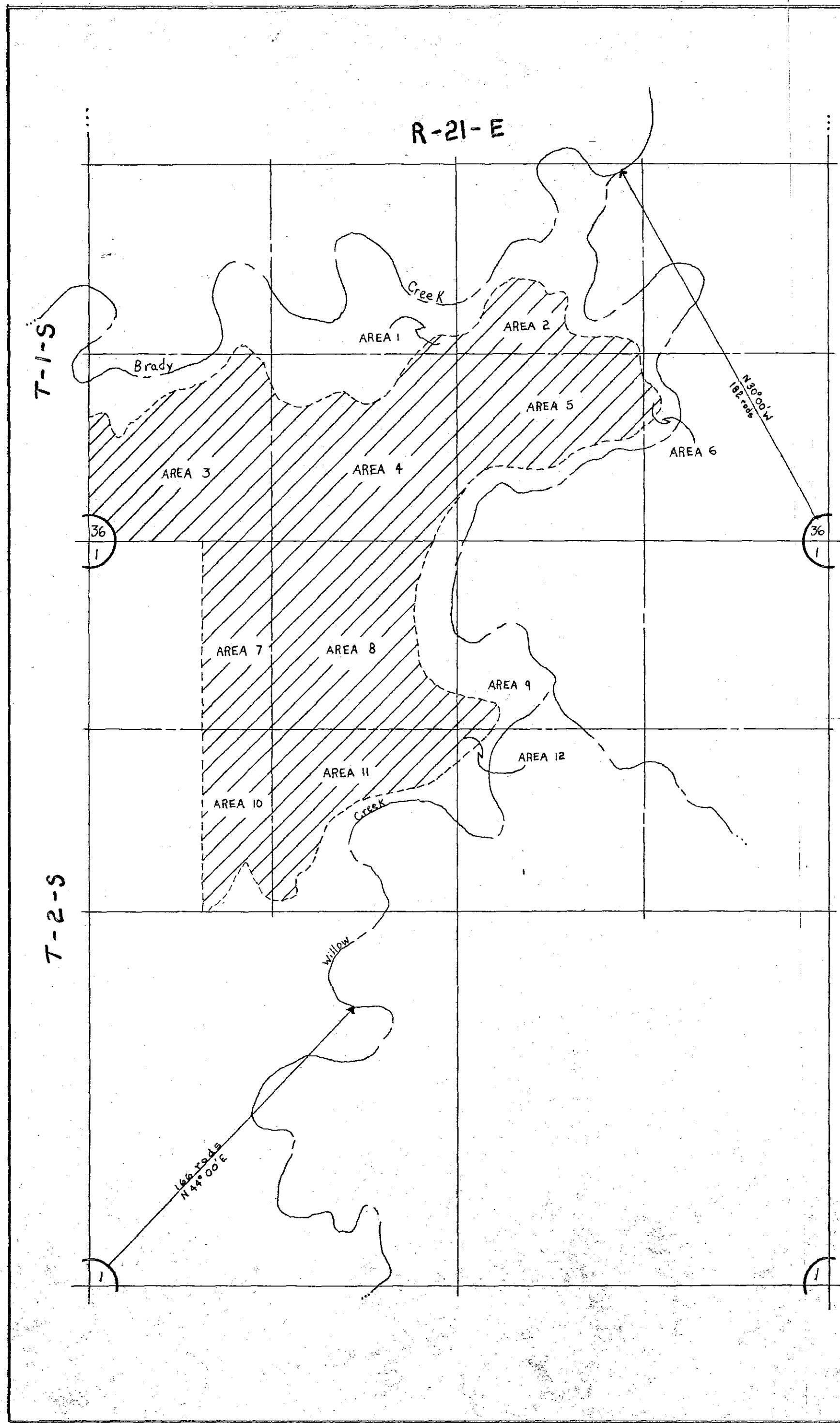
No. 4

(LOWELL P. SWISHER)

Jackson County, South Dakota

Keith Kuckenbecker Manager
West River Conservancy Sub-District

Scale: 1" = 660'



All lands described are owned by "Lowell P Swisher"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE ⁺ SW ⁺	36	15	21E	0.5
2	NW ⁺ SE ⁺	36	15	21E	9.5
3	SW ⁺ SW ⁺	36	15	21E	32.5
4	SE ⁺ SW ⁺	36	15	21E	32.5
5	SW ⁺ SE ⁺	36	15	21E	23.0
6	SE ⁺ SE ⁺	36	15	21E	1.0
7	NW ⁺ NW ⁺	1	25	21E	17.5
8	NE ⁺ NW ⁺	1	25	21E	33.5
9	NW ⁺ NE ⁺	1	25	21E	1.5
10	SW ⁺ NW ⁺	1	25	21E	13.0
11	SE ⁺ NW ⁺	1	25	21E	19.0
12	SW ⁺ NE ⁺	1	25	21E	0.5
TOTAL					184.0

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1400-2

L. P. SWISHER Ben Hancock
(Applicant)

KAPOKA
(Post Office Address)

SOUTH DAKOTA 57543 With the following modifications:
(State)

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

Date of first receipt of application _____ JUNE 17, 19 76

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved JULY 22 19 76 Recorded in Book 15 Page 223

WATER RIGHT PERMIT NO. 1400-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1400-2 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 JUNE 17, 19 76
- 2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22, 19 79
- 3. The whole of said work is to be completed on or before JULY 22, 19 81
- 4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22, 19 85
- 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 2.6 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 JULY 22, 19 85; said water to be used during the following described annual period: FEBRUARY 1 TO NOVEMBER 15

Witness my hand this 28TH day of JULY, 19 76

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

SWISHER IRRIGATION PROJECT NO. 4

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	1S	21E	0.5
2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	36	1S	21E	9.5
3	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36	1S	21E	32.5
4	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36	1S	21E	32.5
5	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36	1S	21E	23.0
6	SE $\frac{1}{4}$ SE $\frac{1}{4}$	36	1S	21E	1.0
7	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	2S	21E	17.5
8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1	2S	21E	33.5
9	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1	2S	21E	1.5
10	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1	2S	21E	13.0
11	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1	2S	21E	19.0
12	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1	2S	21E	0.5
TOTAL					184.0

DIVERSION POINTS:

On Willow Creek: 166 rods N44⁰00' E of the SW corner of Section 1, T2S, R21E; and 182 rods N30⁰00' W of the SE corner of Section 36, T1S, R21E.

SWISHER IRRIGATION PROJ.

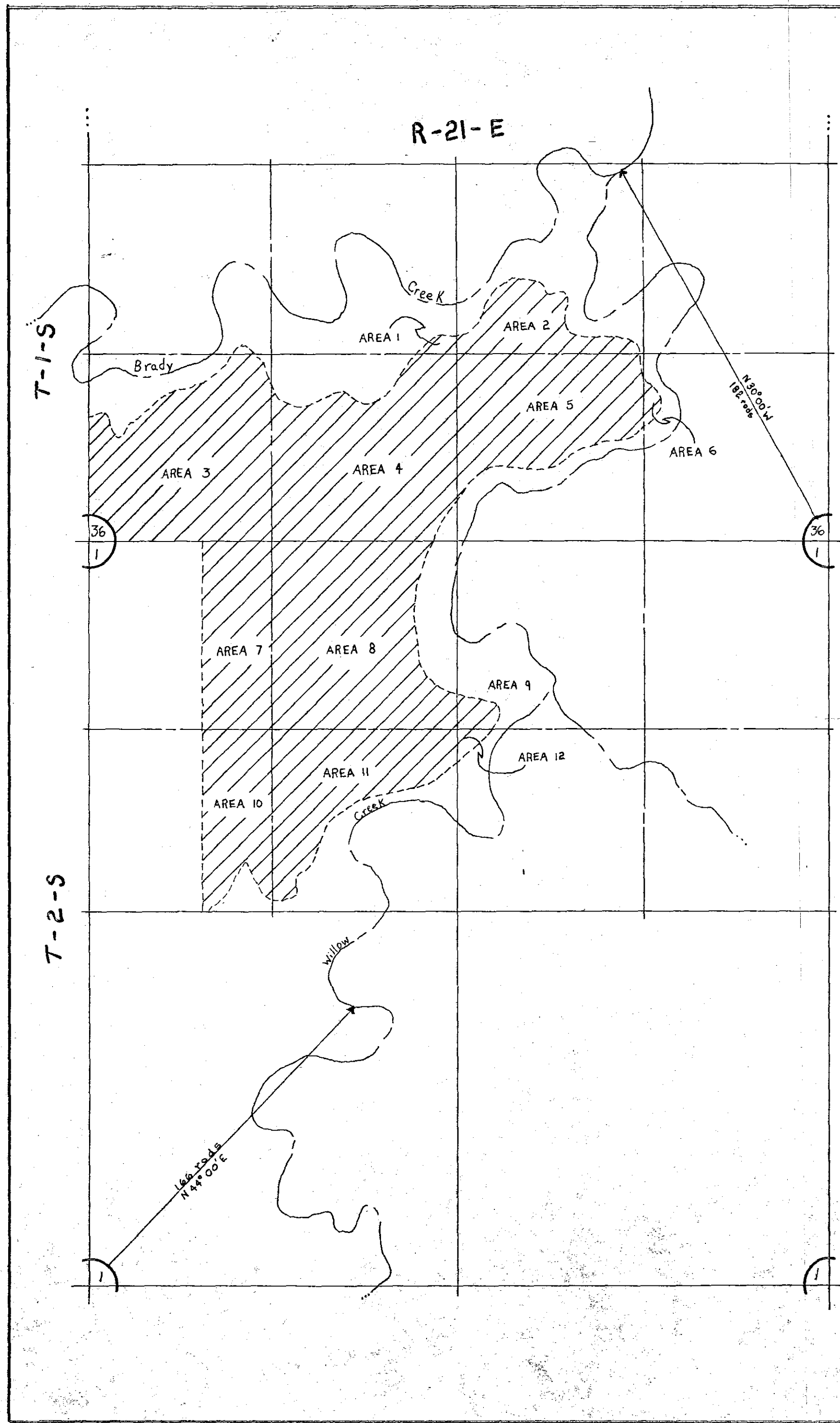
No. 4

(LOWELL P. SWISHER)

Jackson County, South Dakota

Keith Kuckenbecker Manager
West River Conservancy Sub-District

Scale: 1" = 660'



All lands described are owned by "Lowell P. Swisher"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE ⁺ SW ⁺	36	15	21E	0.5
2	NW ⁺ SE ⁺	36	15	21E	9.5
3	SW ⁺ SW ⁺	36	15	21E	32.5
4	SE ⁺ SW ⁺	36	15	21E	32.5
5	SW ⁺ SE ⁺	36	15	21E	23.0
6	SE ⁺ SE ⁺	36	15	21E	1.0
7	NW ⁺ NW ⁺	1	25	21E	17.5
8	NE ⁺ NW ⁺	1	25	21E	33.5
9	NW ⁺ NE ⁺	1	25	21E	1.5
10	SW ⁺ NW ⁺	1	25	21E	13.0
11	SE ⁺ NW ⁺	1	25	21E	19.0
12	SW ⁺ NE ⁺	1	25	21E	0.5
TOTAL					184.0

No. 1400-2

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 24, 1976

Notice is hereby given that L. P. Swisher

whose post office address is Kadoka, 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 2.6 cubic feet of water per

second of time from ~~the~~ Brady & Willow Creeks through the

Swisher Irrigation Project #4, the point of diversion of which is ~~to~~

be located in ~~the~~

between points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T2S, R21E and in the

NW $\frac{1}{4}$ S $\frac{1}{4}$

of Section 36, Twp. 15, Range 21E. Said water to be used for the purpose of providing irrigation on the following described land: portions of

S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T15, R21E; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T2S, R21E

This application No. 1400-2 will be considered by the Water Rights

Commission at the Court House at Winner, S.D.

upon the 21st day of July, 1976 at 10:00 A. .M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw
cc:

L.P. Swisher, Kadoka, S.D. 57543

Bad

No. 1400-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jackson) ss.

I, L. G. Parkinson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Kadoka Press

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 of Kadoka

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

Thursday, July 8, 1976
Thursday, July 15, 1976

L. G. Parkinson
L. G. Parkinson
(Signature)

Publisher
(Title)

July 15, 1976
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 24, 1976
Notice is hereby given that L. P. Swisher whose post office address is Kadoka, 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 2.8 cubic feet of water per second of time from Brady & Willow Creeks through the Swisher Irrigation Project #4, the points of diversion of which are to be located in between points in the NE 1/4 SW 1/4, Section 1, T2S, R21E and in the NW 1/4 SE 1/4 of Section 35, Twp. 1S, Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4 SW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4, section 36, T1S, R21E; SW 1/4, W 1/2 SE 1/4, Section 1, T2S, R21E.
This application No. 1400-2 will be considered by the Water Rights Commission at the Court House at Winner, S. D. upon the 21st day of July, 1976, at 10:00 a. m. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
BY: Burton F. Jones,
Water Rights Specialist
Pub. July 8-15



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8413

PIERRE, August 5, 1911

RECEIVED OF Ben Hancock, Kadoka, SD 57543
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 transfer of WR# 1400-2	2.50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	2.50

WATER RIGHTS COMMISSION
By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / 6t

NO. 1400-2



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Aug. 4, 1981

This is to notify you that the title to the lands described as follows:

NE 1/4 SW 1/4, S 1/2 SW 1/4, NW 1/4 SE 1/4, S 1/2 SE 1/4 Sec. 36, T1S, R21E; NW 1/4, W 1/2 NE 1/4 Section 1, T2S, R21E

formerly owned by L. P. Swisher

has been transferred to Ben Handcock, Kadoka, SD 57543

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1400-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Jackson) ss.

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

Ben Handcock

(Signed)

Subscribed and sworn to before me this 4TH Day of August, 1981.

Philip N. Hogen

(Notary Public)

PHILIP N. HOGEN
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES JANUARY 3, 1983



April 18, 1985

Ben Handcock
814 N. Monroe
Pierre, South Dakota 57501

Dear Mr. Handcock:

In reference to our telephone conversation of April 18, 1985, enclosed is a copy of Water Permit No. 1400-2. You indicated the land had been sold to two different parties. Please contact us with the names, addresses, and legal descriptions of the land each of them purchased from you. Our office will then notify the appropriate parties concerning the transfers.

Your assistance in this matter is appreciated. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Equal Opportunity Employer

Water Rights Division - DVNR

File No. 1400-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Ben Handcock
ADDRESS: 814 N Monroe, Pierre, SD 57501 COUNTY _____
DATE: April 23, 1985 TELEPHONE _____
RE: ownership of Permit No. 1400-2

COMMENTS:

Mr. Handcock called the office to inform us who had purchased his land.

The land in Section 36, T1S, R21E is now owned by:

Grant Patterson

RR

Kadoka, SD

The land in Section 1, T2S, R21E is now owned by:

Joe Singletary

RR #1, Box 177

Ragley, Louisiana 70657

I indicated to Mr. Handcock that our office would contact Mr. Patterson and Mr. Singletary concerning the transfer.

Mr. Handcock stated the land is irrigated when water is available, which is very rare. He indicated the system was more or less a water spreading system.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry McMath

4/82

June 10, 1985

Grant Patterson
Rural Route
Kadoka, South Dakota 57543

Joe Singletary
RR#1, Box 177
Ragley, Louisiana 70657

Dear Sirs:

This letter is in reference to Water Permit No. 1400-2 listed in the name of Ben Handcock of Kadoka, South Dakota. Mr. Handcock has informed this office that he has sold the land under his irrigation permit as follows:

Land in Section 36, T1S, R21E-Grant Patterson

Land in Section 1, T2S, R21E-Joe Singletary

If you intend on irrigating, it will be necessary for you to file a "Notice of Transfer" with our office. The permit will then be divided and the portion you now own will be transferred to your name. If you do not intend to irrigate in the future, please notify our office and a transfer will not be necessary.

Enclosed is a partially completed transfer form. Please check over, sign, date and have the form notarized before returning it to our office. A \$2.50 filing fee is required for filing of the transfer.

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

Your prompt attention in this matter will be appreciated. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst.

GM:ms
Enc.

Second Notice

September 18, 1985

Permit No. 1400-2A

Grant Patterson
RR
Kadoka, SD 57543

Dear Mr. Patterson:

On June 10, 1985 notice was sent to you concerning the transfer of Water Permit No. 1400-2A in the name of Ben Hancock which covers irrigation of 99 acres in the NE 1/4 SW 1/4, S 1/2 SW 1/4, NW 1/4 SE 1/4, S 1/2 SE 1/4 Section 36, T1S, R21E. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

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

S509.WR

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Third Notice

Permit No. 1400-2A

March 3, 1986

Grant Patterson
RR
Kadoka, South Dakota 57543

Dear Mr. Patterson:

On June 10, 1985 and September 18, 1985 notice was sent to you concerning the transfer of Water Permit No. 1400-2A in the name of Ben Hancock which covers irrigation of 99 acres in the NE1/4 SW1/4, S1/2 SW1/4, NW1/4 SE1/4, S1/2 SE1/4, Section 36, T1S, R21E. To date, we have not heard from you on this matter.

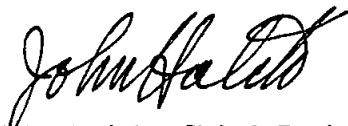
A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. The first notice sent to you made reference to South Dakota Water Law 46-5-30.3 which requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the permit. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact us.

Very truly yours,



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

S510.WR



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 9, 2013

1400-2

Grant Patterson
708 2nd Ave
Kadoka SD 57543

Dear Mr. Patterson:

I am contacting you in regard to ownership and status of Water Permit No. 1400-2. The permit was approved back in July, 1976 and authorized diversion of water from Brady Creek and Willow Creek to irrigate 184 acres in portions of the S ½ Section 36, T1S, R21E and the N ½ Section 1, T2S, R21E. I have included a copy of the permit and maps of the area showing the acres described for irrigation.

L P Swisher from Kadoka originally obtained the water permit. It was later transferred to Ben Handcock. He has not owned the land for several years. Your name was listed in a 2011 plat map book as being the owner of the property.

Currently, we are trying to find out if the land has been irrigated or even if a system exists on the property. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Please take a few minutes to review the enclosed materials and then get in touch with me as to whether or not irrigation is taking place on the property. If you are irrigating the acreage, the permit will need to be transferred to your name. Once that is done, we can schedule an inspection for licensing purposes. If you no longer own the property, please let me know that as well. Thank you in advance for your help.

Sincerely,

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

enclosures

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Grant Patterson

ADDRESS: P.O. Box 579, Kadoka SD 57543

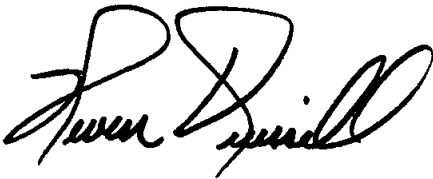
COUNTY: Jackson County

DATE: 9/28/2018 **TELEPHONE:** (605) 430-3570

RE: Licensing of Water Permit No. 1400-2

COMMENTS: I did a licensing inspection on 9/26/2018 for Permit #1400-2 with Grant Patterson of Kadoka. He purchased the land authorized by Permit #1400-2 in about 1986. He was unaware of any actual development that had taken place on this acreage which would have been part of an irrigation/water spreading system. I explained that Ben Handcock, the permit applicant had, reported 100 acres of irrigation in the early 80's. As best as we could estimate, Handcock must have used a pump to lift the water from the Willow Creek drainage (approx. 30 ft. lift) to apply water intermittently using wild flooding. Patterson has never applied water to the acreage identified in this permit and has no intention of doing so. Adequate runoff in Willow Creek is evidently a fairly uncommon event. We discussed cancellation of the Permit and Patterson agreed the Permit should be submitted to the Water Management Board for cancellation.

NAME: Steven Quissell, Water Rights Inspector

A handwritten signature in black ink, appearing to read "Steven Quissell". The signature is written in a cursive, flowing style with large, connected letters.

Permit No. 1400-2
Grant Patterson
Formerly Ben Hancock

Sec 35
T001S
R21E

Sec 36
T001S
R21E

Sec 31
T001S
R22E

1400-2 Proposed diversion extent

1400-2

Acres identified on permit application

1400-2

Sec 2
T002S
R21E

Sec 1
T002S
R21E

Sec 6
T002S
R22E

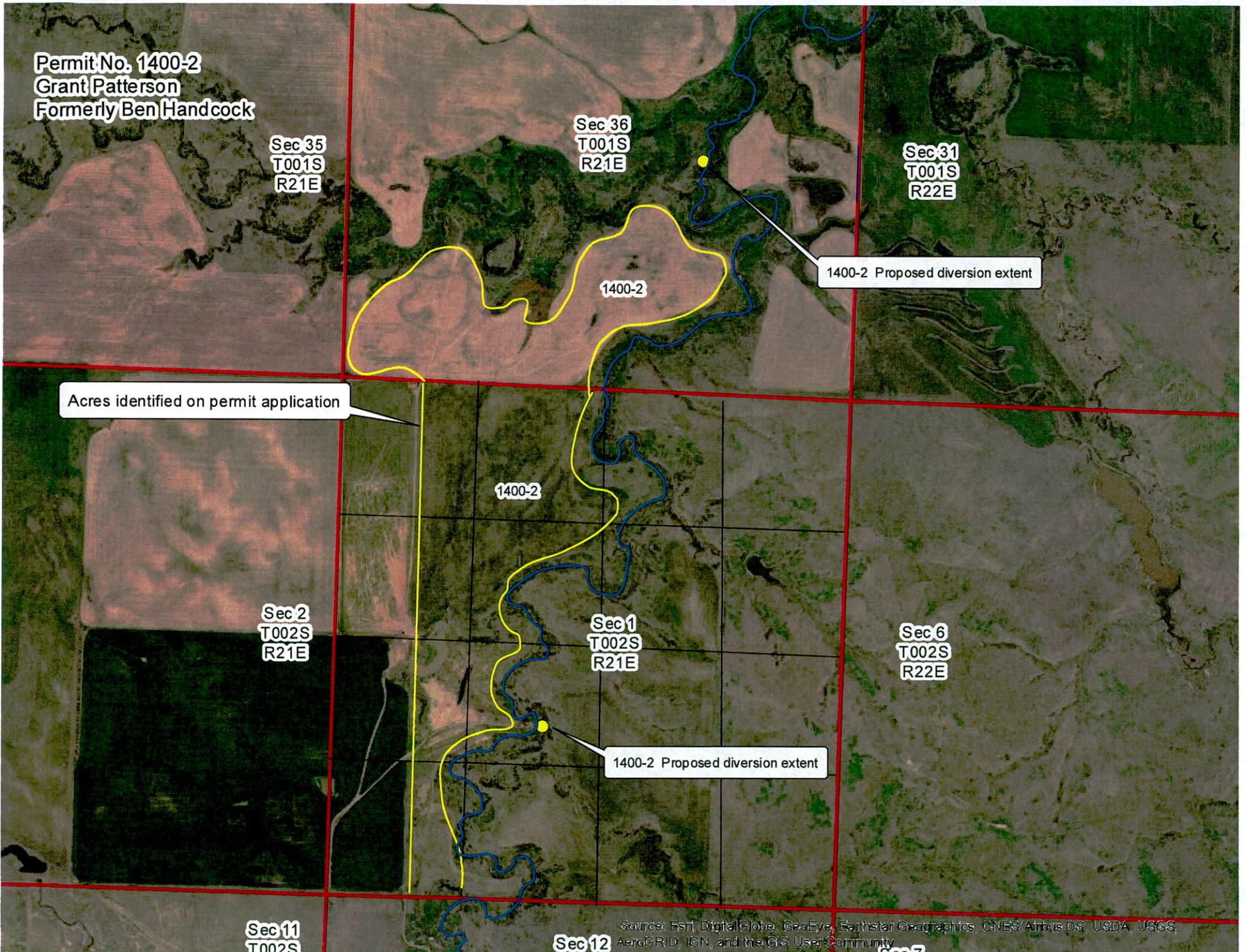
1400-2 Proposed diversion extent

Sec 11
T002S

Sec 12

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Sec 7





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2018

NOTICE OF CANCELLATION

TO: Grant Patterson, PO Box 579, Kadoka SD 57543-0579

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 1400-2

Water Permit No. 1400-2 authorizes diversion of water from Brady and Willow Creeks in Jackson County to irrigate 184 acres. On September 26, 2018, Steve Quissell, a staff engineer with our program contacted you for the purposes of conducting a licensing investigation of the project described in the permit. It is our understanding you purchased the property in about 1986 and have never applied water to the acreage and did not intend to irrigate. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1400-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1400-2 at **11:00 am, Wednesday, December 5, 2018** (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1400-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2018. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

November 6, 2018
Grant Patterson
Page 2

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2018.

Prior to November 26, 2018, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 16, 2018.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1400-2

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1400-2. The land is owned by Grant Patterson.

The Chief Engineer is recommending cancellation of the above water permit due to abandonment and/or forfeiture.

The land described in the permit was irrigated in the early 1980's. Grant Patterson purchased the land in about 1986 and has indicated he never applied water and did not intend to irrigate the acreage.

A handwritten signature in black ink that reads "Ron Duvall".

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
November 6, 2018

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 10, 2018

1400-2

NOTICE OF ENTRY OF ORDER

Grant Patterson
PO Box 579
Kadoka SD 57543-0579

Dear Mr. Patterson:

This will notify you that the Water Management Board cancelled Water Permit No. 1400-2 on December 5, 2018. The permit authorized diversion of water from Brady and Willow Creeks in Jackson County for irrigation purposes.

The action to cancel the permit was taken under the conditions outlined in our notice to you dated November 6, 2018. If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on December 10, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated December 10, 2018 regarding Cancellation of Water Right and Water Permits addressed as stated below:

Water Permit No. 2569A-2

Jay & Malinda Gunnink, 26861 296th St, Crookston NE 69212

Water Permit No. 2756A-2

Forrest Stewart, 29845 237th Ave, Cody NE 69211

Water Right No. 1217A-3

Rick Hohn, Business Manager, Watertown School District No. 14-4, PO Box 730, Watertown SD 57201-0730

Water Permit No. 7629-3

William Bucklin, 15029 455th Ave, Summit SD 57266

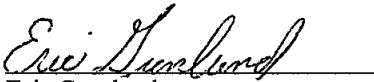
Water Permit No. 1660-1

Todd Battles, Maintenance Foreman, Meade County School District, 12940 E Hwy 34, Sturgis SD 57785

Brett Burditt, Business Manager, Meade County School District, 1230 Douglas Street, Sturgis SD 57785

Water Permit No. 1400-2

Grant Patterson, PO Box 579, Kadoka SD 57543-0579



Eric Gronlund
Water Rights Program
Environment and Natural Resources

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 10th day of December, 2018.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019

