

Water Right Number 1523-2

1. Considered 3-23 19 77
2. Name of Applicant MAY & SONS, INC
3. Post Office Address MARTIN
4. Amount of Water claimed 1.50
5. Source of Water supply DRY DRAW (170 AC FT)
6. Water to be used for _____
Acres to be irrigated 208
7. Water to be diverted and used in WASHBAUGH County
about 20N, 12W miles _____ of MARTIN
8. Proof of Publication Received DE 5-15-77 4-18-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1523-2Map No. 1248-2 Water Division No. 2 WHITE RIVER District _____
(Blanks 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 May and Sons Inc.
 Postoffice address Martin State South Dakota
 If a corporation show date and place of incorporation September 14, 1964 Martin, SD
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work May Unit #1
4. Amount of water claimed (cubic feet per second) 1.5 cfs
5. Source of water supply Resiovar Dam
6. Location of point of diversion Center of NW $\frac{1}{4}$ of Section 5 40-39

County Wachabaug

7. Annual period or periods during which water is to be used April thru October
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 208 A

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 $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 5 40-39	40A	SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 33 41-39	12A
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 5 40-39	40A	SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 33 41-39	12A
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 6 40-39	40A	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 33 41-39	12A
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 6 40-39	40A	NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 33 41-39	12A

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Two years.
11. Choice of newspaper for Notice of Inten. to Appropriate Water publication Bennett County Booster II
12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source: High volumn pumpB. Works proposed to transport water to place of use: 6' PVC plastic pipeC. Works proposed to apply water to beneficial use: Circular SprinklerEstimated Total Cost \$ 37,540

Attachments: _____ each Form 2A if diversion from a well or dugout, or if storage of water, is proposed _____ each map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BENNETTI, Genevieve May 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 Genevieve May
 Subscribed and sworn to before me this 3rd day of June 1977
Ann B. Engelbert
 Notary Public for other qualified officers
Reg. of D. S. S.

NOT TO SCALE

46071-

41-39
109-R

12.5

52.7

33

24.0

NW 1/4 SW 1/4
1A

NE 1/4 SW 1/4
3A

SW 1/4 SW 1/4
2A

SE 1/4 SW 1/4
4A

41-39

SW 1/4 SW 1/4
10A

SE 1/4 SW 1/4
12A

NW 1/4 NE 1/4
10A

NE 1/4 NE 1/4
37A

SE 1/4 NE 1/4
1A

SW 1/4 NE 1/4
2A

SE 1/4 NE 1/4
6A

98.6

59.8

26.0

74.4

52.2

18.4

18.9

16.3

10.0

4.3

10.9

29.1

40-39

108-L

33.6

22.0

64.5

49.6

42.1

35.7

109-L

58.2

SCALE

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1523-2
MAY E SONS, INC MARTIN
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57551 With the following modifications
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
 INCLUDING LIVESTOCK WATERING MUST BE BY-PASSED.
 APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 170
 ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application FEBRUARY 4 19 77
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved MARCH 23 19 77 Recorded in Book 18 Page 105

WATER RIGHT PERMIT No. 1523-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1523-2 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 FEBRUARY 4 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 23 19 79
3. The whole of said work is to be completed on or before MARCH 23 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 23 19 84
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 1.5 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 MARCH 23 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 3RD day of MAY 19 77

WATER RESOURCES COMMISSION

By

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued --- 19 ---

Water License Issued --- 19 ---

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

1

Drum Grade
3057.

water depth
14 ft.

surface area 33 acre ft.

storage capacity 170 ac ft.

May 1968
Signature of Applicant
By *May 1968*

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME May and Sons Inc.

ADDRESS Martin, South Dakota

COUNTY Washabaugh

LEGAL DESCRIPTION

1. WELL LOCATION Center of NW $\frac{1}{4}$ Sec 5 4A-39
2. LOCATION OF AREA TO BE IRRIGATED W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec 6

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Feed grains and forage crops

WATER QUALITY

5. SAMPLE NUMBER 77-204
6. SALINITY (EC X 10⁶) 570 (medium)
7. SODIUM (SAR) 1.71 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 2.53 (caution)

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service. and: that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
3rd DAY OF July 19 77.

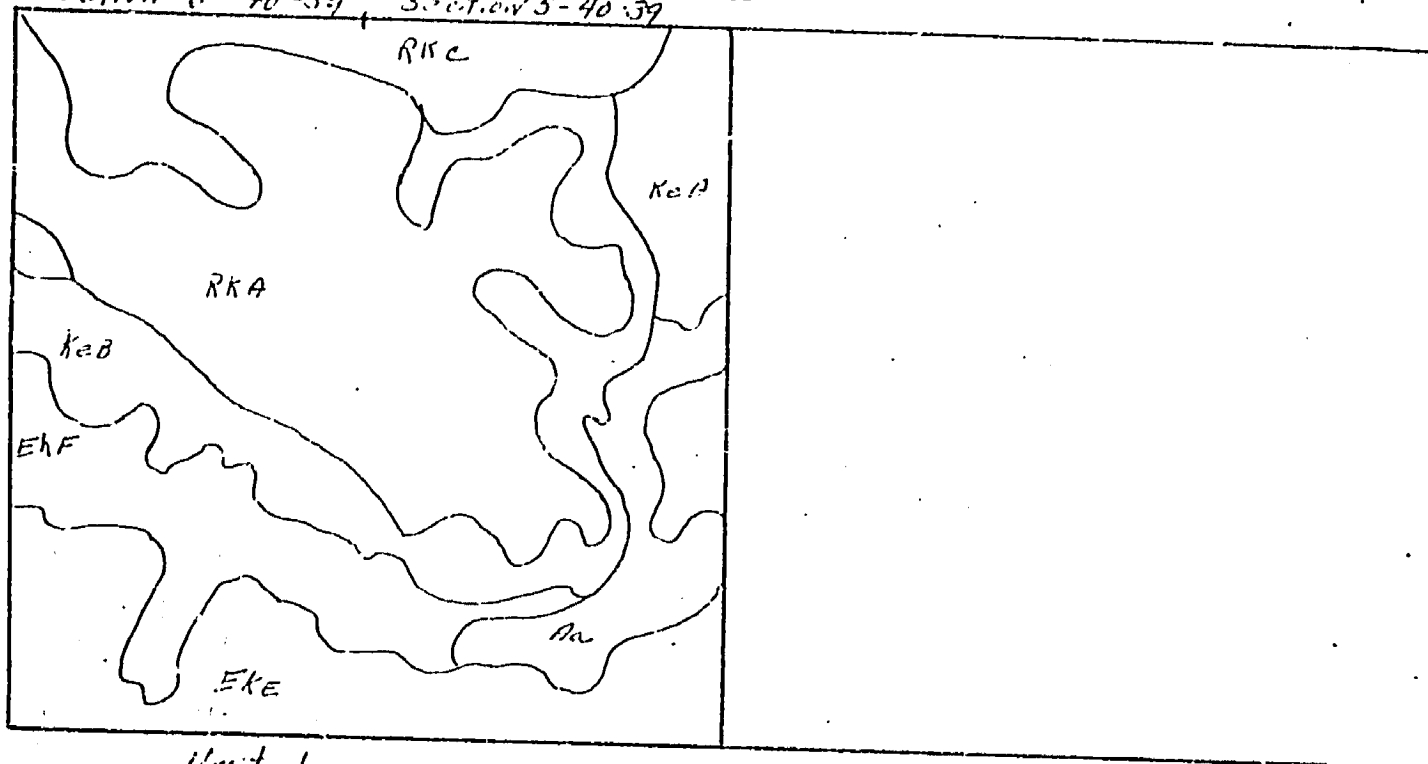
Don B. Engelbert
(TITLE OR SEAL) Reg. of Deeds

May and Sons Inc.
APPLICANT'S SIGNATURE May

Albert J. Hoff
APPROVE / DISAPPROVE

(SOILS INFORMATION ON REVERSE SIDE)

E 1/2, 1/4 NE 1/4 W 1/2 - NW 1/4
 Section 6 - 40 - 39 Section 5 - 40 - 39 MAP



NARRATIVE

- RKA** Richfield-Keith silt loam, 0-3% slope.
 Soils are well drained, have high fertility, and are in good tilth. Surface run-off is slow, to medium, permeability is moderately slow, and water holding capacity is high. Conservation of moisture is the main management problem and soil blowing is a hazard.
- Eke** Epping-Kadoka silt looms;
 Soils are on ridges and side slopes along intermittent streams and draws. On irregular areas soils are well drained, have moderate fertility; surface runoff is medium, permeability is moderate, and water holding capacity is moderate.

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: May & Sons, Inc.
 Address: Martin, SD 57551

Date Rec'd: February 8, 1977
 Sample No.: 77-204
 Identification: #1 Pond
NW 1/4, Sec. 5, T. 40N, R. 39W

WATER ANALYSIS

Calcium (Ca)	69	ppm*	3.45	me/l**
Magnesium (Mg)	8	ppm	0.66	me/l
Sodium (Na)	56	ppm	2.44	me/l
Potassium (K)	31	ppm	0.81	me/l
Sulfate (SO ₄)	16	ppm	0.34	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.27	me/l
Bicarbonate (HCO ₃)	405	ppm	6.64	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	332	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	570	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.71			
Sodium	33.16	% of cations		
Residual sodium carbonate	2.53	me/l		
pH	7.31			
Others:				

*ppm==parts per million
 **me/l==millequivalents per liter
 ***g.p.g.==grains per gallon

COMMENTS: Total cations 7.36 me/l
 Total anions 7.25 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-204

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 1523-3

Publish first publication, on or before March 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1977

Notice is hereby given that May & Sons, Inc.
whose post office address is Martin, 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
1.5 cubic feet of water per second of time from the dry draw through the
May Unit # 1, the point of diversion of which is to be located in the

center of NW $\frac{1}{4}$

of Section 5, Twp. 40N, Range 39W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5, E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 6, T40N, R39W; SW $\frac{1}{4}$, Section 33,
T41N, R39W

This application No. 1523-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of March, 1977, at 10:00 AM. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By

BURTON F. JONES
Water Rights Specialist

BFJ/lw

cc: May & Sons, Inc. Martin, SD 57551

No. 1523-2

PROOF OF PURIFICATION

STATE OF SOUTH DAKOTA)
) ss.
County Bennett)

I, Mary A. Long hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Bennett County Booster II

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 Martin

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

March 10, 1977

March 17, 1977

(Signature)

(Title)

(Date Signed)

**NOTICE INTENT TO APPRO-
PRIATE WATER RIGHTS
NO. 1523-2**

Pierre, South Dakota 57501

February 28, 1977

Notice is hereby given that May & Sons, Inc. whose post office address is Martin, 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 1.5 cubic feet of water per second of time from the dry draw through the May Drill No. 1, the point of diversion of which is to be located in the center of NW¼ of Section 5, Twp. 40N, Range 39W. Said water to be used for the purpose of providing irrigation on portions of the following described land: W½ NW¼, Section 5, E½ NE¼, Section 6, T40N, R39W; SW¼, Section 33, T41N, R39W.

This application No. 1523-2 will be considered by the Water Rights Commission at their office at Pierre upon the 23rd day of March, 1977, at 10:00 a.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
Burton F. Jones
Water Rights Specialist

21-38



**South Dakota Department of
Water & Natural Resources**

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

April 12, 1985

May & Sons Inc.
PO Box 297
Martin SD 57551

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 1523-2, 1524-2 & 1525-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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(s), the Water Management Board can:

1. Amend Permit No(s). 1523-2, 1524-2 & 1525-2 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

The hearing(s) 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.

Sincerely,

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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

**South Dakota Department of
Water & Natural Resources**

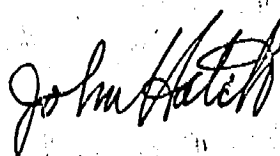
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: May & Sons Inc.
P.O. Box 297
Martin, SD 57551

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352



SUBJECT: Amendment to Water Permit No(s). 1525-2, 1524-2 & 1523-2.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1525-2, 1524-2 & 1523-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 1525-2, 1524-2 & 1523-2

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1525-2, 1524-2 & 1523-2 to add the following qualification:

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

MAY & SONS INC, Genevieve May, Pres.
PO BOX 297
MARTIN, SD 57551

NOTICE

Re: Violation of Water Permit No(s). 1525-2, 1524-2, 1523-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1525-2, 1524-2, 1523-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1525-2, 1524-2, 1523-2 qualification:

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

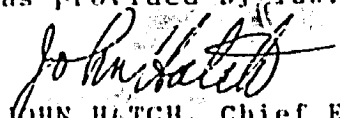
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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(s) the Water Management Board can:

1. Suspend Permit No(s). 1525-2, 1524-2, 1523-2 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

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

April 3, 1987

1523-2
1524-2
1525-2

Genevieve May
May & Sons
PO Box 297
Martin, SD 57551

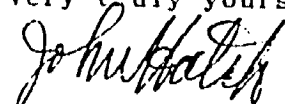
Dear Mrs. May:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1523-2, 1524-2 and 1525-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

**South Dakota Department of
Water & Natural Resources**

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

February 9, 1990

GENEVIEVE MAY
MAY & SCNS INC
HC 53 BOX 21
INTERIOR, SD 57750

NOTICE

RE: Violation of Water Permit No(s). 1523-2, 1524-2, 1525-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1523-2, 1524-2, 1525-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1523-2, 1524-2, 1525-2 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

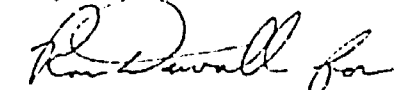
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1523-2, 1524-2, 1525-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one 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 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

 **Department of
Water & Natural Resources**

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

February 28, 1990

1523-2
1524-2
1525-2

May & Sons, Inc.
HC 53, Box 21
Interior SD 57750

Dear Sirs:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1523-2, 1524-2 and 1525-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall/HCS

RON DUVAL
Natural Resources Engineer
Water Rights Division

1523-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOL FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAY & SCNS INC
HC 57 BOX 21
INTERIOR SD 57750

NOTICE

RE: Violation of Water Permit No(s) 1523-2 & 1525-2

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1523-2 & 1525-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1523-2 & 1525-2 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 & 1525-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
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, 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 will show to whom the article was delivered and the date delivered.

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

- ☒ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 1523-2

MAY & SONS INC
HC 53 BOX 21
INTERIOR SD 57750

4a. Article Number P 837-692-636

4b. Service Type

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

5. Signature (Addressee) [Signature]

6. Signature (Agent) [Signature]

7. Date of Delivery 2-28-94

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

PS Form 3311, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1523-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1994

NOTICE

TO: MAY & SONS INC
HC 53 BOX 21
INTERIOR, SD 57750

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352 

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 1523-2 & 1525-2,

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights, Permits and addresses as stated below:

- 2739-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Imsland, RR 2, Box 36, Conde, SD 57434.
 1677A-3: Burnell Quam, RR 1, Box 322, Elk Point, SD 57025.
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57005-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 57219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

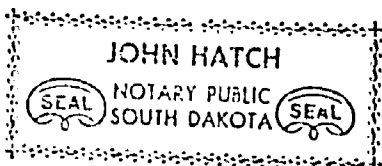
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4413-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5223-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren H. Gollither, RR 1, Box 237E, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 10th day of March, 1999.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



1523-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 1994

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMITS

TO: Zona May, May & Sons Inc., MC 53 Box 21, Interior, SD 57750
FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: One Year Suspension of Water Permit Nos. 1523-2 and 1525-2

Pursuant to the provisions of the notice dated February 16, 1994, and following the hearing of April 6, 1994, the Water Management Board has ordered:

That Water Permit Nos. 1523-2 and 1525-2 be suspended until December 31, 1994. Suspension of the water permits does not excuse the water permit holder from the requirement to submit the 1993 Irrigation Questionnaires.

Suspension of a water right or permit means water may not be pumped during the 1994 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

FORM 2: Application for Irrigation in South Dakota
(type or print)

1523-

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____
(office use only)

Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: _____ New _____ Vested Right ☒ Amendment/Correction to Permit No. 1523-2
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Acreage change for Permit No. 1523-2

- Name of Applicant May & Sons Inc. & Larry May Phone 455-2425
Mailing Address HC 53, Box 21 Interior State SD 57750
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed No Add'l *CFS or No Add'l **GPM ***AF Total Acreage 158
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
- Source of water supply Dry Draw Dam
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1850 ft. West & 1150 ft. North of the Center of Sec. 5-T40N-R39W (SW1/4 NW1/4)
- County or counties where water will be used Jackson County Jackson
- Annual period during which water is to be used April thru October
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	
NW1/4 NE1/4	Sec. 6-T40N-R39W
NE1/4 NW1/4	Sec. 5-T40N-R39W
SE1/4 NW1/4	" "

Acre
16
9
6

Land Description	
SW1/4 SE1/4	Sec. 33-T41N-R39W
SE1/4 SE1/4	" "
NW1/4 SE1/4	" "
NE1/4 SE1/4	" "

Acre
28
4
1
3

- Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: _____ Gun: _____ Other (Specify): Side Roll
- Crops to be irrigated: Corn, Alfalfa, Small Grain
- Give a description of the project. (Attach sheet if more space is needed)

The above lands (67 acres) are being irrigated from the dam authorized under Permit #1523-2 but were not previously described or advertised. The project also irrigates 91 acres authorized under Permit # 1523-2, for a total of 158 acres.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA
County of _____

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____
Subscribed and sworn to before me this _____ day of _____ 19 _____

Notary Public

Permit No. 1523-2
White River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, October 14, 1992, made a thorough examination of the water use system constructed by May & Sons, Inc. c/o Larry May, of HC 53, Box 21, Interior SD 57750 holder of Permit No. 1523-2, bearing the priority of March 23, 1987 authorizing the diversion of 1.5 cu. ft. per second and/or the storage of 170 acre-feet of the waters of Dry Draw Dam for Irrigation purposes, in Jackson (old Washabaugh) County.

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

A. Works used to divert the water:

**200 Hp, Deutz 6 cyl. diesel motor, Model SP 111 HP-3 with
 Berkeley 13 inch Centrifugal pump, Model B4JRMBM CW**

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

Approximately 1700 feet of 8 & 10 inch Aluminum pipe

C. Works used to apply water to beneficial use:

Approximately 2640 feet of 6 inch Sideroll system & Flood Irrigation

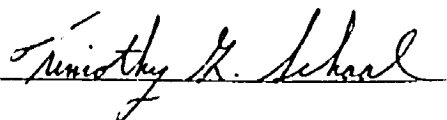
The system is in the following condition Good The point of diversion is located 1850 ft. west & 1150 north of the Center of Section 5-T40N-R39W (SW 1/4 NW 1/4). The works are capable of diverting and conveying to the place of use 2.44 cu. ft. per second of water and/or storing 170 acre-feet of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

NE 1/4 NE 1/4 Sec. 6-T40N-R39W--37 Ac.	SW 1/4 SW 1/4 Sec. 33-T41N-R39W--10 Ac.
SE 1/4 NE 1/4 " " - 1	SE 1/4 SW 1/4 " " - 12
NW 1/4 NE 1/4 " " - 16	SW 1/4 SE 1/4 " " - 28
	SE 1/4 SE 1/4 " " - 4
NW 1/4 NW 1/4 Sec. 5-T40N-R39W--29 Ac.	NW 1/4 SE 1/4 " " - 1
SW 1/4 NW 1/4 " " - 2	NE 1/4 SE 1/4 " " - 3
NE 1/4 NW 1/4 " " - 9	
SE 1/4 NW 1/4 " " - 6	

comprising a total of 158 acres of land and the license should be issued for 1.50 cfs and/or 170 acre-feet of storage.

Applicable permit qualifications have been complied with: No **X**

Exceptions to compliance are: Needs change of acreage Date Report Completed: December 12, 1996



Timothy G. Schaal, P.E.
 Natural Resources Engineer
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1523-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: October 14, 1992

NAME & ADDRESS OF INSPECTION CONTACT/ Larry May
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: May & Sons, Inc. c/o Larry May HC 53, Box 21,
Interior SD 57750

DIVERSION POINT LEGAL LOCATION: Dry Draw Dam-- 1850 ft. west & 1150 ft. north of the
Center of Sec. 5-T40N-R39W (SW 1/4 NW 1/4)

Pump:

- 1) Make Berkeley Centrifugal
- 2) Model B4JRMBM CW
- 3) Size 13 inch
- 4) Capacity 1100 GPM

Motor:

- 1) Make Deutz 6 cyl Diesel
- 2) Model No. SP 111 HP-3
- 3) Horsepower rating 200 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 & 10 inches
- 3) Length Approximately 1700 feet

SYSTEM TYPE:

Towline:

- 1) Length 2640 feet
- 2) Diameter 6 inch
- 3) Spacing of gates XXX feet

DAM INFORMATION:

- i) Height to crest 24 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway 20 feet
- 4) Crest width 16 feet
- 5) Crest length 300 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 170 acre-feet
- 9) Approx. storage (Maximum) 270 acre-feet
- 10) Date constructed: fall 1997

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Yes
- 3) All structures, wells and lands on map Yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period YES

REPORT ON INSPECTION OF PERMIT NO. 1523-2

DATE: October 14, 1992

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: Dry Draw Dam--19'0 ft. West & 1150 Ft. North of the Center of Sec. 5-T40N-R39W (SW 1/4NW 1/4)

Pump:

- 1) Make Berkeley Centrifugal
- 2) Model B 4JHMBM CW
- 3) Size 13 inch
- 4) Capacity 1100 GPM

Motor:

- 1) Make Deutz 6 cyl. Diesel
- 2) Model No. SP 111 HP-3
- 3) Horsepower rating 200 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Alum.
- 2) Size 8 & 10 inches
- 3) Length Approx. 1700 feet

SYSTEM TYPE:

Sideroll:

- 1) Length Approx. 2640 feet
- 2) Diameter of pipe 6 inches
- 3) Sprinkler spacing feet

DAM INFORMATION:

- 1) Height to crest 24 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway 20 ft
- 4) Crest width 16 feet
- 5) Crest length 300 feet
- 6) Spillway length feet
- 7) Spillway width 100 feet

- 8) Approx. storage 170 ac-ft
- 9) Approx. storage to crest 270 ac-ft
- 10) Date constructed: Fall 1977

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N
- 11) Comments : Needs Permit for Add'l lands

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N
- 2) Special qualifications to permit being abided by Y/N
- 3) All structures, wells and lands on map Y/N
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE LOSS BUILDING

523 EAST CAPITOL

PURDIE SOUTH DAKOTA 57501-2000

November 10, 1992

Larry May
May & Sons, Inc.
HC 53, Box 21
Interior, SD 57750

Dear Mr. May:

Enclosed is a copy of the map I prepared showing the irrigation from your dam located in the NW 1/4 of Section 5-T40N-R39W. I outlined 150 acres in red that I felt were being irrigated. There are 13 acres on the east side of the creek and 22 acres on the west side of the creek that are flood irrigated and 115 acres being covered by the side roll system.

As we discussed over the phone, an additional application will be needed to amend Water Permit No. 1523-2. This is necessary since some of your irrigation is on land not previously permitted or advertised. Also enclosed is a copy of the original application listing the location of the proposed irrigation. A Soil/Water Compatibility Permit will also be necessary for the additional lands not previously permitted.

Please check this map out and make any additions you think are needed. If no corrections are necessary, just let me know and I will prepare a new application to amend Water Permit No. 2153-2 and send it to you for your signature. If there are corrections, just outline them on the map and return it to me and I can then make the changes and send you the new application.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 1993

Larry May
May & Sons, Inc.
HC 53, Box 21
Interior, SD 57750

Dear Mr. May:

Enclosed is a partially completed application form to correct Water Permit No. 1523-2. This application changes the location of some of the original 208 acres authorized under Permit No. 1523-2. The application needs to be signed and notarized and returned to us along with the \$50.00 filing fee to amend a permit.

A Soil/Water Compatibility Permit will also be required for the changed acreage. Also enclosed is a mailing label and instructions for taking a water sample.

Also, when I inspected your Water Permits last October, we discussed Water Permit No. 1525-2. This permit authorized a dam and 200 acres of irrigation in the N 1/2 of Section 9-T40N-R40W. However, the dam was constructed in the SE 1/4 of Section 16-T40N-R40W and the irrigation was developed in the SE 1/4 of Sec. 16, the SW 1/4 of Sec. 15, the NE 1/4 of Sec. 21 and the NW 1/4 of Sec. 22 all of T40N-R40W. You also indicated that you had sold the center pivot system use at this location, and have plans to develop this land for flood irrigation.

Water Permit No. 1525-2 will need to be scheduled for cancellation, since the dam and irrigation was developed in the wrong location. You will need to make a new application for a Water Permit for your dam and flood irrigation. Since we do not have a Location Notice filed for the dam, you will need to file an application for the storage in the dam even if you do not develop irrigation from it. Enclosed are some application forms for you to complete regarding this matter.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 31, 1993

Larry May
May & Sons, Inc.
HC 53, Box 21
Interior SD 57750

Dear Mr. May:

On January 15, 1993, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 1523-2 and 1525-2 by Tim Schaal, an engineer with this office. This inspection showed that your systems were not developed as originally permitted. These applications are necessary to obtain permits which will reflect your water use. To date, we have not received a response from you regarding the applications.

Enclosed is another set of partially completed application forms to amend Water Permit No. 1523-2. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you. Also included are application forms for the dam constructed in the SE 1/4 Section 16-T40N-R40W.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 1523-2 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. If you have any questions regarding the completion of these applications, please contact Tim Schaal, with this office.

Sincerely,

Karen Schlaak
Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures



GREAT FACES. GREAT PLACES.

August 8, 1995

Larry May
May & Sons, Inc.
HC 53, Box 21
Interior SD 57750

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Dear Mr. May:

On January 15, 1993 and March 31, 1993 you were contacted (copies of letters enclosed) regarding Water Permit Nos. 1523-2 and 1525-2. These permits were inspected on October 14, 1992. Based on the inspection of Water Permit No. 1523-2, you were irrigating 67 acres that were not authorized by the permit. You were then informed that a water permit is required for an acreage change. Based on the inspection of Water Permit No. 1525-2, the lands developed for irrigation and the dam were not constructed at the location specified on the permit. Thus a new water permit application must be submitted to correct these locations.

Enclosed are two sets of application forms. The application to amend Water Permit No. 1523-2 has been partially completed. Enclosed is a copy of the January 15, 1993 letter which explains specifically why each application is necessary.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit Nos. 1523-2 and 1525-2 can not be licensed until these applications are processed and permits obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, state law requires a water permit to use water for irrigation. If you have any questions regarding these applications, please contact this office.

Sincerely,

Karen Schlaak
Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

enclosures



January 30, 1996

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: MAY & SONS INC, LARRY MAY, HC 53 BOX 21, INTERIOR, SD 57750
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1523-2, 1525-2.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1523-2, 1525-2. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1523-2, 1525-2 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2, 1525-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1996

NOTICE OF THREE YEAR SUSPENSION OF WATER PERMITS

TO: MAY & SONS INC, LARRY MAY, HC 53 BOX 21, INTERIOR, SD 57750

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352 

SUBJECT: Three Year Suspension of Water Permit Nos. 1523-2 & 1525-2

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing of March 6, 1996, the Water Management Board has ordered:

That Water Permit No. 1523-2 and 1525-2 be suspended until December 31, 1998. Suspension of the water permits does not excuse the water permit holder from the requirement to submit the 1995 Irrigation Questionnaires.

Suspension means water may not be pumped during the 1996, 1997 or 1998 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled in May, 1996, in Yankton, SD. The letter should include your reasons for not completing the 1995 irrigation questionnaires.

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

File No. 1523-2 & 1525-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: May & Sons, Inc.

ADDRESS: PO Box 297 Martin, SD 57551

COUNTY: Jackson

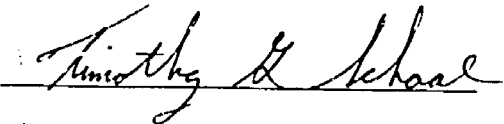
DATE: July 12, 1996

TELEPHONE: 455-2425

RE: Suspended Permits No. 1523-2 & 1525-2

On July 8, 1996, I stopped at Larry May's place and talked to his wife about the suspended permits. She said I should talk to her husband. On July 12, 1996, I called Mr. May and he said he had the Irrigation Questionnaire forms filled out and forgot to send them. He indicated he still wanted to irrigate under Water Permit No. 1523-2. I told him we would need to schedule him to appear before the Water Management Board to have the suspension removed. He said that would be OK.

Water Permit No. 1525-2 was never properly constructed. The wrong land was originally developed and he indicated it has been in a conflict with the Tribe. He does not want to pursue correcting this until the conflict is settled.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

File No. 1523-2 & 1525-2

Water Rights Division -LINR
Conversation or File Documentation

NAME OF PERSON OR FILE: May & Sons, Inc.

ADDRESS: PO Box 297 Martin, ID 57551

COUNTY: Jackson

DATE: July 12, 1996

TELEPHONE: 455-2425

RE: Suspended Permits No. 1523-2 & 1525-2

On July 8, 1996, I stopped at Larry May's place and talked to his wife about the suspended permits. She said I should talk to her husband. On July 12, 1996, I called Mr. May and he said he had the Irrigation Questionnaire forms filled out and forgot to send them. He indicated he still wanted to irrigate under Water Permit No. 1523-2. I told him we would need to schedule him to appear before the Water Management Board to have the suspension removed. He said that would be OK.

Water Permit No. 1525-2 was never properly constructed. The wrong land was originally developed and he indicated it has been in a conflict with the Tribe. He does not want to pursue correcting this until the conflict is settled.

September 20, 1996

I talked to Larry today and asked him why he did not send us a letter by September 16, 1996 requesting the Board rescind his suspension. He said he simply forgot, but still wanted to come before the Board. I told him to send us a letter TODAY and we would notify him next week about the Board Meeting.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 1996

1523-2
1525-2

Larry May
May & Sons Inc
HC 53 Box 21
Interior, SD 57750

Dear Mr. May:

On July 12, 1996, Tim Schaal, staff engineer with our Program, visited with you about your suspended water permits. These water permits were suspended until December 31, 1998, for failure to submit annual irrigation questionnaires. It is our understanding that you wish to have the Water Management Board consider lifting the suspensions and allow you to irrigate.

The next Water Management Board meeting is October 2, 1996, here in Pierre. We will need a letter from you by September 16, 1996, requesting the Board rescind the suspension. The letter should include reasons for not returning past irrigation questionnaires in a timely manner. A notice will then be sent to you letting you know the time and location of the hearing.

I encourage you to attend the hearing once it is scheduled. Your presence will provide the Board an opportunity to ask you questions and will also show the Board your desire to irrigate and maintain the water permits.

The 1995 irrigation questionnaires will need to be submitted prior to the Board taking any action on your request. You may include them with the letter or you may bring them to the hearing with you.

If you have any questions concerning completion of the questionnaires or the hearing before the Board, please contact me.

Sincerely,

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



Sept. 20 - 1996

Dear Sir:

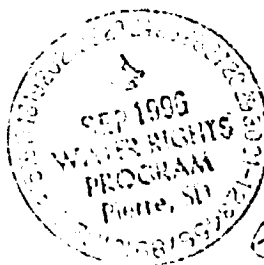
I have no excuse other than my own neglect.

We are at your mercy. We would deeply appreciate being reinstated.

We have a strong respect for your authority.

Thank You,
Larry May

Larry May
21853 Box 21
Interior S.D.
57750



Department of Environment and Natural Resources
Division of Water Rights
523 E. Capital Joe Foss Bldg.
Pierre, So. Dak. 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1996

NOTICE

TO: Larry May, May & Sons, Inc., HC 53 Box 21, Interior, SD 57750

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

SUBJECT: Notice of Hearing to Reconsider Suspension of Water Permit Nos. 1523-2 and 1525-2

Pursuant to your letter received September 23, 1996, the hearing for the Water Management Board to reconsider the three-year suspension of Water Permit Nos. 1523-2 and 1525-2, has been scheduled. The hearing is set for 9:45 am on **October 2, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.** The scheduled hearing time is an estimate and may be delayed due to prior agenda items.

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. This is a contested case hearing pursuant to procedures contained in SDCL 1-26. After all the evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your water permits, defer action or take no action. The hearing is an adversary proceeding and 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

Prior to any Board action regarding your permits, they will require submission of the **1995** irrigation questionnaires. Enclosed are a set of forms for **1995**. You may mail them to our office prior to the hearing date or bring them with you to the hearing. If you have any questions concerning the procedure or the hearing before the Board, please call Ginny McMath, Water Rights Program at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

I hereby certify that on September 23, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 23, 1996, along with 1995 Irrigation Questionnaire forms, regarding Notice of Hearing to Reconsider Suspension of Water Permit Nos. 1523-2 and 1525-2, addressed as stated below:

Larry May, May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.

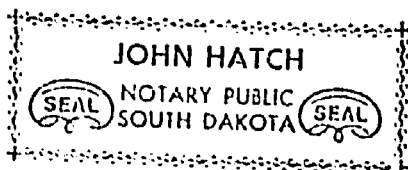
A copy of the above described Notice and a copy of the letter received by Mr. May requesting reconsideration of the cancellation of their Water Permits were sent inter-office to:

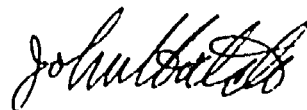
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of September, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

IRRIGATION QUESTIONNAIRE VIOLATION
WATER PERMIT NOS. 1523-2 & 1525-2, MAY & SONS, INC
September 24, 1996

BRIEF DESCRIPTION:

Water Permit No. 1523-2, authorizes diversion of 1.50 cubic feet of water per second (cfs) from a storage dam to irrigate 208 acres in portions of Sections 5 & 6, T40N, R39W and Section 33, T41N, R39W, Jackson County.

Water Permit No. 1525-2, authorizes diversion of 2.00 cfs from a storage dam to irrigate 200 acres in portions of Section 9, T40N, R40W, Jackson County.

Water Permit Nos. 1523-2 & 1525-2 were amended May 15, 1985 to include the questionnaire qualification.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October, 1989	December 15, 1989	February 26, 1990	none
October, 1990	December 14, 1990	January 2, 1991	none
October, 1991	December 20, 1991	November 19, 1991	none
October, 1992	December 18, 1992	November 30, 1992	none
October, 1993	December 17, 1993	----	SUSPENDED
SUSPENDED FOR THE 1994 IRRIGATION SEASON - QUESTIONNAIRES WERE NOT MAILED OUT			
October, 1995	December 15, 1995	September 26, 1996	SUSPENDED

CURRENT STATUS

On March 6, 1996, the Water Management Board suspended Water Permit Nos. 1523-2 & 1525-2 for three years for failure to return the 1995 irrigation questionnaires. Failure to return the 1995 irrigation questionnaires was the second violation of the water permits.

On September 23, 1996, the permit holder submitted a letter requesting the Board to reinstate the water permits (copy attached).

Note: SDCL 46-1-12 states the board may suspend the permit or license for a period of up to one year for the first violation; up to three years for the second violation; and may cancel the permit for license for a third violation.

1995 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 15, 1995

1523-2 Larry May May & Sons, HC 53 Box 21 Interior, SD 57750	CHANGES TO ADDRESS LABEL, IF ANY: Telephone No. <u>605-455-2425</u>
--	--

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES ☒ NO ☒
 DID YOU IRRIGATE IN 1995? YES ☐ NO ☒ IF YES, NUMBER OF ACRES IRRIGATED _____
 SOURCE OF WATER _____
 DID YOU CHEMIGATE IN 1995? YES ☐ NO ☒
 TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS _____ TOWNLINES _____ BIG GUN _____
 FLOOD ☒ SPRINKLERS _____ OTHER _____

COMMENT SECTION: Diversion Point Location: Section 5



THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS @ 24 HOURS PER DAY ON THE CORN AND 20 DAYS ON THE BEANS.

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 5 DAYS - 24 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 380 GPM) FOR 10 DAYS AT 24 HOURS PER DAY.

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

PLEASE SPECIFY IF ACTUAL IRRIGATION HOURS OR KILOWATT HOURS ARE BEING REPORTED.
 FOR KILOWATT HOURS, INCLUDE DEPTH TO WATER & SYSTEM PRESSURE IN COMMENT SECTION.



October 28, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Larry May, May & Sons, Inc., HC 53 Box 21, Interior, SD 57750

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

SUBJECT: Notice of Hearing to Reconsider Suspension of Water Permit Nos. 1523-2 and 1525-2

The hearing for the Water Management Board to reconsider the three-year suspension of Water Permit Nos. 1523-2 and 1525-2, has been scheduled for 10:00 am on December 4, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. The hearing, originally scheduled for October 2nd was delayed at your request.

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. This is a contested case hearing pursuant to procedures contained in SDCL 1-26. After all the evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your water permits, defer action or take no action. The hearing is an adversary proceeding and 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

The scheduled hearing time is an estimate and may be delayed due to prior agenda items. If you have any questions concerning the procedure or the hearing before the Board, please call Genny McMath, Water Rights Program at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

I hereby certify that on October 28, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 28, 1996, regarding Notice of Hearing to Reconsider Suspension of Water Permit Nos. 1523-2 and 1525-2, to be heard before the Water Management Board on December 4, 1996, addressed as stated below:

Larry May, May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.

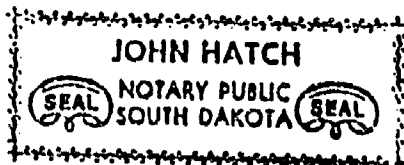
A copy of the above described Notice was sent inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost
Cheryl F. Frost
Secretary

[illegible]

Sworn to, before me, this 1st day of November, 1996



John H. H. H.
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 1996

1523-2
1525-2

Larry May
May & Sons, Inc.
HC 53 Box 21
Interior, SD 57750

Dear Mr. May:

This letter is a reminder to you of the upcoming Water Management Board meeting. The Board will hear your request to reconsider the three-year suspension of Water Permit Nos. 1523-2 and 1525-2 at 10:00 am, December 4, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

Enclosed is a copy of the staff report prepared for the hearing. This report will be handed out to the Board at the time of the hearing. You are encouraged to attend the hearing to discuss the irrigation questionnaire violations and your request to reconsider the suspensions with the Board.

If you have any questions, please contact me.

Sincerely,

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

enclosure

c: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 1996

NOTICE

TO: Larry May, May & Sons, Inc., HC 53 Box 21, Interior, SD 57750

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Reinstatement of Water Permit Nos. 1523-2 and 1525-2

On December 4, 1996, the Water Management Board, changed the March 6, 1996, motion for a three year suspension of Water Permit Nos. 1523-2 and 1525-2, reducing the suspension to one year. This action means the permits were suspended for the 1996 season and are reinstated for 1997. It is the Board's understanding that future irrigation questionnaires will be submitted in a timely manner.

SDCL 46-1-12 states that the Board may suspend a permit or license for a period of up to one year for the first violation; up to three years for the second violation; and may cancel the permit or license for the third violation.

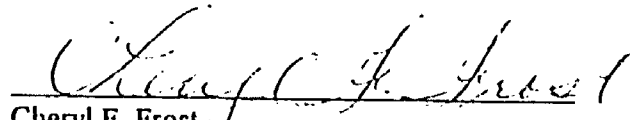
Following the Board hearing, you met with Tim Schaal and Ron Duvall concerning licensing of Water Permit Nos. 1523-2 and 1525-2. Both of the irrigation systems were investigated for licensing purposes in 1992. Since that time, the legislature passed a law that allows acreage developed contiguous to the permitted area to be licensed if no increase occurs in either permitted acreage or water appropriated. The acreage developed for irrigation under Water Permit No. 1523-2 meets this criteria and can be licensed as constructed. However, Water Permit No. 1525-2 can not be licensed since the irrigated acreage is not contiguous to the acreage described in No. 1525-2. Partially completed application forms were given to you the day you were in the office. Please complete the forms and return them to our office with the map and fee as soon as possible. Ron and Tim explained to you that Water Permit No. 1525-2 will be scheduled for cancellation consideration.

The next irrigation questionnaires you will receive will be in the fall of 1997. If you have any questions concerning the Board's action, please contact us.

CERTIFICATION

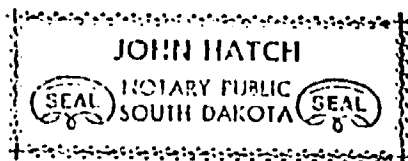
I hereby certify that on December 12, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 12, 1996, regarding Reinstatement of Water Permit Nos. 1523-2 and 1525-2, addressed as stated below:

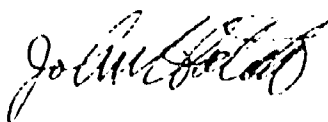
Larry May, May & Sons, Inc., HC 33, Box 21, Interior, SD 57750.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of December, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

Licensing of Acreage Outside of Permitted Area

NAME: May & Sons, Inc c/o Larry May

ADDRESS: IIC 53, Box 21 Interior, SD 57750

DATE: December 12, 1996 COUNTY: Jackson TELEPHONE: 455-2425

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 158 acres as compared to 208 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The unpermitted 67 acres are located in the NW 1/4 NE 1/4 of Section 6-T40N-R39W and the E 1/2 NW 1/4 of Section 5-T40N-R39W and the SE 1/4 of Section 33-T41N-R39W and are a portion of the acreage developed for irrigation under Water Permit No. 1523-2.

- **Owned by Same Property Owner**

This property is also owned by May & Sons, Inc.

- **Developed Prior to Expiration of Construction Period**

These 67 acres were developed prior to the end of the construction period.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 67 acre area be included in the water license.



Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not adversely impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

 12-19-96

John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 7, 1997

1523-2

May and Sons, Inc.
c/o Larry May
HC 53, Box 21
Interior SD 57750

Dear Mr. May:

The investigation of your water use system and the investigation of the extent of application of water to beneficial use, as developed under Water Permit No. 1523-2, has been completed. Water Permit No. 1523-2 covers irrigation in the NE 1/4 Section 6; NW 1/4 Section 5; T40N-R39W and the S 1/2 SW 1/4, SE 1/4 Section 33-T41N-R39W. Your final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License.

Also, enclosed is a Notice of Transfer form. If you want this permit to be listed in the name of Saddle Butte Angus, the enclosed form should be checked over for accuracy, signed in the presence of a notary public and returned. The required filing fee is \$2.50. If the permit should remain in the name of May and Sons, Inc., please disregard the Notice of Transfer form.

Upon receipt of the \$50.00 license fee and if necessary, the Notice of Transfer form and \$2.50 fee, we will process the Water License.

Please send fees to:

Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1997

SECOND NOTICE
Permit No. 1523-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

May and Sons, Inc.
%Larry May
HC 53, Box 21
Interior, SD 57750

Dear Mr. May:

On January 7, 1997, you were notified the final inspection fee of \$50.00 and transfer of ownership fee of \$2.50 (\$52.50 total) is due before Water License No. 1523-2 can be issued. Water Permit No. 1523-2 is currently in the name of May and Sons, Inc. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-15(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

JOHN HATCH, Chief Engineer
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.

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:

1503-1
May and Sons, Inc.
%Larry May
HC 53, Box 21
Interior, SD 57750

4a. Article Number

2 422 707 469

4b. Service Type

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

7. Date of Delivery

TL
3-1-94

5. Received By: (Print Name)

Larry May

6. Signature: (Addressee or Agent)

X

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1523-2



Date: June 25 - 1997

I/We request that Water Permit No. 1523-2

formerly owned by: May and Sons, Inc. c/o Larry May

be transferred to: (name & address) Saddle Butte Angus, c/o Larry May, HC 53 Box 21, Interior SD 57750

Telephone No. 605-455-2425

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

158 acres - NE 1/4 Section 6-T40N-R39W, NW 1/4 Section 5-T40N-R39W and S 1/2 SW 1/4, SE 1/4 Section 33-T41N-R39W

I/We understand that the validity of Water Permit No. 1523-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Jackson)

I/We Larry May 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 that I know of my own personal knowledge that the information herein stated is true.

Saddle Butte Angus by Larry May
(Signed)

Subscribed and sworn to before me this 27th day of June, 1997.

Patricia A. Grover
(Notary Public)

My Commission Expires 4-28-2004

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

415410

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 1, 19 97

RECEIVED OF Saddle Butte Angus, Larry May, HC 53, Box 71, Interior, SD 57750

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 1523-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer

RECEIPT

415411

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 1, 19 97

RECEIVED OF Saddle Butte Angus, Larry May, HC 53, Box 21, Interior, SD 57750

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1523-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch (Signature)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

1523-2

Saddle Butte Angus
%Larry May
HC 53, Box 21
Interior, SD 57750

Dear Mr. May:

Enclosed is Water License No. 1523-2 and Receipt No. 415411 for \$50.00 which was assessed for an investigation and issuance of the license. Also is enclosed is Receipt No. 415410 in the amount of \$2.50 which you paid for the transfer of this Water License. Water License No. 1523-2 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1523-2

(1) May and Sons, Inc., c/o Larry May, HC 53 Box 21, Interior SD 57750 made Application No. 1523-2, February 4, 1977 for a water permit to divert 1.5 cubic feet of water per second from a dam (170 acre-feet storage capacity), Jackson County, South Dakota for irrigation purposes. Permit No. 1523-2, with a priority date of February 4, 1977 was approved March 23, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 1982 and for the application to beneficial use of said water on or before March 23, 1984.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

On July 1, 1997, Water Permit No. 1523-2 was transferred to Saddle Butte Angus.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.50 cubic feet of water per second for beneficial use. The location of the diversion point (dam) is 1,850 feet west and 1,150 feet north of the center of Section 5-T40N-R39W (SW 1/4 NW 1/4).

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

Sec 6-T40N-R39W	NE 1/4 NE 1/4	37 ac	Sec 33-T41N-R39W	SW 1/4 SW 1/4	10 ac
	SE 1/4 NE 1/4	1 ac		SE 1/4 SW 1/4	12 ac
	NW 1/4 NE 1/4	16 ac		SW 1/4 SE 1/4	28 ac
Sec 5-T40N-R39W	NW 1/4 NW 1/4	29 ac		SE 1/4 SE 1/4	4 ac
	SW 1/4 NW 1/4	2 ac		NW 1/4 SE 1/4	1 ac
	NE 1/4 NW 1/4	9 ac		NE 1/4 SE 1/4	3 ac
	SE 1/4 NW 1/4	6 ac	Total		158 ac

(4) Pursuant to South Dakota Water Law 46-5-30.1 Saddle Butte Angus, c/o Larry May, HC 53 Box 21, Interior SD 57750 the holder and/or owner of Water Permit No. 1523-2 is issued a license to appropriate water, the right to use 1.50 cubic feet of water per second from a dam (170 acre-feet storage capacity) with a priority date of March 23, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1523-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 8 1997
date





1523-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: SADDLE BUTTE ANGUS, LARRY MAY, HC 53 BOX 21, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1523-2 & 2378-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 & 2378-2 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 & 2378-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly) <u>Ben Sharp</u> B. Date of Delivery <u>1-17-02</u> C. Signature <u>X Ben Sharp</u> ☒ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: SADDLE BUTTE ANGUS LARRY MAY HC 53 BOX 21 INTERIOR SD 57750		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. <u>7001 2510 0004 4797 3916</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2002

1523-2
2378-2

Larry May
Saddle Butte Angus
HC 53 Box 21
Interior, SD 57750

Dear Mr. May:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit and Right Nos. 1523-2 and 2378-2.

I completed questionnaires for you based on our February 6th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



1523-2

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 14, 2004

NOTICE

TO: SADDLE BUTTE ANGUS, LARRY MAY, HC 53 BOX 21, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1523-2 & 2378-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 & 2378-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 & 2378-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1523-2

**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 27, 2004

1523-2
2378-2

Larry May
Saddle Butte Angus
HC 53 Box 21
Interior SD 57750

Dear Mr. May:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. I completed questionnaires for you based on our January 26th telephone conversation. The questionnaires reflect that you did not irrigate in 2003.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 1523-2 and 2378-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

All cross hatch

is Ada May

or May + Sons

Rest is ^{mostly} Us Govt.
or private

NOT TO SCALE

46071-

41-39

109-R

72.5

5.7

10.0

52.7

50.5

• 33

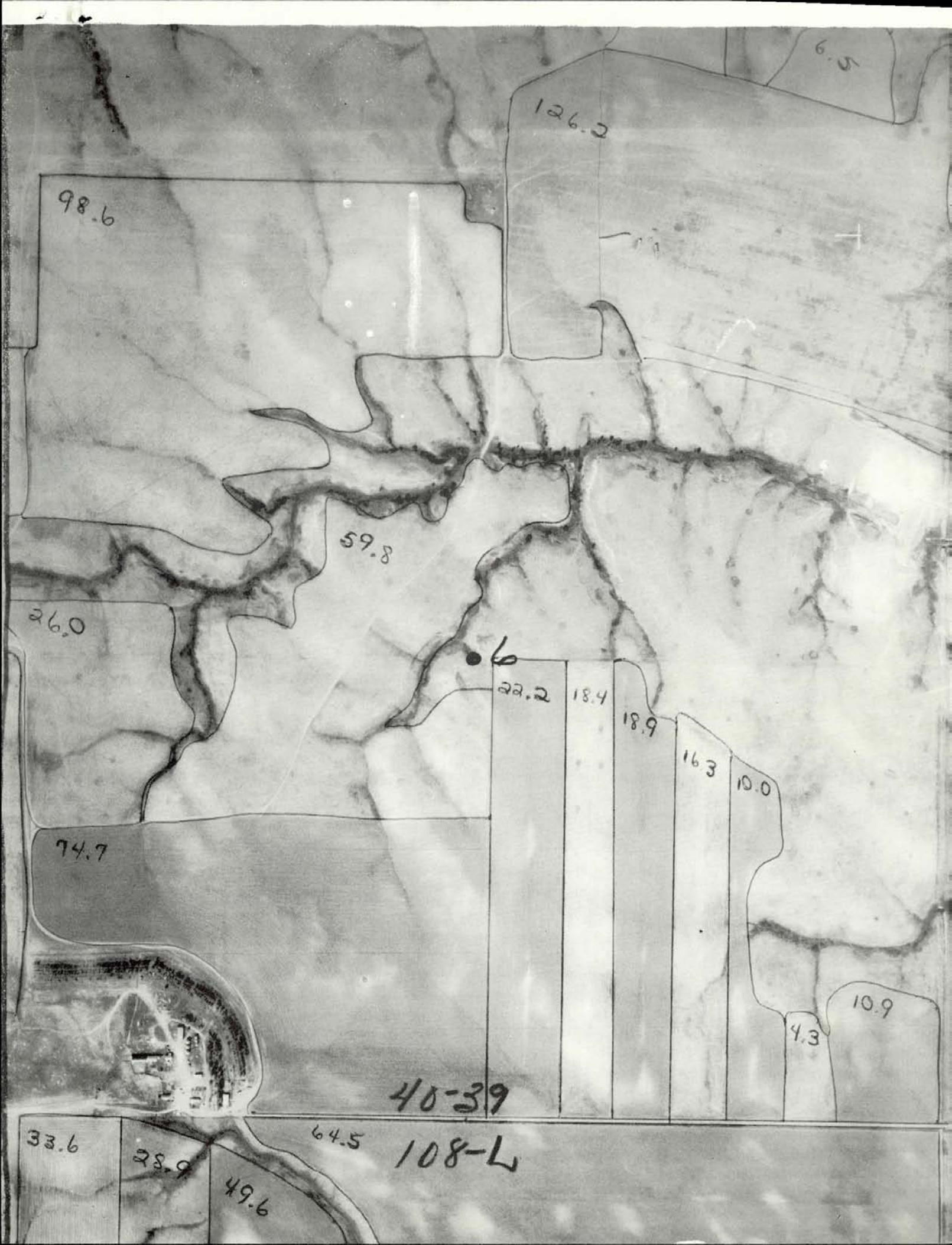
24.0

20.4

41-39

109-R

46



6.5

126.2

98.6

59.8

26.0

6

22.2

18.4

18.9

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10.0

74.7

10.9

4.3

40-39

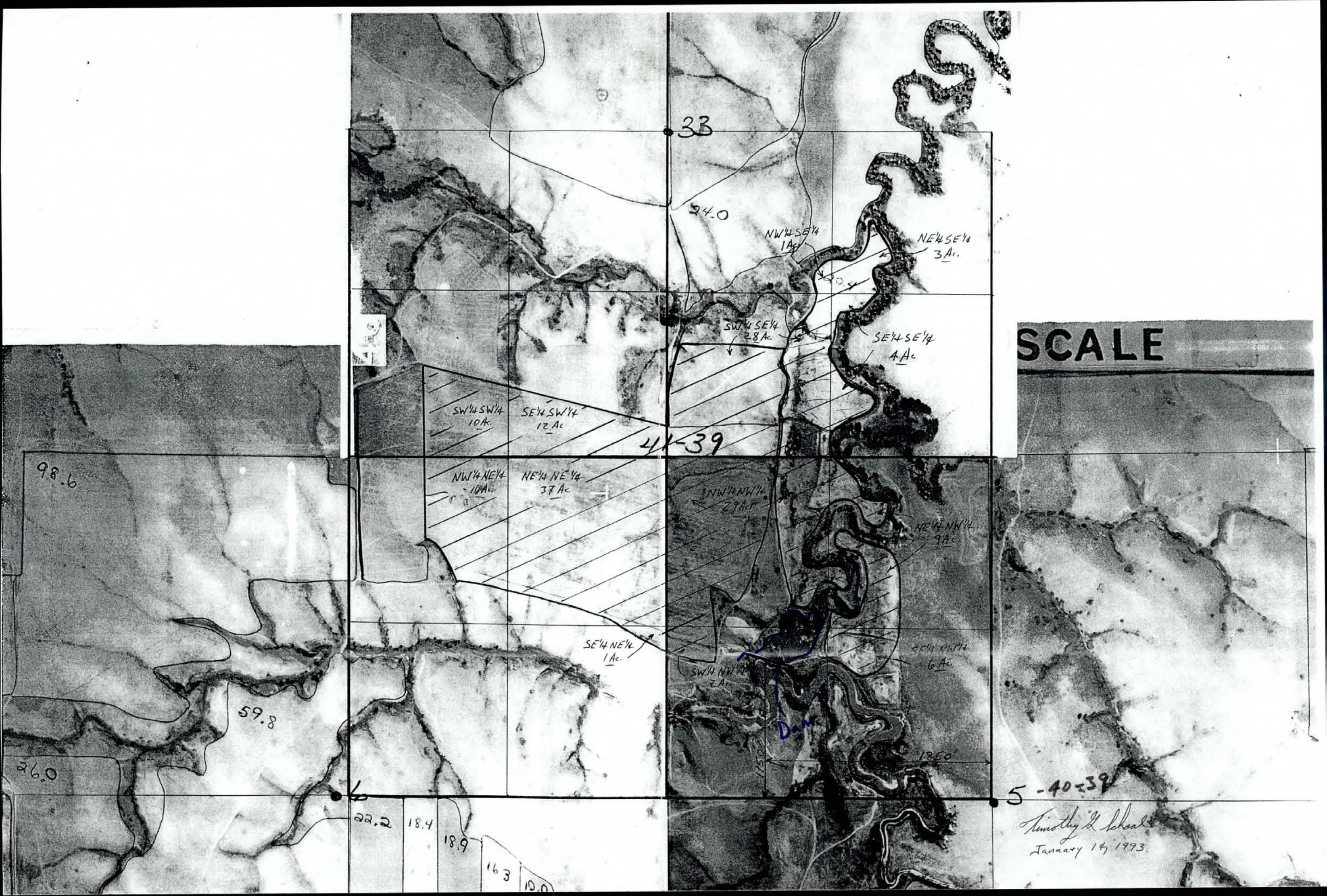
108-L

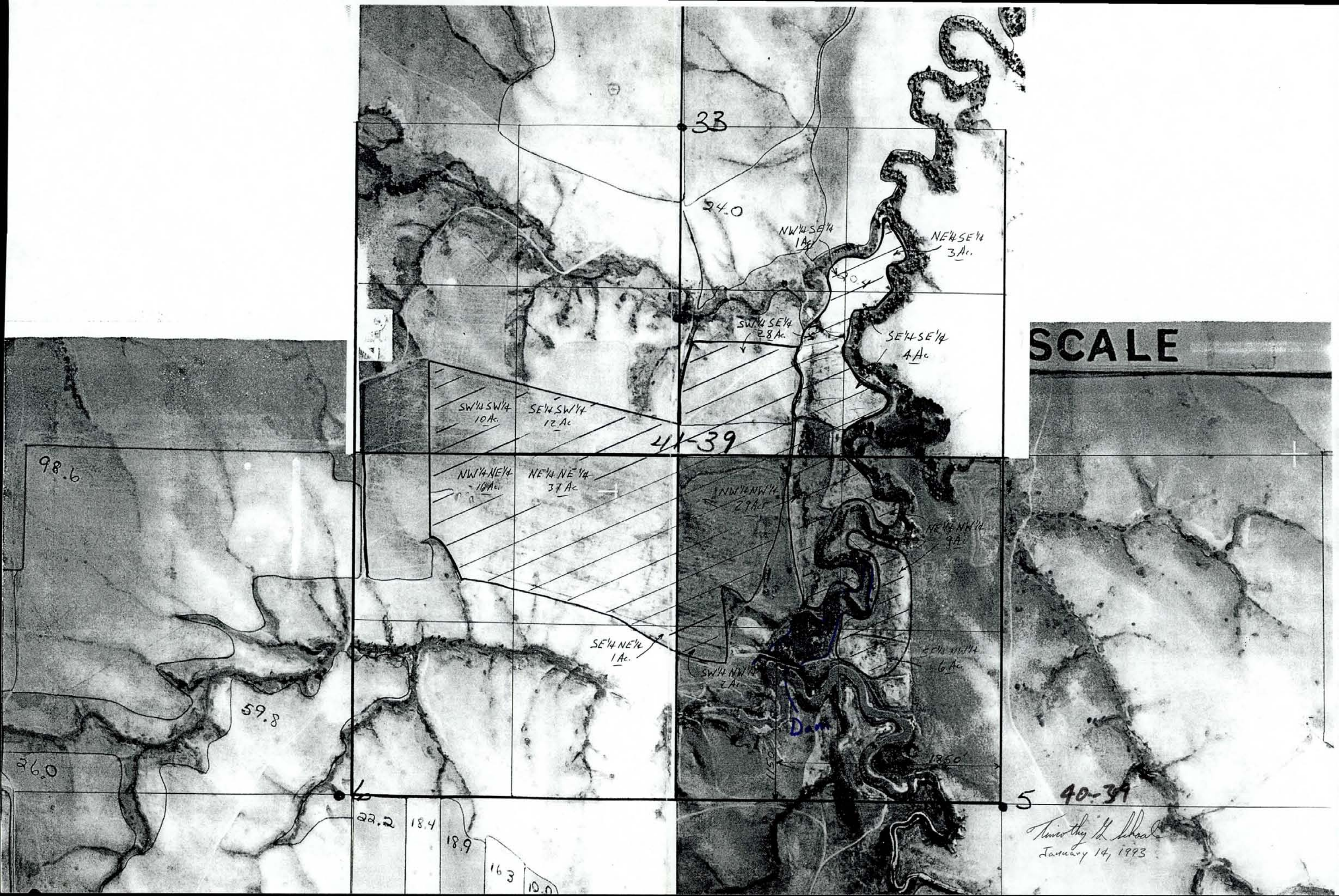
64.5

33.6

28.9

49.6





33

24.0

NW 1/4 SE 1/4
1 Ac.

NE 1/4 SE 1/4
3 Ac.

SW 1/4 SE 1/4
28 Ac.

SE 1/4 SE 1/4
4 Ac.

SW 1/4 SW 1/4
10 Ac.

SE 1/4 SW 1/4
12 Ac.

41-39

NW 1/4 NE 1/4
10 Ac.

NE 1/4 NE 1/4
37 Ac.

NW 1/4 NW 1/4
29 Ac.

NE 1/4 NW 1/4
9 Ac.

SE 1/4 NE 1/4
1 Ac.

SW 1/4 NW 1/4
7 Ac.

SE 1/4 NW 1/4
6 Ac.

Dam

1150'

1850'

5 40-39

Timothy H. Leland
January 14, 1993

SCALE

98.6

59.8

26.0

22.2

18.4

18.9

163

10.0

74

R. 40 W. | R. 39 W. (Joins sheet 62) | (Joins sheet 63)



(Joins sheet 73)



(Joins sheet 85)

(Joins sheet 75)

0 1/2 1 Mile Scale 1:20 000

0 5 000 Feet

MAP N-1248-2 APN N-1523-2 1524-2

Area to be irrigated

Owner: MAY & SONS, INC. MARTIN, S.D.A.K.

Area to be irrigated:
W 1/2 NW 1/4, Sec 5, 40-39
E 1/2 NE 1/4, Sec 6, 40-39
E 1/2 NW 1/4, Sec 33-41-39

May Unit 1

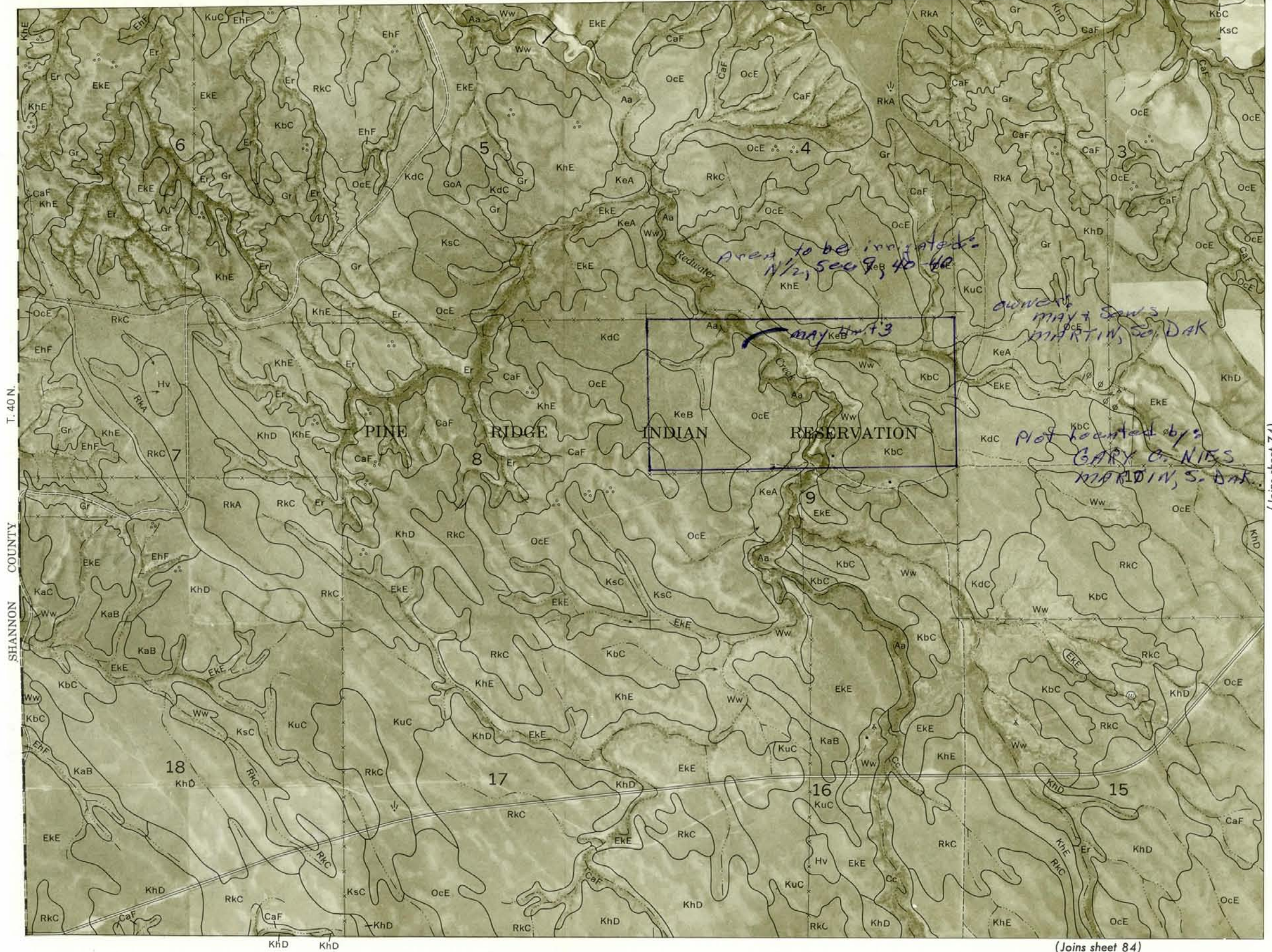
Area to be irrigated:
W 1/2 of NW 1/4, Sec 17-40-39
20A of E 1/2 of NW 1/4, Sec 17-40-39

May Unit 2

Areas located by:
GARY NIES
Bennett Co. Agent
MARTIN, S.D.A.K.

R. 40 W. (Joins sheet 61) | (Joins sheet 62)

73



(Joins sheet 74)

(Joins sheet 84)

0 1/2 1 Mile Scale 1:20 000

0 5 000 Feet MAP NO 129A-2 APP NO 1525-2

1525-2



1523-2

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: SADDLE BUTTE ANGUS, LARRY MAY, 20545 MAY RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1523-2 & 2378-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 & 2378-2 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 & 2378-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

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

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9402

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

Your item was delivered at 12:51 PM on January 25, 2010 in INTERIOR, SD 57750. The item was signed for by L MAY.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 12:51 pm, INTERIOR, SD 57750
- Notice Left, January 23, 2010, 8:57 am, INTERIOR, SD 57750
- Arrival at Post Office, January 23, 2010, 8:55 am, WALL, SD 57790

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

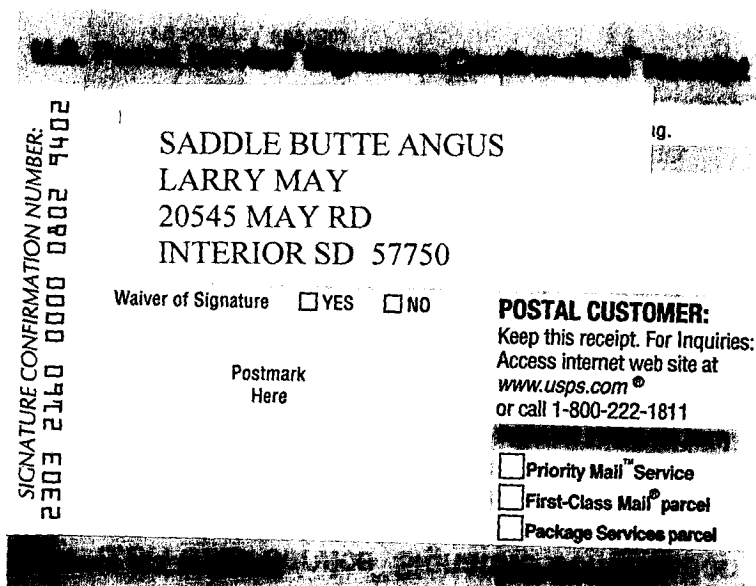
Proof of Delivery

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No FEAR Act EEO Data

FOIA





**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

1523-2
2378-2

Larry May
Saddle Butte Angus
20545 May Rd
Interior SD 57750

Dear Mr. May:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1523-2 and Water Permit No. 2378-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

1523-2



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

January 20, 2022

NOTICE

TO: SADDLE BUTTE ANGUS, LARRY MAY, 20545 MAY RD, INTERIOR, SD 57750
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1523-2 & 2378-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 & 2378-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 & 2378-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** 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: KHSCVR**

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

January 31, 2022

1523-2
2378-2

Larry May
Saddle Butte Angus
20545 May Rd
Interior SD 57750

Dear Mr. May:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 1523-2 and 2378-2. 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 19, 2024

NOTICE

TO: SADDLE BUTTE ANGUS, LARRY MAY, 20545 MAY RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1523-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** 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: XZTPZD**

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

January 31, 2024

1523-2

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

Dear Mr. May:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1523-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@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: SADDLE BUTTE ANGUS, LARRY MAY, 20545 MAY RD, INTERIOR, SD 57750

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(s) has not been submitted for Permit No(s) 1523-2 & 2378-2. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 & 2378-2 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1523-2 & 2378-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 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: ZTSGNJ**

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.



2378-2
1523-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

**NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT &
WATER RIGHT**

TO: Saddle Butte Angus, c/o Larry May, 20545 May Rd, Interior SD 57750

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Permit No. 2378-2 & Water Right No. 1523-2

On March 5, 2025, the Water Management Board ordered:

**Effective April 4, 2025, Water Permit No. 2378-2 & Water Right No. 1523-2 be
suspended for the 2025 irrigation season for failure to submit the 2024 irrigation
questionnaires.**

**If the 2024 irrigation questionnaires are received prior to April 4, 2025, the
suspension will not take effect.**

A one-year suspension of Water Permit No. 2378-2 & Water Right No. 1523-2 means water may not be pumped during the 2025 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2025 unless the 2024 irrigation questionnaires are submitted prior to April 4, 2025.

After April 4, 2025, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2024 irrigation questionnaires and a letter including your reason for not completing the 2024 irrigation questionnaires within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 7-8, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

Please contact Amanda Dewell (605) 773-3352 with any questions.

7021 1970 0000 9489 7516

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| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

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Here

SADDLE BUTTE ANGUS C/O LARRY MAY
20545 MAY RD
INTERIOR SD 57750

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

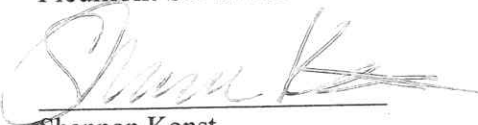
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

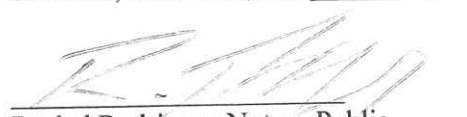
Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 07 day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



2378-2 31523-2

ALERT: SEVERE WEATHER IN THE SOUTHEAST AND CENTRAL U.S AND WINTER STORMS IN ...

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PIERRE, SD 57501

March 24, 2025, 8:45 am

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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573 P
06 MAR 2025

FIRST CLASS



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0000389515 MAR 06 2025

NAME _____
1ST NOTICE 3/10 A#p2ja
2ND NOTICE _____
RETURN _____

-R-T-S- 577504054-1N 009 03/17/25

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5775037015



PS Form 3811, July 2020 PSN 7530-02-000-9053

2. Article Number (Transfer from service label)
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9590 9402 6392 0303 3254 71

INTERIOR SD 57750
20545 MAY RD
SADDLE BUTTE ANGUS C/O LARRY MAY

1. Article Addressed to:
■ Attach this card to the back of the mailpiece, or on the front if space permits.
■ Print your name and address on the reverse so that we can return the card to you.
■ Complete items 1, 2, and 3.

SENDER: COMPLETE THIS SECTION

A. Signature ☒ X
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? Yes ☐ No ☐
If YES, enter delivery address below:

COMPLETE THIS SECTION ON DELIVERY

Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☒ Certified Mail® Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation™ Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

7021 1970 0000 9489 7516



2378-231523-2,