

Considered: _____

WATER PERMIT NO. 1692A-2

Phone: 343-0534

Name of Applicant: John McMahon

Post Office Address: Rt 2, Box 15, Heronsa SD 57744

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: dry draw

Water to be used for: irrigation County: Pennington

About 5 miles South of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 2-19-92 Fee: \$50 Remarks Change a

diversion point on Water Permit No. 1692-2

Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

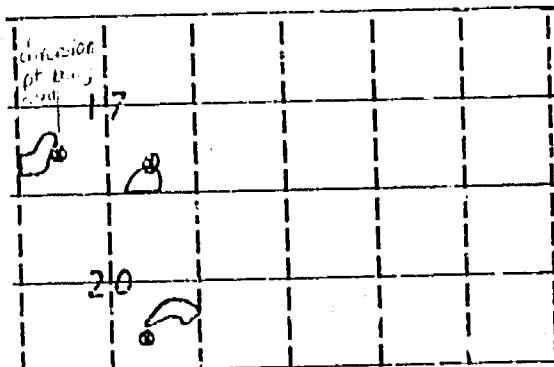
WATER QUALITY APPROVAL RECEIVED 1-11-80 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: NW 1/4 SW 1/4 Sec 17-T1S-R8E

Land to be Irrigated: W 1/2 SW 1/4, S 1/2 SE 1/4

Sec 17 and N 1/2 SE 1/4 Sec 20; all in T1S-R8E



Well Log: Driller: KA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: plat PREPARED BY: Rassool Ahadi Reviewed and the Number

Assigned on 2-27-92 By Karen Schlaak

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1692A-2

(1) John McMahon of i.CR 89, Box 227, Hermosa, SD 57744 made Application No. 1692A-2, February 19, 1992 for a water permit to appropriate no additional cubic feet of water per second from a dry draw, Pennington County, South Dakota for irrigation purposes. Permit No. 1692A-2 with a priority date of January 11, 1980 was approved April 28, 1992 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 1692A-2 was obtained to correct the location of one of the diversion points developed under Water Permit No. 1692-2. No. 1692A-2 did not increase the diversion rate or acres irrigated. A priority date of January 11, 1980, as established under No. 1692-2, was retained.

The applicable portions of Water Permit No. 1692-2 have been incorporated into this Water License No. 1692A-2.

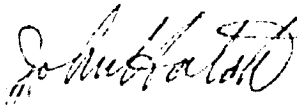
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.84 cubic feet of water per second for beneficial use. The location of the diversion points are:

#1: 1165 feet east, 1656 feet north from the southwest corner of Section 17 (NW 1/4 SW 1/4);
#2: 621 feet north, 1294 feet west from the southeast corner of Section 17 (SE 1/4 SE 1/4);
#3: 1190 feet north, 1475 feet west from the southeast corner of Section 20 (SW 1/4 SE 1/4), all in T1S-R8E. The diversion dams are capable of storing 6.30 acre feet of water.

(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:

T1S, R8F	Section 17	NW 1/4 SW 1/4	10.2 Acres
		SW 1/4 SW 1/4	9.8 Acres
		SE 1/4 SE 1/4	5.0 Acres
		SW 1/4 SE 1/4	10.0 Acres
	Section 20	NE 1/4 SE 1/4	21.5 Acres
		NW 1/4 SE 1/4	2.5 Acres
		Total-----	59.0 Acres

(4) Pursuant to Section 46-5-30.1 John McMahon of HCR 89, Box 227, Hermosa, SD 57744 the holder(s) and/or owner(s) of Incorporated Water Permit No. 1692A-2 is issued a license to appropriate water, the right to use 0.84 cubic feet of water per second from three dry draws with a priority date of January 11, 1980 from the location specified in (2) of this license. The water is 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 Incorporated Water Permit No. 1692A-2 and subject to South Dakota State Law.



NOV 24 1992

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

SOUTH DAKOTA
WATER PERMIT No. 1692A-2 FOR IRRIGATION

Date of first receipt of application February 19, 1992.
Date Soil/Water Compatibility Permit received January 11, 1980.

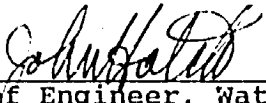
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1692A-2 to John McMahon, HCR 89, Box 227, Hermosa SD 57744 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1692A-2 specifies the correct location of a point of diversion. Water Permit No. 1692-2 appropriates 0.84 cubic feet of water per second (cfs) to irrigate 59 acres located in the W 1/2 SW 1/4, S 1/2 SE 1/4 Section 17 and the N 1/2 SE 1/4 Section 20 from dry draws located in the SE 1/4 NW 1/4, SE 1/4 SE 1/4 Section 17 and the SW 1/4 SE 1/4 Section 20; all in T1S-R8E. An inspection of Permit No. 1692-2 found 3 dry draw dams (6.30 acre-feet total storage capacity) constructed and supplying 0.84 cfs, irrigating 59 acres. This permit corrects the location of the 1.75 acre-foot storage capacity dry draw dam (No. 3) in the SE 1/4 NW 1/4 Section 17-T1S-R8E. The correct location of the dam is the NW 1/4 SW 1/4 Section 17-T1S-R8E. No increase in the diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - October 31.
3. The date from which applicant may claim right is January 11, 1980.
4. The date of approval of Permit No. 1692A-2 is April 28, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 7 1992
date

(See Instructions)

Mail to: Water Rights Div.
525 E. Capitol
Pierre, SD 57501
(605) 773-3322

No. 1692H-2 Hydrologic Unit 10120101
Basin Upper Cheyenne
Newspaper Papid City Journal, PO Box 450



Application for Soil/Water Compatibility Permit and Permit To Appropriate Water

- ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant John McMahon Phone No. 343-0534
Post Office Address HCR 89, Box 227 Hermosa State SD 57744
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) No. Add'l Total acres irrigated No. Add'l
3. Source of Water supply A dry draw
4. Location of point of diversion NW 1/4 SW 1/4 Section 17, T15-R8E
County Pennington
5. Counties where water will be used Pennington
6. Annual period during which water is to be used May 1 thru October 31
7. 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.
<u>Same as on WP No. 1692-2</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify)
9. Crops to be irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change a diversion point authorized under Water Permit
No. 1692-2 from the SE 1/4 NW 1/4 to the NW 1/4 SW 1/4 Section 17, T15-R8E.

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

STATE OF SOUTH DAKOTA
County of Hughes

I, John McMahon, 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 truly
representative of the water to be used, and that the matters stated in this application are true and correct.

Signed John McMahon
Subscribed and sworn to before me this 19th day of February 1992
Karen Schlaak
Notary Public

KAREN SCHLAACK
Notary Public
My Commission Expires April 1, 1993
487

Report on Water Permit Application No. 1692A-2
John McMahon
March 17, 1992

Background

Water Permit Application No. 1692A-2 requests a change in location of one of the dams (Dam No. 1) authorized by Water Permit No. 1692-2. Water Permit No. 1692-2 appropriates 0.84 cubic feet of water per second from 3 dry draw dams (total storage capacity 6.3 acre-feet), located in the SE1/4 NW1/4, SE1/4 SE1/4 Section 17, and SW1/4 SE1/4 Section 20, T1S-R8E, in Pennington County. Water is used to irrigate 59 acres located in the W1/2 SW1/4, S1/2 SE1/4 Section 17 and the W1/2 SE1/4 Section 20, all in T1S-R8E. The application is to change the location of Dam No.1 from the SE1/4 NW1/4 Section 17 to the NW1/4 SW1/4 Section 17, T1S-R8E.

Discussion

On July 10, 1991 an inspection of Water Permit No. 1692-2 showed that the location of one of the dams (Dam No. 1 - storage capacity 1.75 acre-feet) was changed from the SE1/4 NW1/4 Section 17 to the NW1/4 SW1/4 Section 17, T1S-R8E.

Water Permit Application No. 1692A-2 does not request an increase in acreage, diversion rate, or storage. The change in location of the dam will not affect any other water permits/rights.

To irrigate lands adjacent to Dams No. 1 and 2 (1.05 acre-feet), a gravity system of irrigation (water spreading) is used. The land adjacent to Dam No.3 (3.5 acre-feet), located in Section 20, is irrigated using a pump; therefore, an irrigation questionnaire should be submitted annually.

Conclusions

1. Water is used whenever it is available.
2. No water permits/rights will be adversely affected by this application.

3. The irrigation questionnaire should be submitted annually by the applicant.

M. R. Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1692A-2, John McMahon

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1692A-2, John McMahon, Rt 2 Box 15, Hermosa, SD 57744.

The Chief Engineer is recommending APPROVAL of Application No. 1692A-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 24, 1992



1692A-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

March 26, 1992

John McMahon
Rt 2 Box 15
Hermosa, SD 57744

Dear Mr. McMahon:

Water Permit Application No. 1692A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 394-8300). For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions. A copy of the report and recommendation will be forwarded to you at a later date.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



1692A-2

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

March 26, 1992

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1692A-2 to be published twice. Please publish the first notice on April 1, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is John McMahon, Rt 2 Box 15, Hermosa, SD 57744 (Ph # 343-0534).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

1692A-2

Instruction to Newspaper - Publish first Notice on April 1, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1692A-2 to Appropriate Water
and to Amend Water Permit No. 1692-2

Notice is given that John McMahon, Rt 2 Box 15, Hermosa, SD 57744 has filed an application for a water permit to specify the correct location of a point of diversion. Water Permit No. 1692-2 appropriates 0.84 cubic feet of water per second (cfs) to irrigate 59 acres located in the W 1/2 SW 1/4, S 1/2 SE 1/4 Section 17 and the N 1/2 SE 1/4 Section 20 from dry draws located in the SE 1/4 NW 1/4, SE 1/4 SE 1/4 Section 17 and the SW 1/4 SE 1/4 Section 20; all in T1S-R8E. An inspection of Permit No. 1692-2 found 3 dry draw dams (6.30 acre-feet total storage capacity) constructed and supplying 0.84 cfs, irrigating 59 acres. This application is to correct the location of the 1.75 acre-foot storage capacity dry draw dam (No. 3) in the SE 1/4 NW 1/4 Section 17. The correct location of the dam is the NW 1/4 SW 1/4 Section 17-T1S-R8E. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1692A-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1692A-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 28, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 28, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 28, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

April 1, 1992

NOTICE OF HEARING
ON APPLICATION NO. 1692A-2
TO APPROPRIATE WATER
AND TO AMEND WATER
PERMIT NO. 1692-2

Notice is given that John McMahon, HCR 19, Box 227, Hermosa, SD 57744 has filed an application for a water permit to specify the correct location of a point of diversion. Water Permit No. 1692-2 appropriates 0.84 cubic feet of water per second (cfs) to irrigate 59 acres located in the NW 1/4, SW 1/4, SE 1/4 Section 17 and the NW 1/4, SE 1/4 Section 20 from dry draws located in the SE 1/4, NW 1/4, SE 1/4 Section 17 and the NW 1/4, SE 1/4 Section 20, all in T15 R15E. An inspection of Permit No. 1692-2 found 3 dry draw dams (630 acre-foot total storage capacity) constructed and supplying 0.84 cfs, irrigating 59 acres. This application is to correct the location of the 1.75 acre foot storage capacity dry draw dam (No. 3) in the SE 1/4, NW 1/4 Section 17. The correct location of the dam is the NW 1/4, SW 1/4 Section 17-T15 R15E. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 45-72-2, the Chief Engineer recommends APPROVAL of Application No. 1692A-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-2522)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

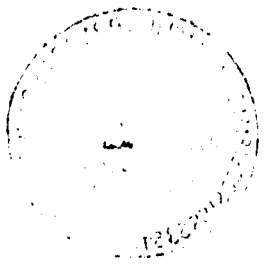
For purposes of publishing 1) the notice of hearing on Application No. 1692A-2 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for April 28, 1992, at 9:00 a.m. in Room 413 Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the April 28, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 28, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) deny, or 3) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-25.

These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 45-1-1 thru 45-1-9, 45-1-12 thru 45-1-16, 45-2-1, 45-2-2, 45-2-11, 45-2-13, 45-2-17, 45-2A-1 thru 45-2A-10, 45-2A-12, 45-2A-14, 45-2A-15, 45-3-1 thru 45-3-11, 45-3-12 thru 45-3-15, 45-3-24, 45-3-25, 45-3-26, 45-3-29, 45-3-30, 45-3-31, and Board Rules ARS 74.02:01:01 thru 74.02:01:15

Affidavit of Publication



STATE OF SOUTH DAKOTA

County of Pennington

I, Jerry L. Shoener, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for two successive weeks, the first publication thereof being on the 1st day of April, 1992, that the fees charged for the publication thereof are Sixty-three Dollars and nine cents.

Jerry L. Shoener

Subscribed and sworn to before me this 8th day of

April, 1992

Thomas Wickstrom
Notary Public.

Commission expires April 15, 1995

Permit No. 1692-2Water District: Rapid Creek

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

I have this day made a thorough examination of the water use system constructed by John and Robert McMahon of Rt 2, Box 15, Hermosa, SD 57744

holder of Permit No. 1692-2, bearing the priority date of January 11, 1980 authorizing a maximum diversion rate of 0.84 cu.ft. per second and use of up to 115 acre-feet of the waters of three dry draws for irrigation purposes, in Pennington County.

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

A. Works used to divert the water:

A Berkeley Pump, no tag, orange in color! maximum estimated output 600 gallons per minute

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

A total of 1300 feet of 4 inch Aluminum pipe.

C. Works used to apply water to beneficial use:

Gravity system of irrigation is used to apply water to the land.

The system is in the following condition: Good. The diversion points are located

#1: 1165 feet east, 1656 feet north from the southwest corner of Section 17 (NW1/4 SW1/4);

#2: 621 feet north, 1294 feet west from the southeast corner of Section 17 (SE1/4 SE1/4);

#3: 1190 feet north, 1475 feet west from the southeast corner of Section 20 (SW1/4 SE1/4),

all in T1S-R8E.

The works are capable of diverting and conveying to the place of use 1.3 cu.ft. per second of water and storing 6.30 acre feet of water which is to be used for irrigation purposes.

Water has been put to beneficial use to the maximum extent as follows:

All in T1S-R8ESection 17:

NW1/4 SW1/4 10.2 ac.

SW1/4 SW1/4 9.8 ac.

SE1/4 SE1/4 5.0 ac.

SW1/4 SE1/4 10.0 ac.

Section 20:

NE1/4 SE1/4 21.5 ac.

NW1/4 SE1/4 2.5 ac.

comprising a total of 59.0 acres of land and the license should be issued for 0.84 cfs.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: None

Date: 7/10/1991

M. Rassool Ahadi

M. RASSCOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

11692H-2

LICENSE FOR PERMIT NUMBER 1692-2

Dam No. 1 (new div. pt.)

1. Legal Location of Dams and Structures NW1/4 SW1/4 Section 17, T1S-R8E

2. Dam Information:

- | | |
|---|-----------------------------|
| a) height to crest <u>5</u> feet | m) Outlet tubes: |
| b) height to primary spillway <u>±</u> feet | 1) diameter <u>6</u> inches |
| c) height to secondary spillway <u>±</u> feet | 2) type <u>Galvanized</u> |
| d) crest width <u>6</u> feet | 3) valved (Y/N) <u>N</u> |
| e) crest length <u>70</u> feet | 4) valve type |
| f) spillway length <u>±</u> feet | 5) location on structure: |
| g) spillway width <u>±</u> feet | <u>Bottom</u> |
| h) approx. storage <u>1.75</u> AC-FT | n) Category of Dam <u>3</u> |
| i) approx. storage to crest <u>±</u> AC-FT | |
| j) date constructed <u>Unknown</u> | |
| k) inspection sheet completed? (Y/N) <u>N</u> | <u>±</u> See Remarks |
| l) name of contractor <u>Unknown</u> | |

- | Yes | No | Check Items |
|-------------------------------------|----|---|
| ☒ | | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| ☒ | | 2. Special qualifications to permit being abided by? |
| ☒ | | 3. All structures, wells and lands on map? |
| ☒ | | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| ☒ | | 5. Is chemigation used? |
| | | 6. If yes, does equipment comply with chemigation rules? |

REMARKS: The dam is a very small dam. Whenever water is needed for irrigation of land located in the W1/2 SW1/4 Section 17, boards are used to plug the pipe to backup water. There is no secondary spillway. New application is on file to cover this new diversion point.

1692A-2

LICENSE FOR PERMIT NUMBER 1692-2

Dam No. 2

1. Legal Location of Dams and Structures: SE1/4 SE1/4 Section 17, T1S-R2E

2. Dam Information:

- a) height to crest 3 feet
- b) height to primary spillway ± feet
- c) height to secondary spillway ± feet
- d) crest width 10 feet
- e) crest length 50 feet
- f) spillway length ± feet
- g) spillway width ± feet
- h) approx. storage 1.05 AC-FT
- i) approx. storage to crest ± AC-FT
- j) date constructed Unknown
- k) inspection sheet completed? (Y/N) N
- l) name of contractor Unknown
- m) Outlet tubes: None
- 1) diameter inches
- 2) type
- 3) valved (Y/N)
- 4) valve type
- 5) location on structure:
- n) Category of Dam 3
- ± See Remarks

- | Yes | No | Check Items |
|----------|----|---|
| <u>X</u> | | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| <u>X</u> | | 2. Special qualifications to permit being abided by? |
| <u>X</u> | | 3. All structures, wells and lands on map? |
| <u>X</u> | | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| <u>X</u> | | 5. Is chemigation used? |
| | | 6. If yes, does equipment comply with chemigation rules? |

REMARKS: The dam (plug) is used to backup water for irrigation of land located in the S1/2 SE1/4 Section 17. The dam is also used for domestic use. There is no secondary spillway.

L

169211-2

LICENSE FOR PERMIT NUMBER 1692-2

Dam No. 3

1. Legal location of Dams and Structure: SW1/4 SE1/4 Section 20, T1S-R6E

Pump a) make Berkeley

Motor a) make Tractor

b) model No Tag

b) model no.

c) size 3 inch

c) horsepower rating 45

d) capacity * GPM

d) serial no.

e) turbine pump - no. of stages

f) operating PSI

2. Distribution lines or canals

* See Remarks

a) size 4 inches

b) type Aluminum

c) length 1300 feet

3. Dam Information:

a) height to crest 10 feet

m) Outlet tubes:

b) height to primary spillway * feet

1) diameter 10 inches

c) height to secondary spillway * feet

2) type Polyvinyl Chloride

d) crest width 12 feet

3) valved (Y/N) N

e) crest length 55 feet

4) valve type

f) spillway length * feet

5) location on structure:

g) spillway width * feet

Bottom

h) approx. storage 3.5 AC-FT

n) Category of Dam 3

i) approx. storage to crest * AC-FT

j) date constructed Unknown

k) inspection sheet completed? (Y/N) N

l) name of contractor Unknown

Indicate any other permit(s) which are associated with project

Yes No Check Items

- X 1. Soil and water permit lands agree with lands being irrigated
 and lands listed on permit?
- X 2. Special qualifications to permit being abided by?
- X 3. All structures, wells and lands on map?
- X 4. Irrigation Questionnaires checked to determine if permit
 owner started irrigation by end of construction period?
- X 5. Is chemigation used?
6. If yes, does equipment comply with chemigation rules?

REMARKS: This dam is smaller than the one in original application. Whenever water is needed for irrigation of land located in the N1/2 SE1/4 Section 20, boards are used to plug the outlet pipe. The water is then pumped on the land. The owner does not know exact capacity of the pump. He believes it may have a maximum capacity of 600 gallons per minute.

L

South Dakota

1692A-2

GREAT FACES. GREAT PLACES.

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

September 10, 1991

John McMahon
Rt 2, Box 15
Hermosa, SD 57744

Dear Mr. McMahon:

Recently, I inspected your Water Permit No. 1692-2. The inspection showed that you had changed the location of one of the dams, authorized under Water Permit No. 1692-2, from the SE1/4 NW1/4 to the NW1/4 SW1/4 Section 17, T1S-R8E. Since you have changed the location of the dam over 660 feet, the South Dakota Codified Law requires you to obtain a permit for the new diversion point.

Enclosed, I have sent you partially completed application forms. Please review the application forms for accuracy, complete the forms, sign and notarize them (wherever is required), and return the forms to our office with \$50.00 filing fee. A map is also required to show the location of the dam. The map, as stated in the enclosed instruction sheet, must be signed by a qualified person.

If you have any questions, please do not hesitate to contact me.

Sincerely,

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer
Phone: (605) 773-3352

enclosures

South Dakota

1692H-2

GREAT LACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 1992

John McMahon
Rt 2, Box 15
Hermosa, SD 57744

Dear Mr. McMahon:

I am writing in response to our discussion in my office the other day regarding the need for you to apply for a change of diversion point for one of your dams authorized by Water Permit No. 1692-2. At the time of your visit I was unable to find your file; however, since that time I have found the file. I am enclosing the letter Rassool Ahadi sent you in regards to needing to amend your permit and a copy of a partially completed application.

I sat down and discussed your permit with Mr. Ahadi and we feel that if you sign the enclosed application, have it properly notarized and submit the necessary \$50 application filing fee that the application would be complete. Rassool Ahadi will prepare the map of the area based on his inspection which is necessary to complete the application.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

DATE 11/01/92
CAMERA OPERATOR



1692A-2

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

March 30, 1992

John McMahon
HCR 89 Box 227
Hermosa, SD 57744

RE: Water Permit Application No. 1692A-2

Dear Mr. McMahon:

Enclosed please find a copy of the report and recommendation in regard to the above-referenced matter.

If you have any questions, please feel free to call.

Sincerely,

Jaci R Konop
Water Rights Division
(605) 773-3352

Enclosure



1692H-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 7 1992

John McMahon
HCR 89 Box 227
Hermosa, SD 57544

Dear Mr. McMahon:

Enclosed is Water Permit No. 1692A-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413366

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierce, _____ August 11, 19 92

RECEIVED OF John McMahon, RCR 89 Box 227, Vermosa, SD 57744
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>1692A-6</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
Chief Engineer
JOHN HATCH

South Dakota

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 24 1992

1692A-2

John McMahon
HCR 89, Box 227
Hermosa, SD 57744

Dear Mr. McMahon:

Enclosed is Water License No. 1692A-2 and Receipt No. 413366 for \$50.00 which you paid for an inspection and issuance of the license. Water License No. 1692A-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

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

enclosures

NOTE: The applicable portions of Water Permit No. 1692-2 have been incorporated into this Water License No. 1692A-2.

RECEIPT

Division of Water Rights South Dakota Department of Water and Natural Resources

Pierre, _____ February 27, 19 92

RECEIVED OF John McElahon, Rt 2, Box 15, Hermosa, SD 57744

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

Fee for Application for Permit No. 16824-2 to Appropriate Water, to construct works and to put water to beneficial use _____

50 00

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

John McElahon
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2004

1692A-2

John McMahon
23801 S Hwy 79
Hermosa SD 57744

Dear Mr. McMahon

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to HCR 89 Box 227, Hermosa, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1692A-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 24, 2014

NOTICE

TO: JOHN MCMAHON, 23801 S HWY 79, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1692A-2. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1692A-2 qualification:

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

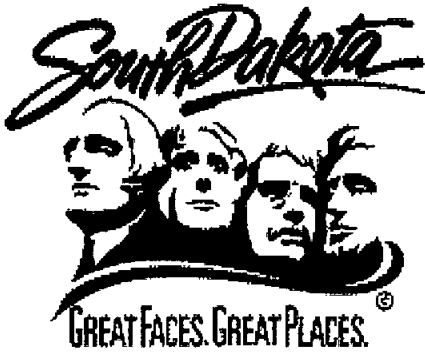
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1692A-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 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2014

1692A-2

John McMahon
23801 S Hwy 79
Hermosa SD 57744

Dear Mr. McMahon:

I am writing to acknowledge receipt of the information for your 2013 irrigation questionnaire. I completed a questionnaire for you based on our February 4th telephone conversation.

You may disregard the January 24, 2014 "Notice" concerning reporting requirements for Water Permit No. 1692A-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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1692A-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JOHN MCMAHON, 23801 S HWY 79, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1692A-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 1692A-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 4, 2015** 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) 1692A-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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 22, 2015

1692A-2

John McMahon
23801 S Hwy 79
Hermosa SD 57744

Dear Mr. McMahon:

Thank you for calling in about your 2014 irrigation questionnaire. I completed a questionnaire for you based on our phone conversation. The form indicates no pumping occurred in 2014 due to sufficient moisture.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 1692A-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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1692A-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: JOHN MCMAHON, 23801 S HWY 79, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1692A-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(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) 1692A-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 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1692A-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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



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DATE & TIME	STATUS OF ITEM	LOCATION
February 10, 2017 , 1:26 pm	Delivered, Individual Picked Up at Post Office	HERMOSA, SD 57744

Your item was picked up at the post office at 1:26 pm on February 10, 2017 in HERMOSA, SD 57744.

January 31, 2017 , 11:06 am	Available for Pickup	HERMOSA, SD 57744
January 23, 2017 , 10:14 am	Notice Left (No Secure Location Available)	HERMOSA, SD 57744
January 23, 2017 , 8:50 am	Available for Pickup	HERMOSA, SD 57744
January 23, 2017 , 8:50 am	Arrived at Unit	HERMOSA, SD 57744
January 23, 2017 , 2:26 am	Departed USPS Origin Facility	RAPID CITY, SD 57701
January 21, 2017 , 11:19 pm	Arrived at USPS Origin Facility	RAPID CITY, SD 57701
January 20, 2017 , 9:19 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 20, 2017 , 6:33 pm	Departed Post Office	PIERRE, SD 57501
January 20, 2017 , 2:16 pm	Acceptance	PIERRE, SD 57501

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

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☐ Return Receipt (electronic) \$
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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JOHN MCMAHON
23801 S HWY 79
HERMOSA SD 57744



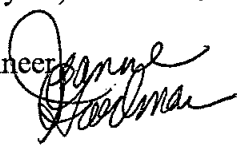
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 2017

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: John McMahon, 23801 S Hwy 79, Hermosa SD 57744

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 1692A-2

On March 1, 2017, the Water Management Board ordered:

Effective April 1, 2017, Water Right No. 1692A-2 be suspended for the 2017 irrigation season for failure to submit the 2016 irrigation questionnaire.

If the 2016 irrigation questionnaire is received prior to April 1, 2017, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2017 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2017 unless the 2016 irrigation questionnaire is submitted by April 1st.

After April 1st, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2016 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 10-11, 2017, in Pierre, SD. The letter should include your reasons for not completing the 2016 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED

CERTIFIED MAIL™



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\$ 03.81⁰

JOHN MCMAHON
23801 S HWY 79
HERMOSA SD 57744

3-5
8
18

NIXIE 553 DE 1 0003/23/17

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5774495500
57501-3182

EE: 57501318299 *2878-03303-23-23



1692A-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 28, 2017

NOTICE

TO: John McMahon, 23801 S Hwy 79, Hermosa SD 57744

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

SUBJECT: Unclaimed Certified Mail Concerning Suspension of Water Right No. 1692A-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed".

The envelope indicated the post office notified you March 5th and March 8th to pick up and sign for the certified mail and allowed you to claim the notice up until March 23rd before returning it to our program.

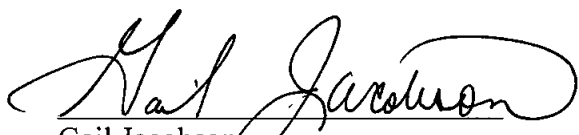
If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on March 28, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 28, 2017 regarding unclaimed certified mail concerning suspension addressed as stated below:

Water Right No. 1692A-2 John McMahon, 23801 S Hwy 79, Hermosa SD 57744

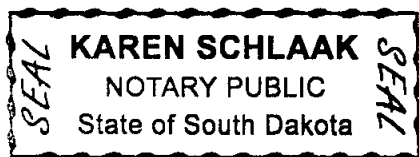
Water Right No. 7005-3 Troy Randall, Randall Enterprise LLC, 24250 479th Ave, Dell Rapids SD 57022


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of March, 2017.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



1692A-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: ED MCMAHON, MGR, 23805 S HWY 79, HERMOSA, SD 57744

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) 1692A-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) 1692A-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) 1692A-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: GVGEXH**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 24, 2022

1692A-2

Ed McMahon
23805 S Hwy 79
Hermosa SD 57744

Dear Mr. McMahon:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire. You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1692A-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

An additional item for you to take care of would be the ownership change for the water right. It is still listed under John's name. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure

1692A-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

(emailed)
June 30, 2021

1692A-2

Ed McMahon
23805 S Hwy 79
Hermosa SD 57744

Dear Mr. McMahon:

Enclosed as we discussed is a copy of Water Right No. 1692A-2 listed under John McMahon.

Also included is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

During our phone conversation I mentioned the annual irrigation questionnaire. The form is mailed out in mid-October and is due back by the first week in December. Please keep track of any pumping that occurs during the irrigation season. If you can keep track of how many total hours each month you pumped, that is basically all we need (hours pumped, pump rate and acres irrigated).

Thank you in advance for helping update the water right. If you have questions, please give me a call.

Sincerely,

Genny McMath
Water Rights Program
Main phone # 605 773-3352
Desk phone # 605 773-5455
Genny.mcmath@state.sd.us

enclosures



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

January 20, 2023

NOTICE

TO: ED MCMAHON, MGR, 23805 S HWY 79, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1692A-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(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) 1692A-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 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1692A-2 in accordance with applicable provisions of SDCL 46-1-12;
Based on a previous violation, the recommendation to the Board will be for a three year suspension.
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OJGHCV**

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.

Tracking Number:

70201810000098485825

Copy Add to Informed Delivery
(<https://informedelivery.usps.com/>)

7020 1810 0000 9848 5825

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total \$	
Sen	ED MCMAHON, MGR
Stre	23805 S HWY 79
City	HERMOSA SD 57744
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Latest Update

Your item could not be delivered on February 9, 2023 at 1:23 pm in HERMOSA, SD 57744. It was held for the required number of days and is being returned to the sender.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Alert

Unclaimed/Being Returned to Sender

HERMOSA, SD 57744

February 9, 2023, 1:23 pm

Reminder to Schedule Redelivery of your item

January 29, 2023

Notice Left (No Authorized Recipient Available)

HERMOSA, SD 57744

January 24, 2023, 9:36 am

Departed USPS Regional Facility

RAPID CITY SD DISTRIBUTION CENTER

January 23, 2023, 12:41 am

In Transit to Next Facility

January 22, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

1692A-2

February 15, 2023

NOTICE

TO: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 1692A-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "unclaimed". The envelope indicated the post office notified you January 22nd and January 29th to pick up and sign for the certified mail.

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

1692A-2

CERTIFICATION

I hereby certify that on February 15, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 15, 2023 regarding Unclaimed Certified Mail to the Water Right/Permit Holders addressed as stated below:

No. 1692A-2: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

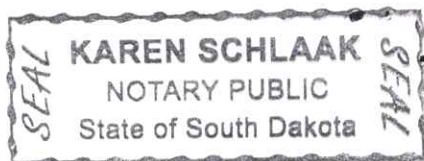
Vickie Maberry

Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of February, 20 23.

Karen Schlaak
Karen Schlaak Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2023

NOTICE OF ENTRY OF ORDER OF THREE-YEAR SUSPENSION OF WATER RIGHT

TO: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

FROM: Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Right No. 1692A-2

On March 8, 2023, the Water Management Board ordered:

That effective April 8, 2023, Water Right No. 1692A-2 be suspended for the 2023, 2024 and 2025 irrigation seasons for failure to submit your 2022 irrigation questionnaire.

If the 2022 irrigation questionnaire is received prior to April 8, 2023, the suspension will not take effect.

Suspension means water may not be pumped during the 2023, 2024 and 2025 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 8, 2023.

After April 8th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2022 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3-4, 2023, in Pierre, SD. The letter should include your reasons for not completing the 2022 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

CERTIFICATION

I hereby certify that on March 8, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelopes containing a "Notice" dated March 8, 2023, concerning Board action to amend, suspend or cancel water rights/permits to the following:

One-year suspensions:

1970-1: Russ Grover, Supt., Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785
 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:
David Ulvestad, 46720 201st St., Bruce SD 57220
Darwin Ulvestad, 46679 201st St, Bruce SD 57220

1252-1: Robert or Jennifer Weyrich, 6545 Dunsmore Rd, Rapid City SD 57702-7027

Three-year suspensions:

577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758

6291-3: Jason Ramsdell, 23086 SD Hwy 13, Flandreau SD 57028
Flandreau Park Golf Club, 48250 230th St, Flandreau SD 57028

1692A-2: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

Cancellations:

495-2: Harlan Eisenbraun, PO Box 416, Wall SD 57790
618-2: Joel Soderquist, Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd,
Wasta SD 57791 6001

Amendment:

1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

Gerry McOrath

Genny McMath
Water Rights Program

[illegible]

Sworn to, before me, this 9th day of March, 2023.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025

