



No. 1857-2
 Map No. 1857-2 Water Division No. 2 MISSOURI RIVER District
 Above for Office Use 10140101

**APPLICATION FOR PERMIT
 To Appropriate Water within the State of South Dakota**

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage XX From Permit #1310-2 Additional Acreage _____

1. Name of Applicant Clark C Horn Phone No. 775-2889
 Post Office Address Route 2 Box 2 Burke South Dakota 57523
 (Street, RR, or Box) (Town) State (Zip Code)
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
 3. Name of diversion work Horn #1
 4. Amount of water claimed (cubic feet per second) 0.17 cfs (no add'l)
 5. Source of water supply irrigation well & dugout (see#1510-2)
 6. Location of point of diversion NW¼ NW¼ Section 26-97-72

County Gregory
 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 12

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.
<u>NE¼ NW¼ 26-97-72</u>	<u>5</u>		
<u>NW¼ NW¼ 26-97-72</u>	<u>7</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
 11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Burke Gazette
 12. Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source.
irrigation well & dugout
 B. Works proposed to transport water to place of use.
pipeline
 C. Works proposed to apply water to beneficial use.
towline

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
 County of Gregory) ss.

I, Clark C. Horn 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 Clark C Horn
 Subscribed and sworn to before me this 19th day of September, 19 83
Bernice Jansen
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1857-2

Clark C. Horn

(Applicant)

RT. 2 Box 2

Burke

(Post Office Address)

South Dakota

(State)

57523

With the following qualifications.

The irrigation well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application

September 22, 1983

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

—, 19—

Date of receipt of corrected application

—, 19—

Approved

February 15

, 1984

Recorded in Book

—

Page

—

WATER RIGHT PERMIT NO. 1857-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1857-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is

May 6, 1980

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

August 15, 1986

3. The whole of said work is to be completed on or before

February 15, 1989

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is

February 15, 1993

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 no add'l 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 irrigation purposes said appropriation must be limited to not more than 2 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

February 15, 1993

annual period:

April 1 Thru October 31

Witness my hand this

14th

day of

March

, 1984

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued

, 19

Water License Issued

, 19

MAP Map No. 1857-2 Map located in Water Right _____ Map file _____
 Type of Map aerial Prepared by Tim Schaal

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

10/12/83

Betty Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____

OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC.

Remarks _____

1. Considered: Feb. 15, 1984 Water Right No. 1857-2
2. Name of Applicant CLARK HORN
3. Post Office Address RR 2, Box 2, Burke, SD 57523
4. Amount of Water Claimed no add'l maximum acre feet
5. Source of Water Supply existing 78' well on permit 1510-2 & dugout
6. Water to be used for Irr acres to be irrigated 12
7. County Gregory about 2 miles west of Burke
8. PROOF OF PUBLICATION: Received 1-27-84 Not Received
- APPLICATION: Approved Feb. 15, 1984 Subject to
- Not Approved Action Deferred

PRIORITY 5-6-80 Dated Received 9-22-83 Application complete-yes ☒ no FEE 50.00

Remarks permit to transfer 12 acres from NE¹/₄ Sec 27 on permit 1510-2
to N¹/₂ NW¹/₄

Corrected Application received Period of Annual Use 4/1 to 10/31

WATER QUALITY Received yes 9/13/83 no APPROVED / CONDITIONAL (Circle one)

WI-1 Description same as application-yes ☒ no Remarks

Disapproved Returned

*					
☐					

Diversion Point groundwater

NW¹/₄ NW¹/₄ Section 26-T97N-R72W

Land to be irrigated

N¹/₂ NW¹/₄ Section 26-T97N-R72W

WELL LOG Driller Licensed - yes no

Depth

Remarks

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4096

WR#

OWNERS NAME: Clark Horn

OWNERS ADDRESS: RR2 Box 2 Burke, S.D.

COUNTY LAND LOCATED IN: Gregory

PHONE: 775-2889

TENANT'S NAME AND ADDRESS: Clark Horn Burke, S.D.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: NE 1/4, NW 1/4, NW 1/4, Sec. 26, 97 72

Depth: 75 ft.

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location:

Legal Description	Acres	Legal Description	Acres
NE 1/4 NW 1/4 26-97-72	5		
NW 1/4 NW 1/4 26-97-72	7		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1979

LEGAL DESCRIPTION: E 1/2, N 1/2 SW 1/4, SE 1/4 SW 1/4, S 1/2 NW 1/4, Section 27, T97N, R2E

IN WHAT NAME: Elmer K. Horn transferred to Clark C. Horn

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: ☒ CENTER PIVOT: GUN: OTHER: (Specify)

6. CROPS TO BE IRRIGATED: Corn

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 7C-551

10. ADJUSTED (SAR):

8. SALINITY (EC X 10⁶): 467

11. PERCENT SODIUM 14.11

9. SODIUM (SAR): 0.50

Previously submitted



I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

13th DAY OF July, 1983.

(NOTARY PUBLIC)

Clark C. Horn
APPLICANT'S SIGNATURE

Paul M. Foyt
Director, Division of Conservation

Date

☒ APPROVED

☐ DISAPPROVED

☐ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

STRAIGHT APPROVAL

#4046

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Clark Horn

LEGAL DESCRIPTION: NE $\frac{1}{4}$ NW $\frac{1}{4}$ 26-97-72 = 5 & NW $\frac{1}{4}$ NW $\frac{1}{4}$ 26-97-72 = 7

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:



RECOMMENDED MANAGEMENT:

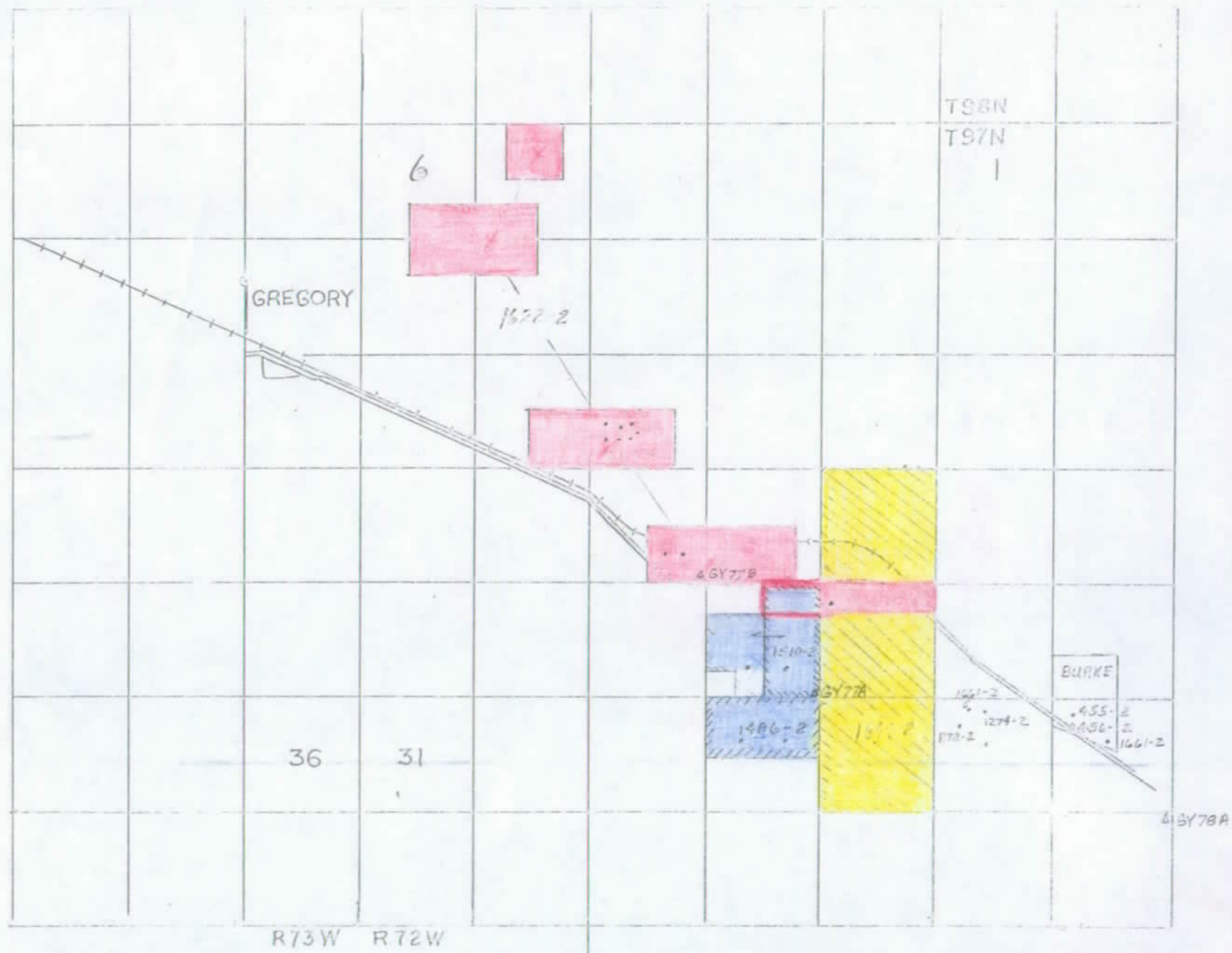
SA - Forsee no problems with good management.

Special consideration should be given to the small areas of Scott and Mosher which may become excessively wet.

We also recommend the use of conservation tillage to controll runoff and soil loss due to wind erosion.

Clark M. Fogle
SIGNATURE

9-8-83
DATE



1660-2, City of Burke

Application is for 2.14 cfs in a future use area with the following land descriptions: Section 23, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Section 26, Section 35, T97N, R72W. The staff recommends that the Commission approve this application but limit the land area to the S $\frac{1}{2}$ Section 26 and Section 35, T97N, R72W, also before any construction can commence a water right must be obtained for a specific project.

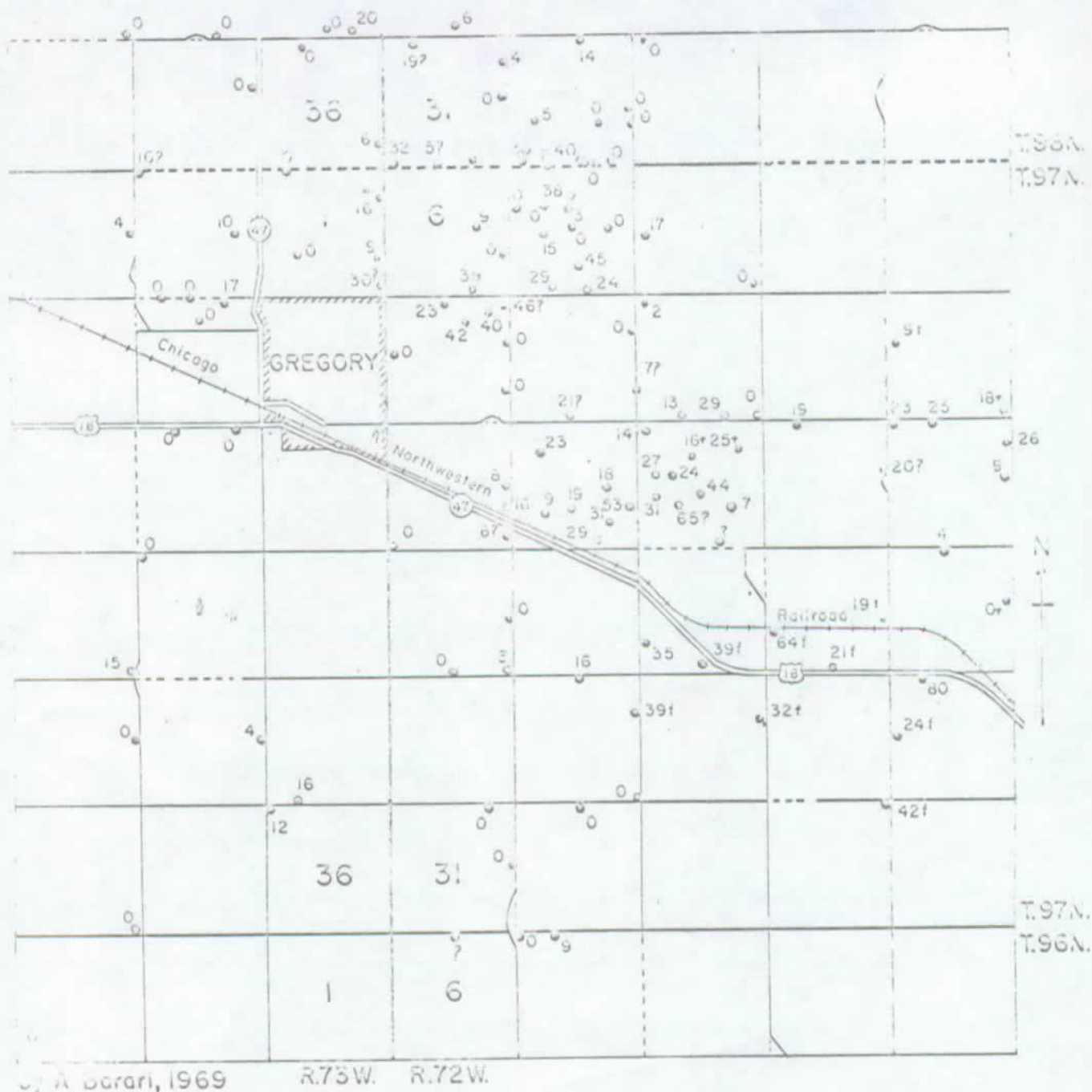
1661-2, City of Burke

Application is for municipal use of groundwater from SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T97N, R71W and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T97N, R72W with a combined diversion rate of 0.56 cfs. The staff recommends approval of 1661-2 with the following conditions:

The wells approved under this permit will be located near domestic wells and irrigation wells which may obtain water from the same aquifer. The well owner, under this permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Respectfully submitted to the Water Rights Commission for consideration at the May 1979 meeting.

GALE N. SELKEN, Hydrologist
Water Rights Commission



by A. Barari, 1969

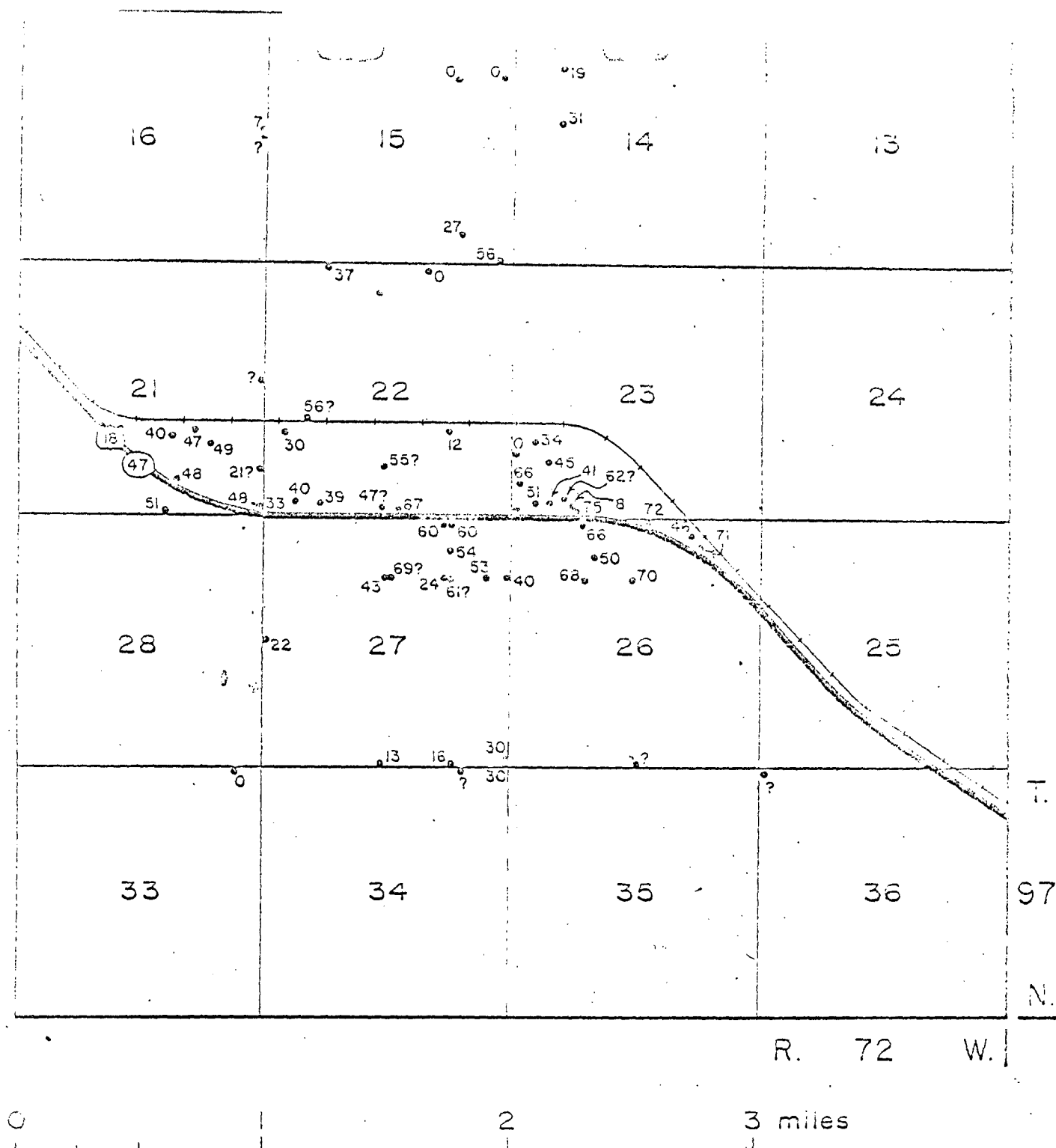
R.73W. R.72W.

SCALE
0 1/2 1 2 3 miles

EXPLANATION

- 30 Test hole showing thickness of saturated sand.
- 241 Saturated thickness of fine sand.

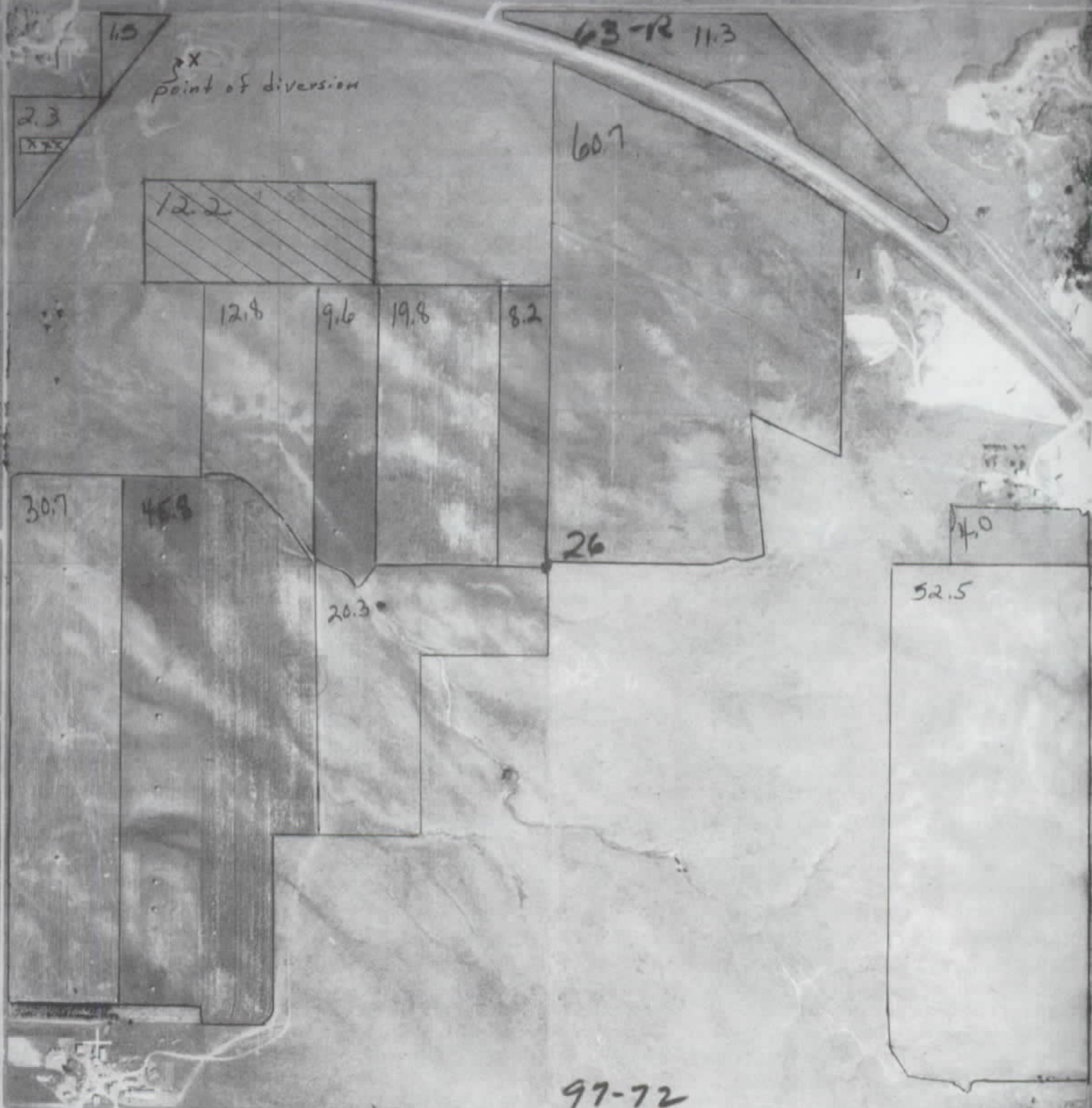
Figure 5. Map showing thickness of saturated sand in the Gregory area.



56. Test hole - number indicates thickness of saturated sand, in feet.

Figure 3. Map showing approximate thickness of saturated sand in the Gregory area.

NOT TO SCALE



Timothy A. Schaaf
September 6, 1983

MAP & APPL # 1857-2

Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 ● Pierre, South Dakota 57501
Phone 605/773-3258

July 20, 1983

Clark Horn
RR. 2, Box 2
Burke, SD 5757523

Dear Mr. Horn:

In reviewing your soil and water compatibility application for NE $\frac{1}{4}$ NW $\frac{1}{4}$ 26 & NW $\frac{1}{4}$ NW $\frac{1}{4}$ 26-97-72 = 12 acres, the irrigation staff is recommending a Straight Approval of your application to the State Conservation Commission at their September 8, 1983 meeting. The Straight approval recommendation was made because we foresee no problems with good management.

The management recommendations are as follows:

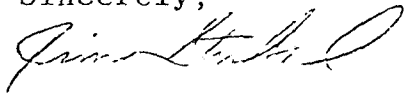
MANAGEMENT RECOMMENDATIONS:

That special considerations be given to the small areas of Scott and Mosher which may become excessively wet.

We also recommend the use of conservation tillage to control runoff and soil loss due to wind erosion.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,



Jim Stukel
Irrigation Program Director

cf





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

July 12, 1983

Clark C Horn
Burke,
South Dakota 57523

Dear Mr. Horn:

Enclosed are several forms which need to be processed in order to bring your irrigation permit into compliance.

The Notice of Transfer of Water Permit No. 1510-2 must be signed before a Notary Public and returned with a filing fee of \$2.50.

The Application for Extension of Time for Permit No. 1510-2 must be signed and returned with a \$2.50 filing fee also. It will be brought before the Water Management Board for consideration at the October 5, 1983 meeting.

The Application for Permit must be signed before a Notary Public. An instruction sheet is enclosed. You do not need to send a map of Section 26-97-72 however, you will need to contact the State Conservation Commission for water quality approval. The cost of your new permit will be \$50.00.

Please return each of the forms with a total of \$55.00 and further processing will proceed.

Sincerely,

TIMOTHY G SCHAAL
Water Resources Engineer

TGS:ks

enclosures

cc: Conservation Commission

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9302

PIERRE, July 29, 1983

RECEIVED OF Clark Horn, Route #2, Box 2, Burke, SD 57523

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

Fee for Application for Permit to Appropriate Water No. 1857-2 (examination, processing, recording and filing)	50	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Conversation or File Documentation

NAME OF PERSON OR FILE: Clark Horn
ADDRESS: RR 2, Box 2, Burke, SD COUNTY Gregory
DATE: Sept 15, 1983 TELEPHONE _____
RE: Transfer of Permit No. 1510-2

COMMENTS:

Mr. Horn said he did not need transfer form for this Permit - Permit is for Sec 27 - Clark Horn only owns land in Section 26.

He already paid fee -
talk to Tim on how to go about refunding \$2.50 -
or maybe applying it to license fee.

Talked to him 9-29-83 he said
he would send the transfer form in
a couple days.

Tim

Extension of time form received Sept. 22, 1983

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

NAME: Beaulieu

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412334

Pierre, _____ October 23, 19 91

RECEIVED OF Clark or Mary Horn, Rt 2, Box 2, Burke, SD 57523

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1857-2</u>	50	00
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 Hatch (Signature)
Chief Engineer

REPORT ON PERMIT APPLICATION NO. 1857-2

CLARK HORN

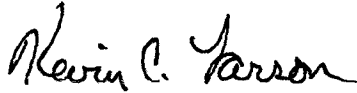
December 22, 1983

Permit Application No. 1857-2 proposes to transfer 12 acres from the NE $\frac{1}{4}$ Section 27, T97N, R72W authorized under Permit No. 1510-2 to the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, T97N, R72W. This application is for a change in lands only and does not propose to add any more acreage or appropriate any additional water than that authorized under Permit No. 1510-2.

Conclusions and Recommendations

Water is available for this application. Soil/water compatibility approval has been received.

Staff recommends approval with the well interference qualification.

A handwritten signature in black ink, reading "Kevin C. Larson". The signature is written in a cursive style with a large initial 'K'.

KEVIN C LARSON
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1857-2, Clark C Horn

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1857-2, Clark C Horn, Route 2, Box 2, Burke SD.

The Chief Engineer is recommending APPROVAL of Application No. 1857-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

The attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
December 27, 1983

Instruction to Newspaper - Publish first publication of the following Notice on or before January 4, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1857-2 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. 1510-2

Notice is hereby given that Clark C. Horn whose mailing address is
Route #2, Box 2, Burke, South Dakota has made an application for a permit
to amend Permit No. 1510-2 and transfer 12 developed acres from the NE $\frac{1}{4}$, Section 27,
Twp-97N, Range 72W to the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 26, Twp-97N, Range 72 W thereby abandoning
an original 12 acres with no additional diversion.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
Approval of Application No. 1857-3 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense
Room, Basement, Capitol Building, Pierre, SD, February 15 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with BOTH the Applicant and the Chief Engineer by February 3, 1984.
The petition may be informal, but it must include a statement describing the petitioners
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal
counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24,
46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands)
~~46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.4; and Board Rules ARSD~~
~~74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA)~~
~~74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the handicapped can contact the
Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance
prior to the hearing date. The time of the hearing will be automatically extended for
at least twenty days upon written request of the applicant or any person who has filed
a petition to oppose or support the application. The request for extension must be filed
with the Chief Engineer by February 3, 1984.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Gregory)

I, C. J. Fahrenbacher hereby

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

Water was taken from the Burke Gazette

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

St. City of Burke Dakota

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

Wednesday, Jan. 4, 1984

Wednesday, Jan. 11, 1984


(Signature)

Publisher

(Title)

Jan. 25, 1984

(Date Signed)

Cost of Printing: 35.58

NOTICE OF HEARING

NOTICE OF HEARING on
Application No. 1857-2 to Approp-
riate Water and to Amend
Water Permit No. 1510-2. Notice
is hereby given that Clark C.
Horn whose mailing address is
Route #2, Box 2, Burke, South
Dakota has made an application
for a permit to amend Permit No.
1510-2 and transfer 12 developed
acres from the NE $\frac{1}{4}$, Section 27,
Twp-97N, Range 72W to the
N $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Twp-97N,
Range 72 W thereby abandoning
an original 12 acres with no
additional diversion.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends Ap-
proval of Application No. 1857-3
because 1) unappropriated water
is available, 2) will be no unlawful
impairment of existing rights, 3)
is beneficial use of water and 4) is
in the public interest.

This application will be con-
sidered by the Water Manage-
ment Board at the Civil Defense
Room, Basement, Capitol
Building, Pierre, SD, February 15
1984 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this application
after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested
person who may be affected by a
Board decision and who intends
to participate in the hearing
before the Board and present
evidence or cross-examine wit-
nesses according to SDCL 1-26,
must file a written petition with
BOTH the Applicant and the
Chief Engineer by February 3,
1984. The petition may be
informal, but it must include a
statement describing the
petitioners interest in the appli-
cation, the reason for the
Petitioner's opposition to or
support of the application, and
the signature and mailing address
of the petitioner or his legal
counsel if legal counsel is
obtained. The applicant need not
file a petition.

This application is made
pursuant to the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9,
46-2-11, 46-2-13, 46-2-17, 46-5-1
thru 46-5-16, 46-5-24, 46-5-25,
46-5-30.2, 46-5-31, 46-2A-1 thru
46-2A-10, 46-2A-12; 46-6-3, 46-6-
3.1, 46-6-6.1, 46-6-10, 46-6-13,
46-6-14; and Board Rules ARSD
74:02:01:01 thru 74:02:02:15.



This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNRR, Joe Foss Bldg, Pierre SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 3, 1984.

Pub. Jan 4-11

(103)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

1857-2

March 15, 1984

Clark C. Horn
Route #2, Box #2
Burke, South Dakota 57523

Dear Mr. Horn:

Enclosed herewith is your Water Permit No. 1857-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1857-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

Conversation or File Documentation

NAME OF PERSON OR FILE: Clark HornADDRESS: Rt. 2, Box #2 Burke, SD 57523 COUNTY GregoryDATE: August 28, 1989 TELEPHONE _____

RE: _____

COMMENTS:

In 1983 I made an inspection of Water Permit No. 1510-2. Mr. Horn had only developed 1 well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26-T97N-R72W and 12.2 acres of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26. The irrigated land was not covered under Permit No. 1510-2, so Mr. Horn made another application (No. 1857-2) and also applied for an extension of time to develop Permit No. 1510-2. On August 29, 1989, I made an inspection of Water Permits No 1510-2 & 1857-2. There has been no further development on Permit No. 1510-2. Since Permit No. 1857-2 was approved for no additional water, the well covered under Permit No. 1510-2 should be incorporated into Permit No. 1857-2.

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

Water Rights Division - DWNR
Conversation or File Documentation

File No. 1510-2
1857-2

NAME OF PERSON OR FILE: Clark Horn

ADDRESS: Rt. 2 Box #2 Burke SD 57523 COUNTY Gregory

DATE: August 28, 1989 TELEPHONE 775-2889

RE: _____

COMMENTS:

On August 24, 1989, I talked to Clark Horn about a complaint we received from the City of Burke that he was applying fertilizer through his irrigation system and not reporting it on his I.Q. He does not apply fertilizer through his system. He did have a new well drilled in June by Hatmacher Drilling for his household use because he was having nitrate problems with his old well. He thought this could have caused some rumors. I also talked to Rich Bailey from the City.

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

NAME: Ann Schaal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 6, 1991

1857-2

Clark C Horn
RR 2 Box 2
Burke, SD 57523

Dear Mr. Horn:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1857-2 and 1510-2, was completed in August of 1989. The Water License can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Clark C Horn
RR 2 Box 2
Burke SD 57523

4. Article Number

P 694 059 397

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X Mary R. Horn

6. Signature - Agent

X

7. Date of Delivery

10-16-91

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 1991

SECOND NOTICE

Permit No. 1857-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Clark C Horn
RR 2, Box 2
Burke SD 57523

Dear Mr. Horn:

August 6, 1991 you were notified the final inspection fee of \$50.00 is due before Water License No. 1857-2 can be issued. 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 46-2-13(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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Clark Horn
_____ of Rt. 2 Box #2, Burke SD 57523 holder of
Permit No. 1857-2, bearing the priority of May 6 19 80 authorizing
the diversion of 0.17 cu. ft. per second of the waters of irrigation well & dugout
for Irrigation purposes, in Gregory County.

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

A. Works used to divert the water: A 3 inch Grundfos Submersible 5HP pump

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

Approx. 1200 ft. of 4 inch Aluminum pipe

C. Works used to apply water to beneficial use:

Approx. 480 ft. towline with Rainbird sprinklersThe system is in the following condition GoodThe point of diversion is located 925 feet East & 165 feet South of the NW
Corner Sec. 26-T97N-R72W (NW 1/4 NW 1/4) (Well & Dugout)The works are capable of diverting and conveying to the place of use 0.17 cfs
cu. ft. per second of water which is to be used for Irrigation

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

7.1 Acres NW 1/4 NW 1/4 Sec. 26-T97N-R72W5.1 Acres NE 1/4 NW 1/4 Sec 26-T97N-R72Wcomprising a total of 12.2 acres of land and the license should be issued for 0.17 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date August 28, 1989

(signature)

LICENSE FOR PERMIT NUMBER 1857-2

1. Legal location of wells: ^{1/2 Dugout} 925 feet East & 165 feet South from
the NW Corner Sec. 26-T91N-R72W (NE1/4 NW1/4 NW1/4)
dams & structures: _____

2. Well Information: Well Drilling Firm Oliver Well Drilling

Completion Report Yes ___ No ___ No. of Wells 1 Depth 75 ft.
Casing a) diameter 2 ft Screen a) type 10 ft length - Porous concrete
b) length 75 ft. b) length _____
c) type Cement Static Water Level 5 ft
Pump a) make Grundfos - Submersible Motor a) make _____
b) model 5 HP b) model No. _____
c) size 3 inch c) horsepower rating _____
d) capacity 97 gpm
e) turbine pump - no. of stages _____
f) operating PSI _____

3. Distribution lines or canals

a) size 4 inch
b) type Aluminum
c) length ≅ 1200 ft.

Dugout - Approx 120' x 60' &
20 deep

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length 480 feet
- 2) make, model & number of
sprinklers Rainbird
- 3) spacing of sprinklers ≈ 35 ft
- 4) nozzle size 1 1/4" ; 1 3/4"

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

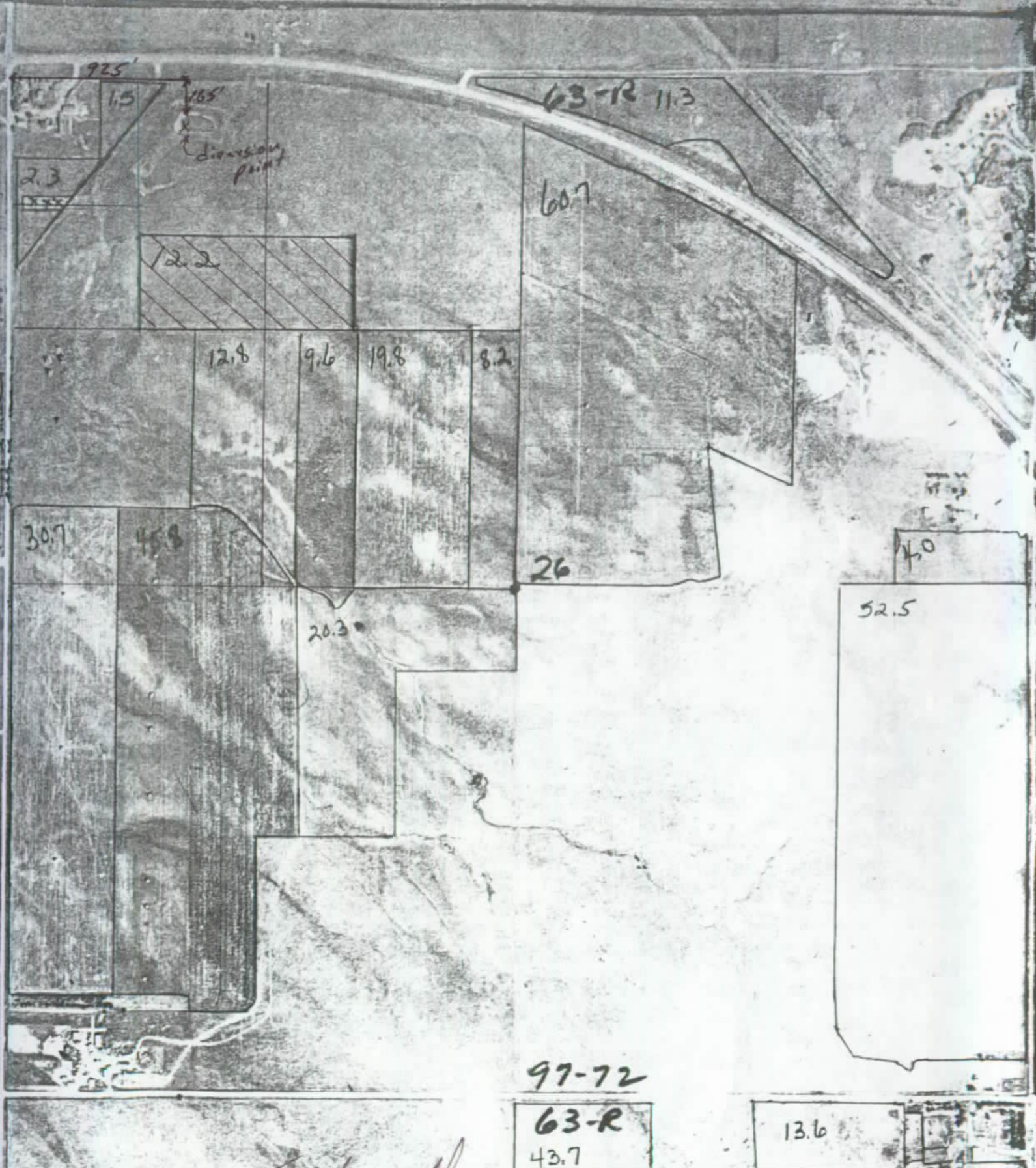
For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

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

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>NA</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:

NOT TO SCALE



Timothy A. Neal
August 28, 1989

No. 1857-2

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1857-2

(1) Clark C. Horn of RR 2, Box 2, Burke, SD 57523 made Application No. 1857-2, September 22, 1983 for a water permit to appropriate no additional cubic feet of water per second from groundwater (well and dugout), Gregory County, South Dakota for irrigation purposes. Permit No. 1857-2 with a priority date of May 6, 1980 was approved February 15, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before February 15, 1989 and for the application to beneficial use of said water on or before February 15, 1993.

A 1983 inspection of Water Permit No. 1510-2 found the acreage developed for irrigation was not covered under the permit. Water Permit No. 1857-2 was obtained to allow a change of acreage and an extension of time for development of land under Permit No. 1510-2. No. 1857-2 did not authorize an increase in the developed diversion rate.

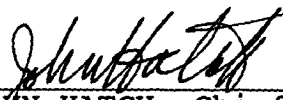
The applicable portions of Water Permit No. 1510-2 have been incorporated into this Water License No. 1857-2.

(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 0.17 cubic feet of water per second for beneficial use. The location of the diversion point is: 925'E and 165'S of the NW corner of Section 26, T97N, R72W (well and dugout both are located in the NW 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:

T97N, R72W Section 26	NW 1/4 NW 1/4	7.1 Acres
	NE 1/4 NW 1/4	5.1 Acres
	Total-----	12.2 Acres

(4) Pursuant to Section 46-5-30.1 Clark C. Horn of RR 2, Box 2, Burke, SD 57523 the holder(s) and/or owner(s) of Incorporated Water Permit No. 1857-2 is issued a license to appropriate water, the right to use 0.17 cubic feet of water per second from groundwater (well and dugout) with a priority date of May 6, 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. 1857-2 and subject to South Dakota State Law.


AUG 7 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



AUG 7 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1857-2

Clark C. Horn
RR 2, Box 2
Burke, SD 57523

Dear Mr. Horn:

Enclosed is Water License No. 1857-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412884 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1857-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


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

enclosures

NOTE: The applicable portions of Water Permit No. 1510-2 have been incorporated into this Water License No. 1857-2.



1857-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: CLARK C HORN, RR 2 BOX 2, BURKE, SD 57523

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1857-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1857-2 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 3, 1999 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) 1857-2 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, 1999, 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.

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:

CLARK C HORN
RR 2 BOX 2
BURKE SD 57523

4a. Article Number

2119 141 571

4b. Service Type

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

7. Date of Delivery

1-23-99

5. Received By: (Print Name)

Mary R. Horn

6. Signature: (Addressee or Agent)

x Mary R. Horn

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 5, 1999

1857-2

Clark C Horn
RR 2 Box 2
Burke, SD 57523

Dear Mr. Horn:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 1857-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1857-2
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 24, 2006

NOTICE

TO: CLARK C HORN, RR 2 BOX 2, BURKE, SD 57523

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1857-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 1857-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 1857-2 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 24, 2006, 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5029

Your item was delivered at 3:10 pm on January 26, 2006 in BURKE, SD 57523. The item was signed for by C HORN.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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Preserving the Trust

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 5029	CLARK C HORN RR 2 BOX 2 BURKE SD 57523		ng.
	Waiver of Signature ☐ YES ☐ NO		
	Postmark Here		
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811		
		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2006

1857-2

Clark C Horn
34207 US Hwy 18
Burke SD 57523

Dear Mr. Horn:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 1857-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1857-2
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 16, 2015

NOTICE

TO: CLARK C HORN, 34207 US HWY 18, BURKE, SD 57523
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) 1857-2. 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) 1857-2 qualification:

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

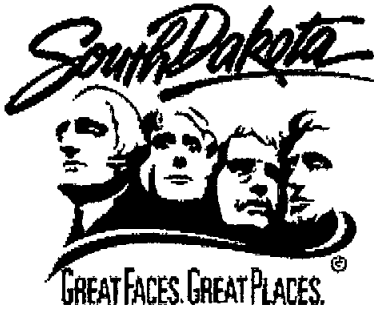
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 1857-2 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 20, 2015

1857-2

Clark Horn
34207 US Hwy 18
Burke SD 57523

Dear Mr. Horn:

I am writing to acknowledge receipt of the information for your 2014 irrigation questionnaire. I completed a form for you based on our phone conversation.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 1857-2. 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 in and if you have any questions, please contact me.

Sincerely,

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