

WATER PERMIT NO. 2378-2

Name of Applicant: Saddle Butte Angus

Address: HC 53, Box 21, Interior SD 57750

Phone: 605 455-2425

Amount of Water Claimed: 1.02 cfs (245 AF storage)

Total Acres: 71.2

Source of Water Supply: dry draw dam

Water to be used for: irrigation - waterspreading

County: Jackson

Type of Waste Disposal System: NA

Location: approximately 20 miles southwest of Interior

PRIORITY Date Received: 12-30-96

Fee: \$225

Corrected Application Received:

Period of Annual Use: April 1 - October 31

Remarks:

Diversion Point: SE 1/4 SE 1/4 Sec 16-

T40N-R40W

Land to be Irrigated: E 1/2 SE 1/4 Sec 16 and

W 1/2 SW 1/4 Sec 15; all in T40N-R40W

Depth of Well: NA

Well Driller:

Remarks:

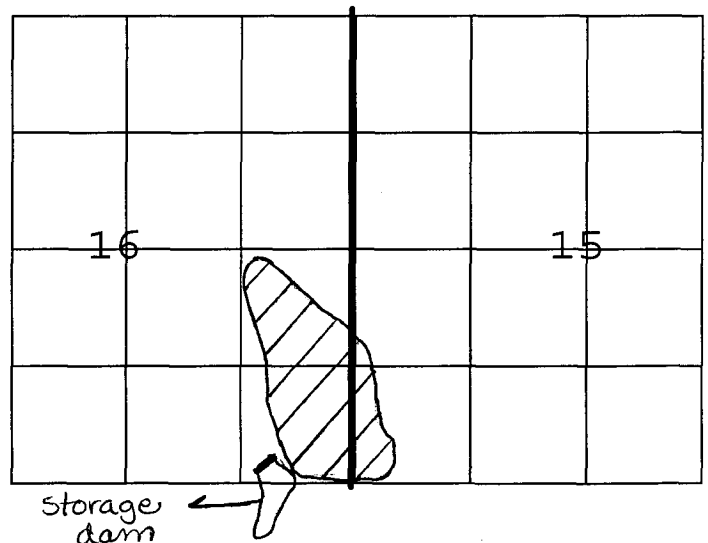
Type of Map: aerial

Prepared by: Gerald Magelky, NRCS

Reviewed and the Number Assigned on: 12-31-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2378-2

Date of first receipt of application December 30, 1996.

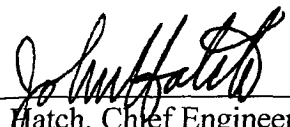
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2378-2 to Saddle Butte Angus, HC 53 Box 21, Interior SD 57750 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2378-2 appropriates 1.02 cubic feet of water per second from an existing dry draw dam (245 acre-feet storage capacity) located in the SE 1/4 SE 1/4 Section 16 to irrigate 71.2 acres located in the E 1/2 SE 1/4 Section 16 and the W 1/2 SW 1/4 Section 15; all in T40N-R40W. The dam is also used for livestock watering.
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: April 1 - October 31 (for irrigation) and January 1 - December 31 (for livestock watering).
3. The date from which applicant may claim right is December 30, 1996.
4. The date of approval of Permit No. 2378-2 is March 3, 1997.
5. One-fifth of the construction is to be completed on or before September 3, 1999.
6. All construction is to be completed on or before March 3, 2002.
7. Water is to be put to beneficial use on or before March 3, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 2378-2 authorizes a dam with storage capacity of 245 acre feet of water.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 7 1997

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2378-2</u> Hydrologic Unit <u>10/40201</u>
	Basin <u>White River</u>
	Newspaper <u>Kadoka Press, Kadoka, SD</u>

Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant Saddle Butte Angus ☒ Owner ☐ Tenant/Lessee Phone 455-2425
Mailing Address HC 53, Box 21, Interior SD State 57750
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.02 *CFS or 245 **GPM ***AF Total Acreage 71.2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply dry draw dam
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE1/4SE1/4 sec 16 - T40N - R40W County Jackson
5. County or counties where water will be used Jackson
6. Annual period during which water is to be used Apr 1 - Oct 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE SE Sec 16 T40N R40W	27.0		
SE SE Sec 16 T40N R40W	27.4		
NW SW Sec 15 T40N R40W	3.0		
SW SW Sec 15 T40N R40W	13.8		

8. Give a description of the project. (Attach sheet if more space is needed)
Land Leveling for Water Spreading to be Pumped from Dam

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

STATE OF SOUTH DAKOTA)

County of Jackson ss

I, Larry May, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Larry May
Subscribed and sworn to before me this 20th day of December 1996
Patricia A. Groven
Notary Public
My Commission Expires 4-08-2004

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____



2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

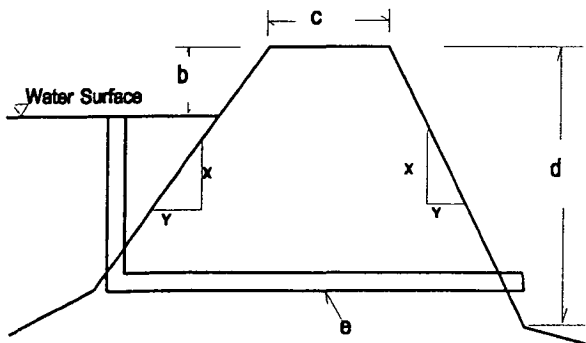
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

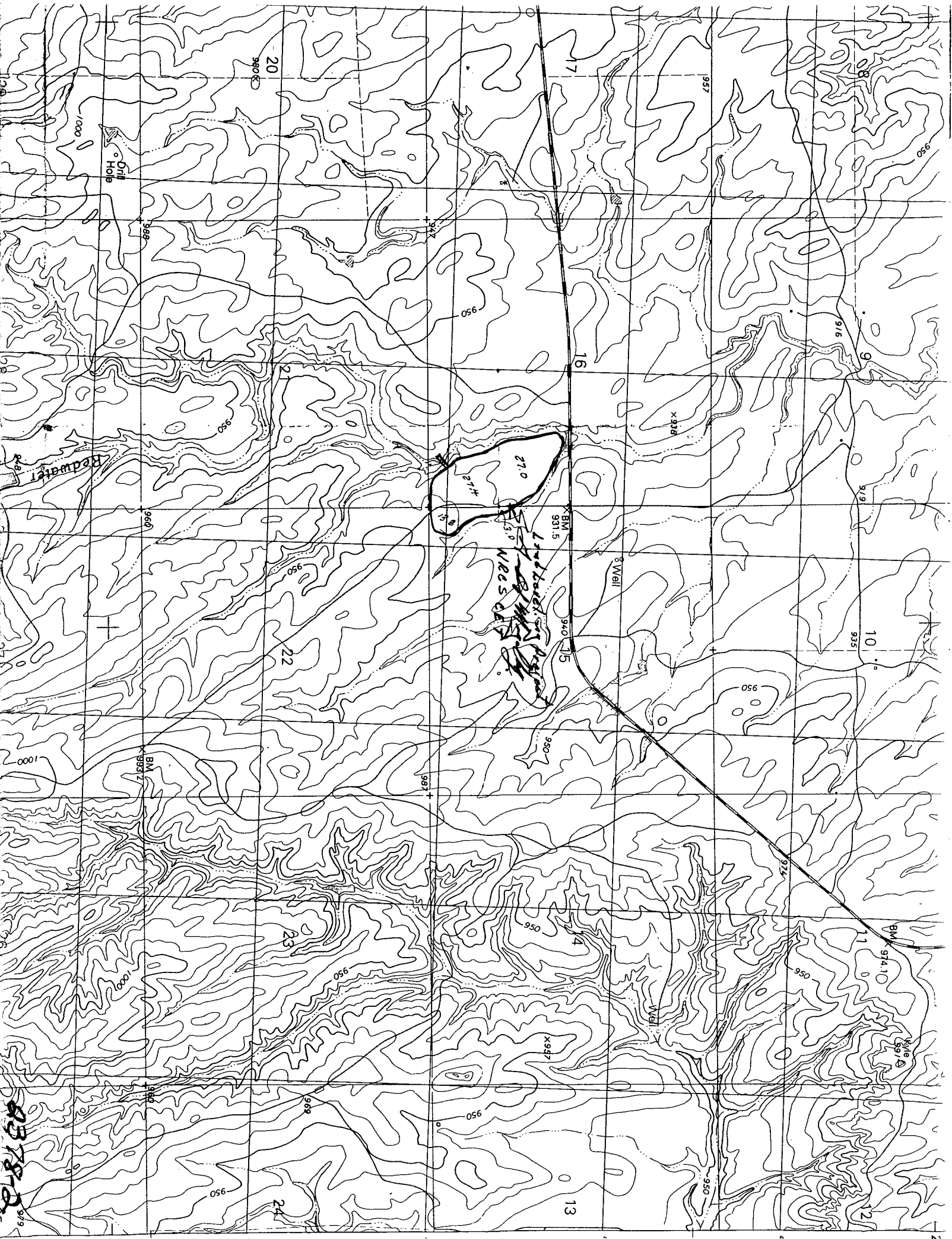
4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard 7'
- c) Crest Width 15'
Crest Length 150'
- d) Height 34'
- e) Primary Outlet Capacity _____
If pipe, diameter 24'
- f) Secondary Spillway Capacity _____
Spillway Width 50'
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage 245 Acre Feet
- j) Drainage Area Above Dam _____ Acres





2378-2

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415215

Pierre, _____ December 30, 19 96

RECEIVED OF Saddle Butte Angus, HC 54, Box 7A, Interior, SD 57750

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

Fee for Application for Permit No. <u>2378-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer

REPORT ON
WATER PERMIT APPLICATION NO. 2378-2
Saddle Butte Angus
January 17, 1997

Water Permit Application No. 2378-2 has been filed by Saddle Butte Angus, c/o Larry May, to appropriate 1.02 cubic feet per second of water (cfs) from an existing dam to irrigate 71.2 acres of land. The dam is located in the SE 1/4 SE 1/4 of Section 16-T40N-R40W and the irrigated land will be located in the E 1/2 SE 1/4 of Section 16 and the W 1/2 SW 1/4 of Section 15-T40N-R40W, in Jackson County (old Washabaugh). The dam is also used for livestock watering.

Discussion:

The existing dam was authorized under Water Permit No. 1525-2 and was constructed in 1978. Water Permit No. 1525-2 authorized a dam with 245 acre-feet of storage and 200 acres of irrigation in the N 1/2 of Section 9-T40N-R40W. An inspection of Water Permit No. 1525-2, conducted on October 14, 1992, found that the dam was constructed in the SE 1/4 of Section 16, and the irrigation was developed in the SE 1/4 Section 16, the SW 1/4 of Section 15, the NE 1/4 of Section 21 and the NW 1/4 of Section 22; all in T40N-R40W. Since then, the center pivot has been sold; Water Permit No. 1525-2 has been scheduled for cancellation; and Water Permit Application No. 2378-2 has been filed to correct the location of the dam and irrigation.

Water Permit Application No. 2378-2 has been filed to flood irrigate 71.2 acres of leveled land located in the E 1/2 SE 1/4 of Section 16 and the W 1/2 SW 1/4 of Section 15-T40N-R40W from the existing 245 acre-foot storage dam. Although the existing dam was constructed before Water Management Board Safety of Dams Rules became effective in October 1986, and the dam is exempt from specific spillway capacity requirements of Safety of Dams Rules, it must be maintained in a safe condition pursuant to SDCL 46-7-3.

The dam is listed on our inventory (ID No. SD02369) as a category 3, low hazard dam with an embankment height of 34 feet, a normal storage capacity of 245 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 400 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification would be required to have the spillway capacity capable of passing a 50-year frequency event. The dam has a 24 inch CMP primary spillway with 8 feet of freeboard, and a 50 foot wide earthcut secondary spillway with 4 feet of freeboard, with a combined capacity of 1070 cfs.

The irrigation dam is located on Redwater Creek in the SE 1/4 of Section 16-T40N-R40W. Another dam (ID No. SD 02135) is located about 2 miles upstream on Redwater Creek. This dam has a normal storage capacity of 90 acre-feet and a maximum storage capacity of 200 acre-feet. The total drainage area for both dams is approximately 7.5 square miles with 2.7 square miles located between the two dams. A 50-year frequency event for the combined drainage area would produce a peak flow of approximately 1900 cfs, and approximately 800 cfs for the drainage area located between the dams. Without routing this event through the upstream dam it would be difficult to say if the irrigation dam had the capacity to pass a 50-year event for the entire drainage basin area; however, it would safely pass this event for the drainage basin located between the dams.

page 2

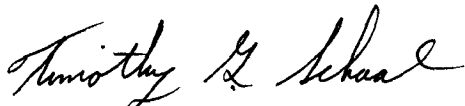
Application No. 2378-2

The annual yield for the total drainage basin with a 50 percent chance of occurrence is expected to be 60 acre-feet under fair range land conditions and 172 acre-feet under poor range land conditions. The expected annual yield for the total drainage basin with a 10 percent chance and an 80 percent chance of occurrence respectively, is 400 acre-feet and 18 acre-feet under fair range land conditions and 800 acre-feet and 76 acre-feet under poor range land conditions.

The applicant also has 2 dams located about 3 miles downstream on Redwater Creek. There are approximately 10 square miles of additional drainage between these dams and the dam associated with this application.

Conclusions:

1. Water Permit Application No. 2378-2 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights or on downstream domestic use. The dam associated with this application has been in existence since 1978, and there have been no complaints about water availability or interference.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

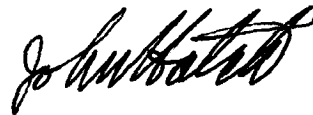
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2378-2, Saddle Butte Angus**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2378-2, Saddle Butte Angus, c/o Larry May, HC 53, Box 21, Interior, SD 57750.

The Chief Engineer is recommending APPROVAL of Application No. 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. Water Permit No. 2378-2 authorizes a dam with storage capacity of 245 acre feet of water.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. 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
February 3, 1997

TGS 1/17/90

Water Permit Application No. 2378-2 Saddle Butte Angus

Existing dam (From Water Permit Applic. # 1525-2) constructed 1978
ID Number SD 02369

34 ft high

30 ft to 2nd Spillway (50 ft Bottom width)

27 ft to P. Spillway (24" CMP)

245 Ac-Ft Normal Capacity

400 Ac-Ft Max Capacity

Cat. 3 Low Hazard

Q 2nd Spillway

$$Q = CLH^{3/2} \\ = 2.6(50)(4)^{1.5} \\ = 1040 \text{ cfs}$$

Q P. Spillway

24" CMP

$$Q = a \sqrt{\frac{2.5H}{1 + K_m + K_p L}} \\ = 3.14 \sqrt{\frac{2(32.2)(15)}{1 + 1 + .0422(100)}}$$

$$K_m = 1 \\ K_p = .0422 \\ L = 100 \\ a = 3.14$$

$$Q = 33 \text{ cfs}$$

Another Dam is located 2 miles upstream in Sec. 28-T40N-R40W
(ID # 2135). The drainage area between the dams is 2.65 mi²
the drainage area above the 2nd dam is 4.85 mi².

$$Q_{50} = 106 A^{.63} S^{.45} S_i^{.69} \\ = 106(2.65)^{.63} (60)^{.45} (1.90)^{.69} \\ = 106(1.85)(6.31)(0.64) \\ = 800 \text{ cfs}$$

$$DA - A = 2.65 \text{ mi}^2 \text{ (Between dams)} \\ \text{Slope} - A = 60 \text{ ft/mi} \\ S_i - A = 1.90$$

$$DA - B = 7.5 \text{ mi}^2 \text{ (Both dams)} \\ \text{Slope} - B = 100 \text{ ft/mi} \\ S_i - B = 1.90$$

$$Q_{50} = 106 A^{.63} S^{.45} S_i^{.69} \\ \text{(Both dams)} \\ = 106(7.5)^{.63} (100)^{.45} (1.90)^{.69} \\ = 106(3.56)(7.94)(0.64) \\ = 1900 \text{ cfs}$$

SCS Annual Yield

Soil Group - B
CN = Fair Range - 70

DA - B - (Both Dams)

$$7.5 \text{ mi}^2 = 4800$$

$$80\% = 0.044 \times 4800 = 18 \text{ Ac-Ft}$$

$$50\% = 0.15 \times 4800 = 60 \text{ Ac-Ft}$$

$$10\% = 1.0 \times 4800 = 4800 \text{ Ac-Ft}$$

$$CN = 80 - \text{Poor Range} \\ 80\% = 76 \text{ Ac-Ft} \\ 50\% = 172 \text{ Ac-Ft} \\ 10\% = 800 \text{ Ac-Ft}$$

$$DA - A \text{ (D15 dam only)} \\ 2.65 \text{ mi}^2 = 1696$$

$$80\% = 0.044 \times 1696 = 6 \text{ Ac-Ft}$$

$$50\% = 0.15 \times 1696 = 21 \text{ Ac-Ft}$$

$$10\% = 1.0 \times 1696 = 1696 \text{ Ac-Ft}$$

$$80\% = 27 \text{ Ac-Ft} \\ 50\% = 61 \text{ Ac-Ft} \\ 10\% = 282 \text{ Ac-Ft}$$



**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.**

February 4, 1997

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

Dear Mr. May:

Water Permit Application No. 2378-2 for irrigation and livestock watering 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 Kadoka Press printed at Kadoka, SD (Ph # (605) 837-2259). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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
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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

Kadoka Press
Box 309
Kadoka, SD 57543-0309

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2378-2 to be published twice. Please publish the first notice on February 13, 1997, 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 Saddle Butte Angus, %Larry May, HC 53, Box 21, Interior, SD 57750 (Ph # (605) 455-2425).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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

Instruction to Newspaper - Publish first Notice on February 13, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2378-2 to Appropriate Water

Notice is given that Saddle Butte Angus, HC 53 Box 21, Interior SD 57750 has filed an application for a water permit to appropriate 1.02 cubic feet of water per second from an existing dry draw dam (245 acre-feet storage capacity) located in the SE 1/4 SE 1/4 Section 16 to irrigate 71.2 acres located in the E 1/2 SE 1/4 Section 16 and the W 1/2 SW 1/4 Section 15; all in T40N-R40W. The dam is also used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2378-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 3, 1997.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**NOTICE
OF APPLICATION NO. 2378-2
TO APPROPRIATE WATER**

Notice is given that Saddle Butte Angus, HC 53 Box 21, Interior, SD 57750 has filed an application for a water permit to appropriate 1.02 cubic feet of water per second from an existing dry draw dam (245 acre-feet storage capacity) located in the SE 1/4 SE 1/4 Section 16 to irrigate 71.2 acres located in the E 1/2 SE 1/4 Section 16 and the W 1/2 SW 1/4 Section 15; all in T40N-R40W. The dam is also used for livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2378-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 3, 1997.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment
and Natural Resources

Publish: February 13 & 20, 1997

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Jackson) SS

I, Ronda K. Dennis

certify that the attached printed Notice was taken
from the Kadoka Press

printed and published in Kadoka,

County of Jackson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 13, 1997

February 20, 1997

Cost of Printing \$37.55

Ronda K. Dennis
(Signature)

Legal Advertising Manager
(Title)

Feb. 20, 1997
(Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

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

Dear Mr. May:

Enclosed is Water Permit No. 2378-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

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

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

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

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Ben Sharp

B. Date of Delivery

1-17-02

C. Signature

X Ben Sharp

☒ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2.

7001 2510 0004 4797 3916



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2002

1523-2
2378-2

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

Dear Mr. May:

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

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

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

Sincerely,

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



2378-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: SADDLE BUTTE ANGUS, LARRY MAY, HC 53 BOX 21, INTERIOR, SD 57750
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



2378-2

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Current Status

You entered 2301 3460 0000 8515 9579

Your item was delivered at 10:36 am on January 15, 2004 in INTERIOR, SD 57750. Waiver of signature was exercised at time of delivery.

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

Waiver of Signature ☐ YES ☐ NO

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(See Reverse)

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2004

1523-2
2378-2

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

Dear Mr. May:

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

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

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

Sincerely,

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



2378-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

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

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

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

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

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

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

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

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

2378-2



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 28, 2010

1523-2
2378-2

Larry May
Saddle Butte Angus
20545 May Rd
Interior SD 57750

Dear Mr. May:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

2378-2



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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KHSCVR**

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

2378-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

1523-2
2378-2

Larry May
Saddle Butte Angus
20545 May Rd
Interior SD 57750

Dear Mr. May:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 1523-2 and 2378-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

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

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1523-2 & 2378-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1523-2 & 2378-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZTSGNJ**

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



2378-2
1523-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

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

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

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

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

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

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

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

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

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

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

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

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

7021 1970 0000 9489 7516

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☐ Adult Signature Restricted Delivery	\$	

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

CERTIFICATION

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

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

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

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

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

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

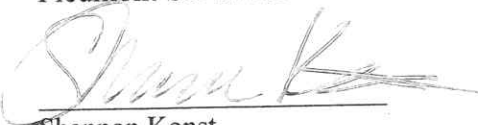
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

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

Todd Block
PO Box 114
Roslyn SD 57261

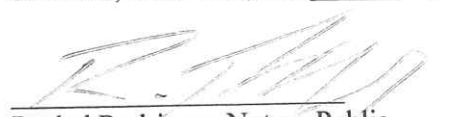
Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



2378-2 31523-2

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06 MAR 2025

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2ND NOTICE _____
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5775037015



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

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■ Print your name and address on the reverse so that we can return the card to you.
■ Complete items 1, 2, and 3.

SENDER: COMPLETE THIS SECTION

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

COMPLETE THIS SECTION ON DELIVERY

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

Domestic Return Receipt

7021 1970 0000 9489 7516



2378-231523-2,