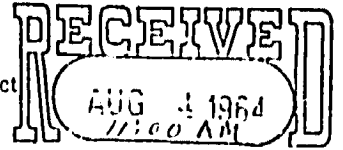


1. Considered 9-16, 1911
2. Name of Applicant THOMAS McPHER & Son
3. Post Office Address Blount
4. Amount of Water Claimed 2.07
5. Source of water supply Spring water
6. Water to be used for irrigation
Acres to be irrigated 140
7. Water to be diverted and used in Holston County about
1/2 Miles E of Blount
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1113-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Randall Mercer & Son, Inc.
Postoffice address Blunt, County Hughes, State South Dakota

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

- (b) Cash on hand, \$2000 (c) Treasury stock, \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Randall Mercer No. 1
3. Amount of water claimed 2.07 cubic feet per second
4. Source of water supply Well
5. Location of point of diversion From the E. Corner Sec. 10-112-76 N 629 30' W 113 rods
 on bank Hughes County.
6. Annual period or periods during which water is to be used May 1 to November 1
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated 115 acres.

- (b) Legal subdivisions to be irrigated See Map All NE 1/4 10 Except Roads & Railway

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use
Name any of the above uses claimed

- (b) Amount of power to be generated horse power.
Amount claimed for engine cooling

- (c) Location of plant

- (d) Method of developing power

- (e) Point where water will be returned to stream

Map No 746-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$ 5500-----
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
(e) Other structures Sprinkler & Gated Pipe \$ 5000----- Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
material used in construction-----
(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----
(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----5-----years.
11. Time required for complete application of water to the proposed beneficial use-----5-----years.
12. Choice of newspaper for publication of notice of intention to appropriate-----
-----Pierre Capital Journal-----

STATE OF SOUTH DAKOTA
County of Hughes } ss.

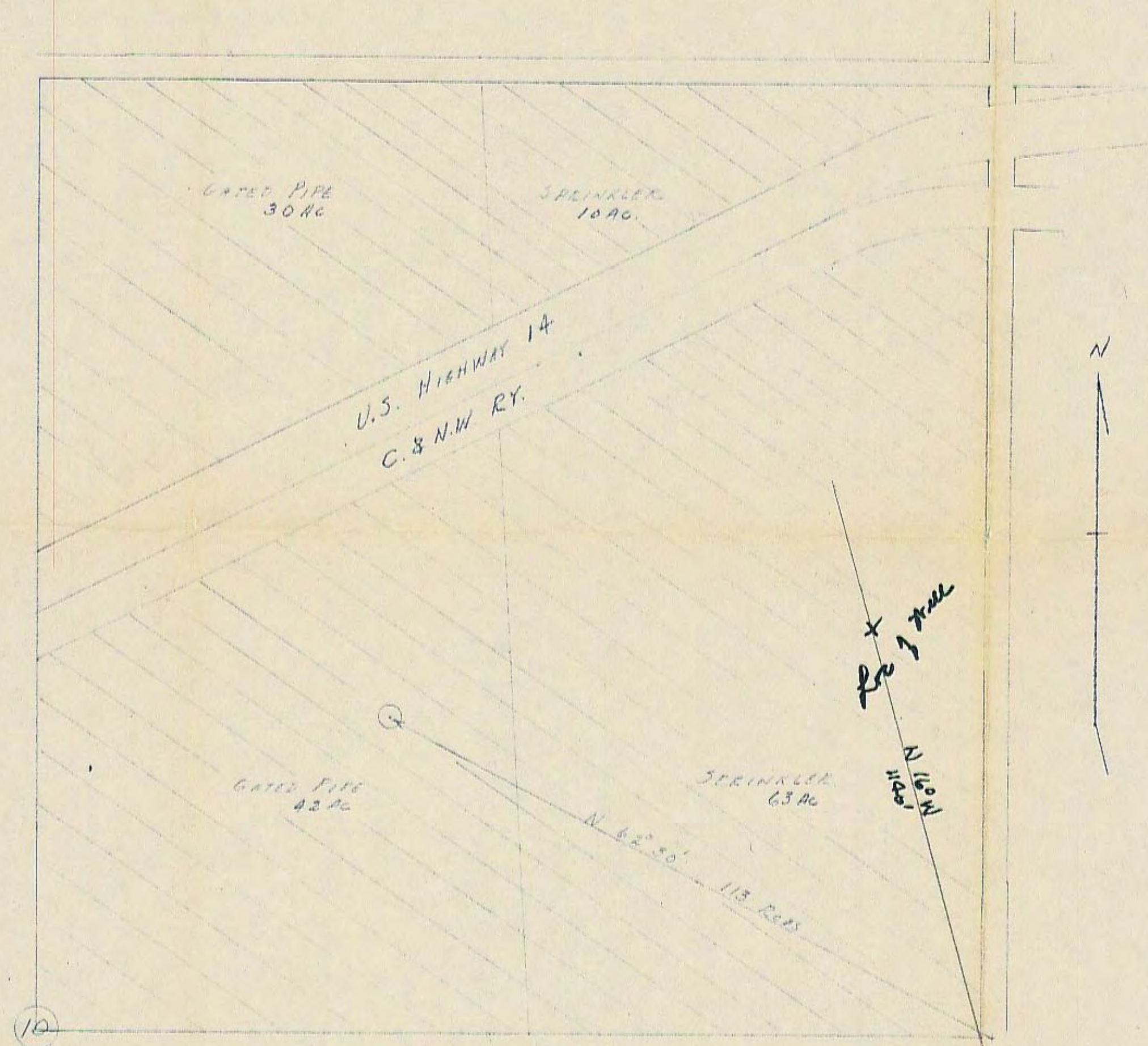
I, Randal Mercer
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed: Randal Mercer

Subscribed and sworn to before me this 8th day of July 1964

Notary Public (or other qualified officer.)

NE 1/4 10-112-76



Scale 1" = 300 ft

RANDAL MERCER & SON

BLUNT HUGHES Co S.D.

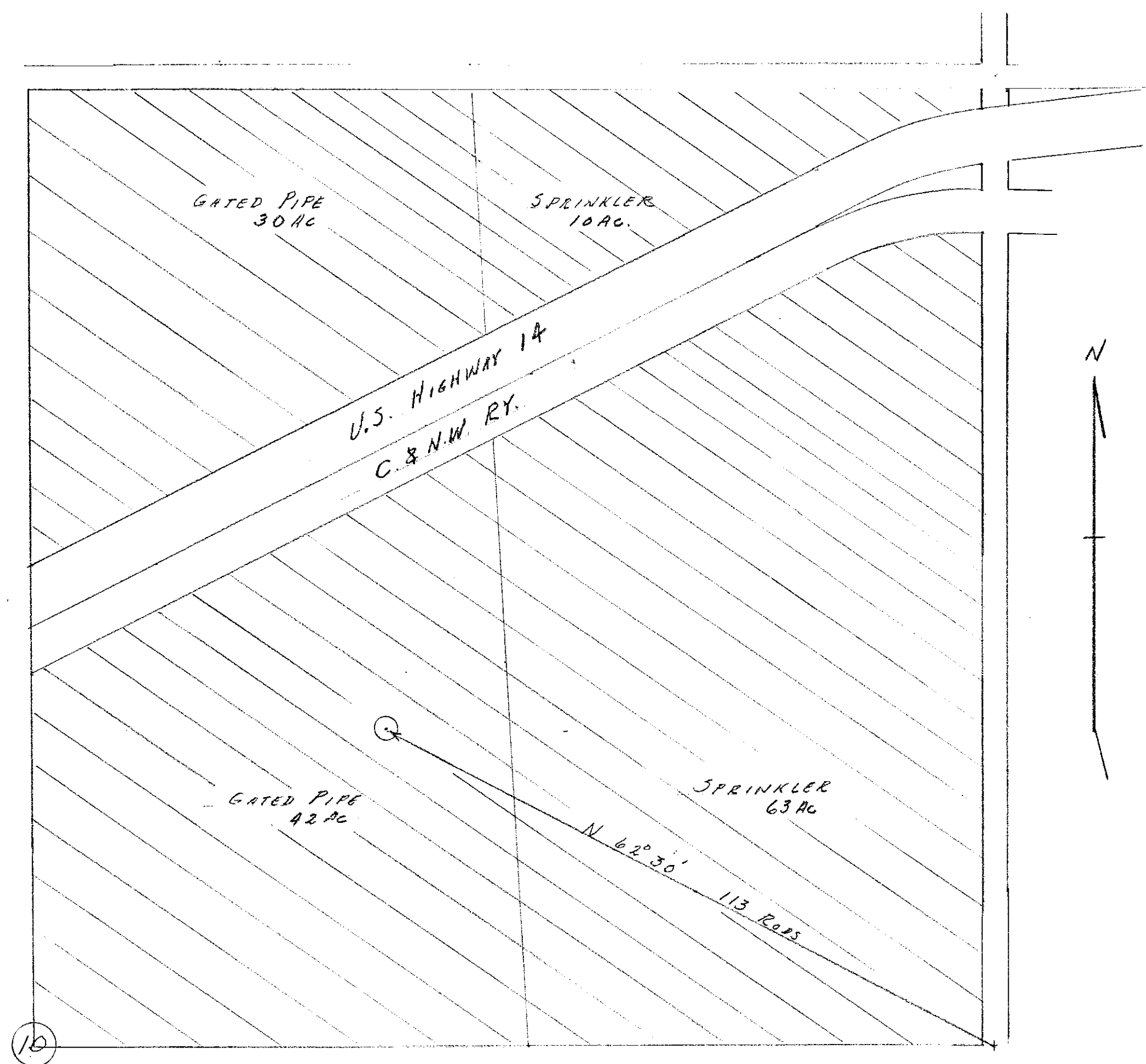
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....		Title.....
Traced.....		Title.....
Checked.....		Sheet.....
		Drawing No.....
		No.....
		of.....

Map No 746-3 (Appl. No 1113-3)

FORM SCS-313 (APRIL 1963)

NE 1/4 10 - 112 - 76



SCALE 1"=300 FT

RANDAL MERCER & SON

BLUNT HUGHES Co S. D.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date 8-1-64	Approved by.....
Drawn.....		Title.....
Traced.....		Title.....
Checked.....		Sheet No. of
		Drawing No.

Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic well; and other irrigation wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 25, 1964.

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
a.m. upon the 4 day of August, 1964.

State Water Resources Commission

By: Donald Dursell
for Chief Engineer, Executive Officer

Number of permit 1113-3

Date of first receipt of application August 7, 1964

Date of return to applicant for correction, amendment or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right August 7, 1964

Approved September 16, 1964, Recorded in Book 8 Page 253

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before March 16, 1967

2nd. The whole of said work is to be completed on or before September 16, 1969

3rd. The limit of time or proof of beneficial use of water appropriated in accordance herewith is September 16, 1973

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.07 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 September 16, 1973; said water to be used during the following described annual period:

May 1 to November 1

Witness my hand this 5 day of October, 1964.

State Water Resources Commission

By: Donald Dursell
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 15, 1971

Water License issued OCTOBER 15, 1971

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Depth

Type of casing
(wood, concrete, steel, etc.)

Size of casing Thickness of casing

Length of casing If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen

Size of perforated screen
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water Character of water bearing materials

Topsoil 0-2' Water Gravel 22-33 Clay 62-69

Yellow Till 2-17 Silt 33-45 Water Gravel 69-77

Gray Till 17-22 Water Gravel 45-62 Shale 77-80

Thickness of water bearing material

(d) Pump and Motor

Type of pump Turbine Pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor Electric
(gasoline, electric diesel, etc.)

Horsepower Name of Motor ?

(e) Complete well

Capacity Est 2000 GPM at drawdown of Estimated cost

(f) Owner of land upon which well is located Randall Mercer & Son
NameBlunt, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 220 Highswonger
160 Heiderods

NOTICE OF WELL CONSTRUCTION

1113-3

(1) WELL CONSTRUCTION

Location of well: 1 1/4 NE 1/4 NE Section 10 Township 112 Range 25

Well owner R. W. - S. M. M. (Name) 376 2 (Address)

Date well drilling completed 4-28-76 Purpose of well (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
<u>0-2</u>	<u>top Soil</u>	Depth to static water level	<u>21</u> ft.
<u>2-19</u>	<u>Yellow Silty Clay</u>	Name of producing aquifer (if known)	
<u>17-28</u>	<u>Blue Silty Clay</u>	Total depth of drill hole	<u>79</u> ft.
<u>28-34</u>	<u>Gravel</u>	Depth to bottom of casing	<u>79</u> ft.
<u>34-43</u>	<u>Blue Silty Clay</u>	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
<u>43-57</u>	<u>Rock Gravel mixed with Clay</u>		
<u>57-67</u>	<u>Blue Silt</u>	Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
<u>67-77</u>	<u>Gravel</u>		
<u>77-79</u>	<u>Pierre Shale</u>	Johnson Irrigator ice slot	
		If a flowing well, flow of completed well <u>150</u> G.P.M.	

Attach sheet if more space is needed

Debra Berney Co.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



Name of Pump Installation Contractor

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1113-3

(1) WHEREAS, On the 6th day of August A. D. 19 64
Randall Mercer and Son
 made Water Right Application No. 1113-3 for a permit to use 2.07 cubic feet per second of the waters
 of ground water
 County of Hughes, State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 5th day of October A. D. 19 64
 Permit No. 1113-3, with a date of priority of August 4, 1964
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 16th day of September A. D. 19 69 and for the
 application to beneficial use of said water on or before the 16th day of September A. D. 19 72

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 2.07 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

for irrigating 144.9 acres in the NE 1/4 of Section 10, T112N, R76W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Rardall Mercer and Son

_____ of Blunt, South Dakota

the Holder and owner _____ of said permit No. 1112-3 a water right, dating from August 4, 1964

_____ to use of 2.07 cubic feet per second of the water of ground water

in the County of Hughes and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point North 16° West, 1140 feet from the SE Corner, Section 10, T112N, R76W

and conduct to and upon a portion of the NE 1/4, Section 10, T112N, R76W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1113-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of October A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 1113-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Randall Mercer and Son

_____ the holder _____ of
Permit No. 1113-3, issued upon Application No. 1113-3, bearing date of priority of August 4,
1964 authorizing the diversion of 2.07 cu. ft. per second of the waters of _____
ground water County of Hughes, State of South Dakota at _____
a point North 16° West, 1140 feet from the SE Corner, Section 10, T112N, R76W
_____, for irrigation

_____, for _____
purposes, ha. 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.2 cu. ft. per second of water.

Date October 15, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before August 20, 1964
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 7, 1964

Notice is hereby given that Randal Mercer whose postoffice address is Blunt S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.07 cubic feet of water per second of time from xxx ground water through the Randal Mercer #1, the point of diversion of which is to be located xxxxx

xxxxx in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 Twp. 112N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ Section 10, T112N, R76W

xxxxx xxxxx
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 1964, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

CC: R. B. Hipple, Publisher
Daily Capital Journal
Pierre, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.

J. H. HIPPLE being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the DAILY CAPITAL JOURNAL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City Pierre of Hughes County of Hughes and State of South Dakota; that the said notice was published in said newspaper on the following dates:

8-13, 8-20, 8-27, 9-3-1964

in each and every issue of the full number thereof, the first publication being made on the 13 day of Aug. 1964 and the last publication on the 3 day of Sept. 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Mgr. the printer and publisher of the said newspaper.

John H. Hipple

Subscribed and sworn to before me this 3 day of Sept. A. D. 1964

Notarial Commission
Sarah Gordon
Expires March 23, 1965

Notary Public HUGHES County, S. D.

No. 10776
11 daily, Aug. 13-20-27, Sept. 3
No. 1113-3
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., August
7, 1964.

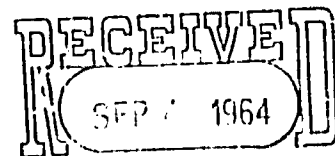
Notice is hereby given, that Randal Mercer whose postoffice address is Blunt, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.07 cubic feet of water per second of time from the ground through the Randal Mercer No. 1, the point of diversion of which is to be located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 Twp. 112N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ Section 10, T112N, R76W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1964, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: BURTON E. JONES
Water Right Specialist



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

1113-3

Driller's Notice Of Intent To Construct Well

Water Resources Commission of South Dakota
State Office Building
Pierre, South Dakota

Gentlemen:

In accordance with Section 61-3406 of the 1960 Supplement to the South Dakota Code of 1939, Notice of Intent is hereby given to drill the following well.

Person for whom the well is to be drilled: Randall M. Merriam
(Name)

Pierre, S. Dak.
(Address)

Owner of land if other than above: _____
(Name)

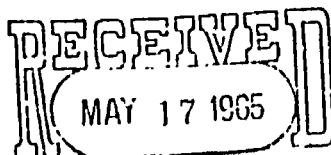
(Address)

Location of well 1/4, ... N.E. 1/4, Section ... 7.0, Township ... 1.1.2.,
Range 7.6.

Proposed use of water
(domestic, irrigation, municipal, industrial, other)

Very truly yours,

Empire Irr. & Drilling
By J. E. Schell



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Permit No. 1113-3
 Water Division 3 MISSOURI RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by RANDALL
MERCER & SON of BLUNT holder
 of Permit No. 1113.3, bearing date of priority of AUGUST 4, 1964
 authorizing the diversion of 2.07 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in HUGHES County.

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

The Water Use System consists of,

A. Works used to divert the water:

80' DEEP WELL W/ 18" STEEL CASING
LAYNE BOWLER 8" PUMP (MODEL W9364) SET AT 70'
POWERED BY 20 H.P. G.E. ELECTRIC MOTOR

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

300' OF 10" MAINLINE

C. Works used to apply water to beneficial use.

2200' OF 10" GATED PIPE. AREA S OF HWAY 14
HAS BEEN LEVELLED. ALLOWS NATURAL SLOPE ON
AREA N OF HWAY

The system is in the following condition: GOOD

The point of diversion is located N 16° W, 1140' FROM THE SE
CORNER, SECTION 10, T112N, R76W

The works are capable of diverting and conveying to the place of use 2.2

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: ALL IN SEC 10, T112N, R76W

NE 1/4 144.9 ACRES

comprising a total of 144.9 acres of land.

Date OCTOBER 13, 1971

Durston Jones
 (Signature)

WATER RIGHT SPECI. LIST
 WATER RESOURCES COMMISSION



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

Department of Water & Natural Resources

1113-3

April 19, 1988

Federal Land Bank of Omaha
206 South 19th
Omaha, Nebraska 68102

Dear Sir:

I am contacting you with regard to the ownership of land specified under Water Right No. 1113-3. The water right, currently listed in the name of Mercer Brothers, Blunt, South Dakota authorizes irrigation of 145 acres in the NE 1/4 Section 10, T112N, R76W. We understand that the Federal Land Bank now owns the land.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1113-3. Please check over the form for accuracy, sign in the presence of a notary and return it to our office with a required filing fee of \$2.50. Upon receipt of the completed form and filing fee in our office, Water Right No. 1113-3 will be transferred to the Federal Land Bank.

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

Also enclosed is a copy of the Water Right. You may keep it for your records. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

Enc.



Farm Credit Services

1113-3

Federal Land Bank Association
Production Credit Association
Regional Headquarters
1715 Cambell Street, Box 3130
Rapid City, South Dakota 57709
605/342 0678

April 29, 1988



South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

RE: Mercer Brothers Acquired Property

Dear Genny:

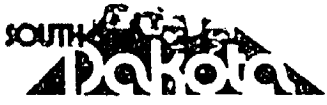
In answer to your letter of April 19, 1988, concerning water right number 1113-3 on the above mentioned property. This property has been resold to the Mercer Brothers; therefore, any correspondence should be sent to them concerning this matter.

Thank you.

Sincerely,

Zack R. Word
Zack R. Word
AVP-Acquired Property

ZRW/si



Department of Water & Natural Resources

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

February 8, 1989

MERCER BROTHERS
RR 1 BOX 9B
BLUNT, SD 57522

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1113-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1113-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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



SOUTH DAKOTA Department of
Water & Natural Resources

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

March 7, 1989

1113-3

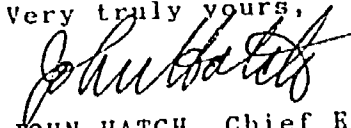
Mercer Brothers
RR #1 Box 9B
Blunt, SD 57522

Dear Sirs:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 1113-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



1113-3

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

January 29, 1993

NOTICE

TO: MERCER BROTHERS
RR 1 BOX 9B
BLUNT SD 57522

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1113-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3152) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of the 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:

1113-3

MERCER BROTHERS
RR 1 BOX 9B
BLUNT SD 57522

4a. Article Number

P906510046

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

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

6. Signature (Agent)

Thank you for using Return Receipt Service.



1113-3

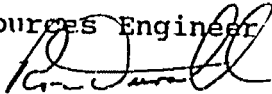
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: MERCER BROTHERS
RR 1 BOX 9B
BLUNT, SD 57522

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

SUBJECT: Amendment to Water Permit No(s). 1113-3

Pursuant to the provisions of the Notice dated January 29 1993, and following the hearing March 3, 1993, the Water Management Board has amended Water Permit No(s). 1113-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.

REDUCTION RATIO

ROLL NUMBER

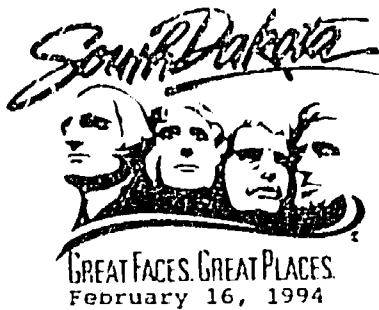
DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

CERTIFICATION

John Bates
(Notary Public

1113-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

MERCER BROTHERS
RR 1 BOX 9B
BLUNT SD 57522

NOTICE

RE: Violation of Water Permit No(s) 1113-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1113-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1113-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1113-3

MERCER BROTHERS
RR 1 BOX 9B
BLUNT SD 57522

4a. Article Number

P 837 692 637

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-28-94

5. Signature (Addressee)

Michael Mercer

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

RR 1 Box 9B -

6. Signature (Agent)

Delivered at P.O.

Thank you for using Return Receipt Service.



1113-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 1994

1113-3

Duane Mercer
Mercer Brothers
31309 199th Street
Blunt, SD 57222

Dear Mr. Mercer:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of Water Permit No. 1113-3.**

The questionnaire 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 Division
(605) 773-3352



1113-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT SD 57522

NOTICE

RE: Violation of Water Permit No 1113-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1113-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 1113-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 1113-3 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT, SD 57522

1113-3

4a. Article Number

P757 564 398

3. Service Type

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

Date of Delivery

2-17-95

5. Signature (Addressee)

Duane Mercer

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



111-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 1995

1113-3

Duane Mercer
Mercer Brothers
31309 199th Street
Blunt, SD 57522

Dear Mr. Mercer:

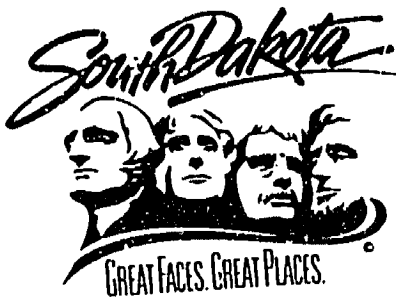
I am writing to acknowledge receipt of your 1994 irrigation questionnaire. A questionnaire was completed for you following our March 2nd telephone conversation. The questionnaire reflects that you did not irrigate in 1994 due to excessive moisture. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 1113-3.**

The questionnaire 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 Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: MERCER BROTHERS, DUANE MERCER, 31309 199TH STREET, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 1113-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 1113-3 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 28, 2000, 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.

1113-3

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:

MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT SD 57522

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

patricia Mercer

1-15

C. Signature

x Patricia Mercer

☐ Agent
☒ Addressee

D. Is delivery address different from item 1? ☐ Yes
If 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. Article Number (Copy from service label)

2 227 670 479



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2000

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Duane Mercer, Mercer Brothers, 31309 199th Street, Blunt, SD 57522

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1113-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has ordered:

That Water Right No. 1113-3 be suspended until December 31, 2000, for failure to submit the 1999 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2000 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1999 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000 in Pierre, SD. The letter should include your reasons for not completing the 1999 irrigation questionnaire.

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

CERTIFICATION

I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

W.R. #1770-2: Germain Leber, RR 1, Box 8AA, Colome, SD 57528-9701.

W.R. #1113-3: Duane Mercer, Mercer Brothers, 31309 199th St., Blunt, SD 57522.

W.R. #1693A-3: Calvin Frank Andersen, 25518 411th Ave., Mitchell, SD 57301.

W.R. #2411-3: Dave Tuttle, 41804 Tuttle Rd., Alexandria, SD 57311.

W.R. #4364-3: Warren Thompson, 47600 207th St., Aurora, SD 57002.

W.P. #4503-3: Kathleen Chicoine, 32873 479th Ave., Elk Point, SD 57025.

W.P. #4585-3: John F. Roost, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

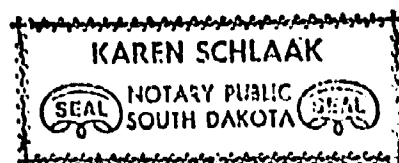

Cheryl F. Frost
Secretary

[illegible]

Sworn to, before me, this 7th day of March, 2000

Karen Schlaak
Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001





1113-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 17, 2003

NOTICE

TO: MERCER BROTHERS, DUANE MERCER, 31309 199TH STREET, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No. 1113-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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. 1113-3 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 5, 2003 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 may:

1. Suspend or cancel Permit No. 1113-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

Based on a past violation, the Water Rights Staff recommendation to the Board will be that Water Right No. 1113-3 be suspended for a period of three years.

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 28, 2003, 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

Delivery Status

You entered 2301 0370 0000 7541 3923

Your item was delivered at 4:14 pm on February 07, 2003 in BLUNT, SD 57522. The item was signed for by D MERCEP.

[Shipment History >](#)

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 3923

MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT SD 57522

illing.

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

PS Form 159, February 2001

(See Reverse)



Microsoft

Year	Perm	Basin	Man	County	Fname	Lname	Co	City	State	Zip	Water used	Not in	Not cons	Prsk id
1985	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1983	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1984	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1986	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1987	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1988	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1989	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1990	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1991	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1992	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1993	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1994	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1995	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1996	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1997	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1998	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
1999	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
2000	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07
2001	11133	MI		HU	MERCER	BROTHERS		BLUNT	SD	57522				2.07



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2003

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Duane Mercer, Mercer Brothers, 31309 199th St, Blunt SD 57522

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Right No. 1113-3

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing of March 5, 2003, the Water Management Board has ordered:

That Water Right No. 1113-3 be suspended until December 31, 2005, for failure to submit the 2002 irrigation questionnaire.

Suspension means water may not be pumped during the 2003, 2004 or 2005 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2002 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2003, in Pierre, SD. The letter should include your reasons for not completing the 2002 irrigation questionnaire.

Our records indicate the land has been irrigated twice in the last 17 years. If you no longer irrigate and do not wish to retain the water right, let us know and the water right can be scheduled for cancellation consideration before the Water Management Board. Cancellation of the water right would eliminate the need for annual submission of the irrigation questionnaire.

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

**Water Rights Program
File Documentation
August 25, 2003
Suspended Permit Inspections**

On August 21, 2003 I conducted drive by inspection of the following suspended permits

4317A-3 No irrigation, center pivot has been destroyed by wind.

5309-3 No visible sign of irrigation, old pivot parked in fence line.

5124-3 No visible signs of irrigation.

1237-3 & 1395-3 No visible signs of irrigation.

Randy Anderson check 1113-3 during the week of 18-22 August 2003 and found no visible signs of irrigation.

Gale N. Selken P.E.
Natural Resources Engineer Director



INTERNAL MEMORANDUM

TO: Water Right No. 1113-3, File
FROM: Gale N. Selken P.E., Natural Resources Engineer Director *Gale N. Selken*
SUBJECT: Irrigation

On July 29, 2004 a field investigation was conducted to determine if Water Management Board action to suspend irrigation on Water Right No. 1113-3 for the 2004 irrigation season was being complied with.

There was no irrigation noted on July 29, 2004.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 3, 2004

1113-3

Duane Mercer
Mercer Brothers
31309 199th St
Blunt SD 57522

Dear Mr. Mercer:

I am writing in regard to Water Right No. 1113-3 held in your name. The water right authorizes diversion of ground water (Highmore-Blunt Aquifer) to irrigate the NE ¼ Section 10, T112N, R76W.

A review of our records shows the land has not been irrigated for over 16 years which suggests that irrigation may have been abandoned. Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order to maintain the water right. This three-year period may be waived if legal excuse exists for not irrigating. Enclosed are excerpts of our water laws and Water Management Board rules dealing with these issues.

There is sufficient question concerning the status of the water right to bring this before the Water Management Board for a ruling on the legal status of the water right. If the board finds the right to be valid, the water right holder will be protected from future challenges concerning these years of nonuse.

There are two options. First, you may seek a declaratory ruling from the Board and have them make a determination on the legal status of the water right. Secondly, if you do not intend to maintain the water right, the water right will be scheduled for cancellation consideration. In addition, DENR may proceed with pursuing cancellation if it is apparent the water right has been abandoned and/or forfeited. Cancellation of the water right does not prevent you from reapplying for a permit should you decide to irrigate in the future.

Currently, your water right is suspended through 2005 due to non-submission of the 2002 irrigation questionnaire. If you no longer intend to maintain your water right, and the water right is cancelled, you will no longer be sent an annual irrigation questionnaire.

Please review the enclosed excerpts and get in touch with us. Thank you in advance for your help.

Sincerely,

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

enclosure



1113-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
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January 18, 2008

NOTICE

TO: MERCER BROTHERS, DUANE MERCER, 31309 199TH STREET, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 1113-3 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 11, 2008** 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) 1113-3 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff will recommend to the Board that Water Right No. 1113-3 be cancelled;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, 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. If you prefer, you can complete the questionnaire on-line at the following link:

<http://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

1113-3

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SIGNATURE CONFIRMATION NUMBER: 1972 2090 0000 0912 E0E2

MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT SD 57522

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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February 1, 2008

1113-3

Duane Mercer
Mercer Brothers
31309 199th St
Blunt SD 57522

Dear Mr. Mercer:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1113-3.

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



1113-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: MERCER BROTHERS, DUANE MERCER, 31309 199TH STREET, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 1113-3 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 11, 2009** 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) 1113-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations, the Water Rights Staff will be recommending to the Board that the water right be cancelled;**
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 6, 2009**, 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

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SIGNATURE CONFIRMATION NUMBER:
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MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT SD 57522

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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www.state.sd.us/denr

February 4, 2009

1113-3

Duane Mercer
Mercer Brothers
31309 199th St
Blunt SD 57522

Dear Mr. Mercer:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 1113-3. 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 your note concerning the ownership change. I will contact Travis and David Mercer for follow-up concerning the water right. They will be asked to come before the Water Management Board for a declaratory ruling on the water right. Numerous years of non-use of water have put the status of the water right in question. A ruling by the Board will either determine that the water right has been forfeited for non-use or it will give legal status to the water right.

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



**DEPARTMENT of ENVIRONMENT
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February 4, 2009

1113-3

David Mercer
19686 311th Ave
Blunt SD 57522-5406

Travis Mercer
507 N Lonetree
Blunt SD 57522

Dear Sirs:

I am writing in regard to Water Right No. 1113-3 listed in the name of Mercer Brothers. The water right authorizes diversion of ground water from the Highmore-Blunt Aquifer to irrigate the NE ¼ Section 10, T112N, R76W. Duane Mercer has notified us that the land was sold to you.

A review of our records shows the land has not been irrigated since at least 1992 and perhaps as far back as 1987. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. The three year period may be waived if legal excuse exists for the years of non-use. Enclosed are excerpts of our Water Laws and Water Management Board Rules dealing with these issues. I am also enclosing a copy of a letter sent to Duane Mercer in August, 2004 concerning the water right.

On the annual irrigation questionnaires, Duane has indicated in random years that sufficient moisture was received and no irrigation was done. In 1989, he made a notation on the questionnaire that the well was inoperable. Our question at this time would be was the well ever put back in working condition? Sufficient moisture is legal excuse for not irrigating however in order to rely on that, a system (including a working well) will need to be present and ready to use if conditions warrant irrigation.

Please contact our office as to your intent towards the water right. If you feel legal excuse has existed and want to have the water right transferred to your names, I will forward you the "Notice of Transfer of Ownership" form. You should be aware that simply transferring the water right to your names does not give legal standing to the water right. The Water Management Board is the entity who makes those decisions. If you choose to try and maintain the water right, I would urge you to have the issue brought to the Water Management Board for a ruling and thereby protecting you from future challenges concerning the years of non-use.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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October 5, 2009

1113-3

David Mercer
19686 311th Ave
Blunt SD 57522-5406

Travis Mercer
507 N Lonetree
Blunt SD 57522

Dear Sirs:

I am writing in regard to Water Right No. 1113-3 listed in the name of Mercer Brothers. The water right authorizes diversion of ground water from the Highmore-Blunt Aquifer to irrigate the NE ¼ Section 10, T112N, R76W. Duane Mercer notified us that the land was sold to you.

I contacted you in February, 2009 requesting information on ownership and your intent towards maintaining the water right. Enclosed is a copy of that letter for your review. To date, nothing has been received from you. If you intend to maintain the water right, it will need to be transferred to your names. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program. For informational purposes, if both your names will appear on the same transfer form, only one fee is required. If you both own land separately and the water right will need to be divided, two completed forms and two separate fees will be required.

As outlined in the last letter, a notation on the annual irrigation questionnaire in 1989 indicated the well was inoperable. If the well was not put back in working order or a replacement well drilled, there would be a question as to whether or not the water right has been maintained and has legal standing.

You should be aware that simply transferring the water right to your names does not give legal standing to the water right. The Water Management Board is the entity who makes those decisions. If you choose to try and maintain the water right, I would urge you to have the issue brought to the Water Management Board for a ruling and thereby protecting you from future challenges concerning the years of non-use.

Sincerely,

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

enclosures

c: Duane Mercer, 31309 199th St, Blunt SD



1113-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
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January 22, 2010

NOTICE

TO: DUANE MERCER, 31309 199TH STREET, BLUNT, SD 57522
DAVID MERCER, 19686 311TH AVE, BLUNT SD 57522
TRAVIS MERCER, 507 N LONETREE, BLUNT SD 57522

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) 1113-3. 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) 1113-3 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) 1113-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations the Water Management Board will be recommending cancellation of this water right.**
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.

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- Sorting Complete, January 23, 2010, 8:59 am, BLUNT, SD 57522
- Arrival at Post Office, January 23, 2010, 8:08 am, BLUNT, SD 57522

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9280MERCER BROTHERS
DUANE MERCER
31309 199TH STREET
BLUNT SD 57522Waiver of Signature ☐ YES ☐ NOPostmark
Here

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PS Form 153, May 2002



1113-3

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Label/Receipt Number: 2303 2160 0000 0802 9303

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

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Detailed Results:

- Delivered, January 25, 2010, 3:50 pm, BLUNT, SD 57522
- Notice Left, January 23, 2010, 8:09 am, BLUNT, SD 57522
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U.S. P

TRAVIS MERCER
507 N LONETREE
BLUNT SD 57522

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PS Form 153, May 2002

(See Reverse)

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Service(s): Signature Confirmation™

Status: Delivered

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Detailed Results:

- Delivered, February 11, 2010, 2:56 pm, BLUNT, SD 57522
- Notice Left, January 23, 2010, 10:03 am, BLUNT, SD 57522
- Out for Delivery or Available at PO Box, January 23, 2010, 9:29 am, BLUNT, SD 57522
- Sorting Complete, January 23, 2010, 8:59 am, BLUNT, SD 57522
- Arrival at Post Office, January 23, 2010, 8:08 am, BLUNT, SD 57522

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U.S. P

DAVID MERCER
19686 311th AVE
BLUNT SD 57522

SIGNATURE CONFIRMATION NUMBER:
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PS Form 163, May 2002

(See Reverse)

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAR - 2 2010

WATER RIGHTS
PROGRAM

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

No. 1113-3

Date: 2-25-10

I/We request that Water Right No. 1113-3

formerly owned by: Duane Mercer, Mercer Brothers

be transferred to: (name & address) David Mercer, Travis Mercer
P.O. Box 136 Blunt SD 57522

Telephone No. (605) 295-0327

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

David and Travis Mercer

I/We understand that the validity of Water Right No. 1113-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Travis Mercer, the new owner, certify that the above information is true and correct.

T. Mercer
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/2, 20 10

RECEIVED OF David Mercer PO Box 136 19686 311th Ave Elmont SD 57522

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>1113-3</u>	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL 50 00

No.

04497

By

[Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 2010

1113-3

David & Travis Mercer
PO Box 136
Blunt SD 57522-0136

Dear Sirs:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1113-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The ownership change you submitted has also been processed. The water right formerly held by Duane Mercer is now listed in your names. Enclosed is your Receipt No. 04497 in the amount of \$50.00. You may keep this for your records.

One thing I want to point out though is that simply transferring the water right to your names does not give legal status to the water right. Our records show no irrigation has been done since 1992. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. In order to rely on legal excuse, a system must be in place and ready to be used if conditions warrant.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



1113-3
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 21, 2011

NOTICE

TO: TRAVIS & DAVID MERCER, PO BOX 136, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 1113-3 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 9, 2011** 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) 1113-3 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 4, 2011**, 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.

1113-3

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Your item was delivered at 4:15 pm on January 28, 2011 in BLUNT, SD 57522. The item was signed for by T MERCER.

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- Notice Left, January 22, 2011, 8:11 am, BLUNT, SD 57522
- Arrival at Post Office, January 22, 2011, 8:05 am, BLUNT, SD 57522

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0409	TRAVIS & DAVID MERCER PO BOX 136 BLUNT SD 57522	
	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**

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

February 9, 2011

1113-3

Travis & David Mercer
PO Box 136
Blunt SD 57522

Dear Sirs:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1113-3. 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 black ink that reads "Genny McMath".

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



1113-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: TRAVIS & DAVID MERCER, PO BOX 136, BLUNT, SD 57522
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 1113-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 1113-3 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 4, 2013**, 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
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JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 20, 2013

1113-3

Travis & David Mercer
PO Box 136
Blunt SD 57522 0136

Dear Sirs:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1113-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1113-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: TRAVIS & DAVID MERCER, PO BOX 136, BLUNT, SD 57522
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1113-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 1113-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



February 10, 2014

1113-3

Travis & David Mercer
PO Box 136
Blunt SD 57522 0136

Dear Sirs:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 1113-3. 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
email: genny.mcmath@state.sd.us



1113-3

**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 26, 2018

NOTICE

TO: TRAVIS & DAVID MERCER, 19686 314TH AVE, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1113-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 1113-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1113-3 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 7, 2018** 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 6, 2018

1113-3

Travis Mercer
19920 314th Ave
Blunt SD 57522

Dear Mr. Mercer:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 1113-3. 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
email: genny.mcmath@state.sd.us