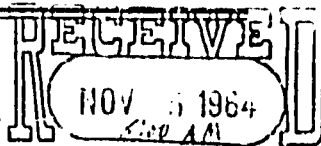


1136-3

1. Considered 1-20, 1965
2. Name of Applicant DENNIS CHICOLE
3. Post Office Address ELK POINT
4. Amount of Water Claimed 1.14
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 30
7. Water to be diverted and used in UNION County about
1E 4S Miles of ELK POINT
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1136-3Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**APPLICATION FOR PERMIT****To Appropriate Water within the State of South Dakota**

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

1. Name of applicant Dennis S. and Caroline Virginia Chiccone
 Postoffice address 587 9th St SE, Sioux Center, IA 51250
Sioux Center County Union State S. 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)

Employment of others and/or direct labor

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

2. Name of diversion work Irrigation well
3. Amount of water claimed 1.14 cubic feet per second 400 gpm
4. Source of water supply Irrigation Well #2
5. Location of point of diversion SE¹-NE¹ S-90-49
 on bank County.
6. Annual period or periods during which water is to be used April through October
7. To be used for:

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

- (a) Number of acres to be irrigated
- 30
- acres.

- (b) Legal subdivisions to be irrigated
- East 1/2 NE¹ S-90-49

(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 382-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$ 1,300.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures -----

Total, \$ 1,300.00

9. Description of diversion works:

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

Pumping plant (Irrigation Well)

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 -----
Blk Point Leader Currier

STATE OF SOUTH DAKOTA

Courty of ----- Union -----

ss.

I, Dennis S. and Caroline Virginia Chicoine, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, 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 *Dennis S. Chicoine*
Caroline Virginia Chicoine

Subscribed and sworn to before me this ----- day of ----- 19-----

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 22, 1965

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 a.m. upon the 5TH day of NOVEMBER, 1964

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 1136-3

Date of first receipt of application NOVEMBER 5, 1964

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim credit NOVEMBER 5, 1964

Approved JANUARY 1, 1965, Recorded in Book 8 Page 284

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 _____

JULY 20, 1967

2nd. The whole of said work is to be completed on or before JANUARY 20, 1970

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

JANUARY 20, 1970

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 1.14 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 JANUARY 20, 1970; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 22ND day of JANUARY, 1965

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 10, 1971

Water License Issued JUNE 10, 1971

Remarks by the Applicant:

This application is for an additional irrigation well, #2 for irrigation of a portion of the land presently appropriated to the application #501-3, map #382-3.

It should also be noted that approximately 40 acres of land in the northern portion of the SW $\frac{1}{4}$ 9-90-49 is presently being irrigated by irrigation well #1

Wells (Supplement to Form 2)

ued)

Well Specifications

(a) Hole and casing

Size of drill hole or excavation 40" , Depth 96'

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

Size of casing 18" , Thickness of casing 2 1/2"

Length of casing 96' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Concrete

Size of perforated screen 18" 20'
(diameter) (length)

Thickness of gravel pack 6" , length of gravel pack 50'

(c) Water Bearing Materials

Distance to water 14' Character of water bearing materials
..... 20-93' coarse sand, 93-112' medium gravel

Thickness of water bearing material 32'

(d) Pump and Motor

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

Name of pump Western Land Roller , size 8"

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

Horsepower 70 , Name of Motor Continental J-382

(e) Complete well

Capacity 1,000 at drawdown of 10' Estimated cost \$1800.00.....

(f) Owner of land upon which well is located Dennis & Caroline Virginia Chicoine
Name

Blk Foint, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 1 1/2 miles

STATE OF SOUTH DAKOTA

WATER LICENSE NO. ... 1136-3

(1) WHEREAS, On the 5th day of November A. D. 19 64
Dennis S. and Caroline V. Chicoine
 made Water Right Application No. 1136-3 for a permit to use 1.14 cubic feet per second of the waters
 of ground water
 County of Union, State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 22nd day of January A. D. 19 65
 Permit No. 1136-3, with a date of priority of November 5, 1964
 was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 20th day of January A. D. 19 70 and for the
 application to beneficial use of said water on or before the 20th day of January A. D. 19 70

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 1.11 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 80 acres in the E½ NE¼, Section 8, T90N, R43W

(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 Dennis S. and Caroline V. Chicolne

_____ of Elk Point

the holder B and owner B of said permit No. 1136-3 a water right, dating from November 5, 1964

_____ to use of 1.11 cubic feet per second of the waters of ground water

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1873 feet, South 45° 15' West of the NE Corner, Section 8, T90N, R49W

and conduct to and upon the E½ NE¼, Section 8, T90N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1136-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of June A. D.
Nineteen Hundred and Seventy - One

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

Permit No. 1136-3

Water Diversion No. 3 BIG SLOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dennis S. and Caroline V. Chicoine

_____ the holder _____ of
Permit No. 1136-3, issued upon Application No. 1136-3, bearing date of priority of November 5,
1964 authorizing the diversion of 1.14 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1873 feet, South 45° 15' West of the NE Corner, Section 8, T90N, R49W
_____, for irrigation

purposes, has ve 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 1.11 cu. ft. per second of water.

Date June 10, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before December 24, 1964.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 25, 1964

Notice is hereby given that Dennis S. and Caroline V. Chicoine whose postoffice address is Elk Point 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 1.14

cubic feet of water per second of time from the ground water through the Chicoine Irrigation Well, the point of diversion of which is to be located on the

Bank of said stream in the SE 1/4 of the NE 1/4 of Section 8
90N 49W

Twp. Range Said water to be used for the purpose of providing irrigation on the following described land:

E 1/2 NE 1/4 Section 8, T90N, R49W

and for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, 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: Mr. Byron Helgerson, Publisher
Leader-Courier
Elk Point, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County _____ } ss.

Byron Helgeson being duly sworn deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

The Leader Courier a newspaper which during the whole time of publication of said notice herein after, stated, has been and is printed and published in the

City of Elk Point County of Union and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

December 3, 1964
December 10, 1964
December 17, 1964
December 24, 1964

in each and every issue of the full number thereof, the first

publication being made on the 3rd day of December

1964 and the last publication on the 24th day of

December 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 editor the printer and publisher of the said newspaper.

Byron Helgeson

Subscribed and sworn to before me this 24th day of December A. D. 1964

Edith Helgeson

Notary Public Union County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., November 25, 1964.

Notice is hereby given that Dennis S. and Caroline V. Chisoline whose post office address is Elk Point, 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 1.14 cubic feet of water per second of time from ground water through the Chisoline Irrigation Well, the point of diversion of which is to be located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8 Twp. 90N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T90N, R49W

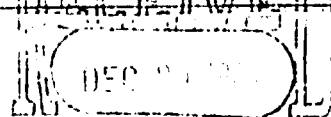
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, at 2 P.M. All interested persons may appear and be heard.

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

(Pub. Dec. 3, 1964)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 1136-3
3 Big Sioux
 Water Division No. 3 River Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

(Date)

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the day of
 19....., at County of State of South Dakota,
 before proof will be submitted of the application to beneficial use
 (Examining En. r)
 of 1.14 cubic feet per second of the waters of GROUND WATER
 In accordance with the terms and conditions of Permit No. 1136-3
 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are
DENNIS S. & CAROLINE VIRGINIA
CHICONE
- The use to which said water has been applied is IRRIGATION
- The amount applied to beneficial use is 1.14
- The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated); AS SHOWN
- The name of the canal or ditch or other works by which said water is conducted to such place of use is CHICONE "2"
- The right to take the water from such works is based upon permit No. 1136
- The source of supply from which such water is diverted is GROUND WATER
- The date of priority which said user is prepared to establish is MAY 5, 1964

(Sign) D. Chicone

Permit No. 1136-3
 Water Division No. 3 B. & S. RIVER Water District

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(F. O.) _____

(Date) _____

TO THE STATE WATER RESOURCES COMMISSION
 OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.14 cu. ft. per second of the waters of the state from CHICONE #2 through the IRIGATION for IRIGATION purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

- The name of the person or corporation holding said permit is Dennis S. J.
CAROLINE VIRGINIA CHICONE
- The postoffice address of such person or the place of business of such corporation is Elk Point
 County of Union State of S. Dak.
- The number of such permit is 1136-3 and the date set for the completion of such work is JAN 20, 1970
- Said water to be used for IRIGATION purposes.
- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.14 cubic feet per second.
- The amount of land for which said water is available is 80 acres, particularly described as follows: _____

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Dennis S. J.

Permit No. 1136-3Water Division 3 Sioux 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 Dennis S. & Caroline V. Chicoine of Elk Point, South Dakota holder of Permit No. 1136-3, bearing date of priority of November 5, 19 64 authorizing the diversion of 1.14 cu. ft. per second of the waters of ground water for irrigation purposes, in Union 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:

Well 100 ft. deep-24 inch casing-35 ft. static water level
Western Land Roller Pump-8 inch-Mod 8M
Continental Industrial Motor-75 H.P.-Natural Gas
(Same as for W.R. 1297-3)

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

3000 feet of 6 and 7 inch pipe.
Pipe used jointly for water rights No's 501-3, 1136-3 & 1297-3

C. Works used to apply water to beneficial use.

Vermeer sprinkler Boom Mod C180
(Same as for W.R. No. 1297-3)

The system is in the following condition: Very Good

The point of diversion is located 1873 ft. S 45° 15' W of NE Corner of
Section 8, Township 90N, Range 49W

The works are capable of diverting and conveying to the place of use 1.11
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: 80 acres
E½ NE¼ Section 8, Township 90N Range 49W

comprising a total of 80 acres of land.

Date 10/1/70

Donald Driscoll
(Signature)
Donald Driscoll
Deputy Chief Engineer
Water Resources Commission

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that title to the lands described as follows:

80 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, T90N, R49W

formerly owned by Daryl Chicoine, Elk Point, SD 57025

has been transferred to Rose Chicoine Moret, Elk Point, SD
587 7th St SE, Sioux Center IA 51250
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1136-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

Iowa
STATE OF ~~SOUTH DAKOTA~~)
County of Sioux) ss.

I, Rose Chicoine Moret being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Rose Chicoine Moret
(Signed)

Subscribed and sworn to before me this 2nd Day of April 1979.

Henry J. Moret
(Notary Public)



501-3
1297-3
1136-3

WATER RIGHTS DIVISION
(605) 773-3352

December 16, 1984

Dave Smith
Route #1, Box 53
Elk Point, South Dakota 57025

Dear Mr. Smith:

In regard to our telephone conversation of December 17, 1984, enclosed are copies of Water Right Nos. 501-3, 1297-3 and 1136-3. The questionnaire you submitted for Water Right No. 1136-3 is on file and I have marked the questionnaires for Water Right Nos. 501-3 and 1297-3 accordingly.

As you requested, future questionnaires will be mailed directly to you as the operator. Thank you for your assistance in this matter.

Sincerely,

Genny McMath
Natural Resources Analyst

GH:ms
Enc.



GREAT FACES. GREAT PLACES.

January 14, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

501-3
~~1136-3~~
1297-3

Curry Seed Company
PO Box 517
Elk Point, SD 57025

Dear Sirs:

Our office has been contacted by Dave Smith concerning the ownership status of Water Right Nos. 501-3, 1136-3 and 1297-3. He indicated Curry Seed Company is purchasing the land described in these water rights on a contract for deed. He further stated that you would have the irrigation data for the 1990 irrigation questionnaires.

Enclosed is a questionnaire pertaining to each of the water rights. The land authorized for irrigation is listed below:

Water Right No. 501-3 (currently listed under Denis Chicoine): NW 1/4, N 1/2 SW 1/4 Section 9 and E 1/2 NE 1/4 of Section 8, T90N, R49W

Water Right No. 1136-3 (Rose Chicoine Moret)
E 1/2 NE 1/4 Section 8, T90N, R49W

Water Right No. 1297-3 (Rose Chicoine Moret)
W 1/2 NE 1/4, N 1/2 SE 1/4 Section 8, T90N, R49W

Mr. Smith stated he would like future correspondence concerning these water rights to be sent directly to you (as that of operator of the systems). At such time as the contract for deed is paid, the water rights can be transferred over to your name.

Please complete the questionnaires and return them to our office as soon as possible. I appreciate your assistance in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES
Joc Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

CURRY SEED CO, OPERATOR
PO BOX 517
ELK POINT SD 570250517

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1297-3, 1136-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

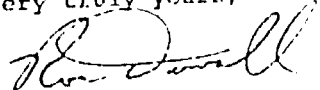
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1297-3, 1136-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

cc: Rose Moret, Po Box 232, Sioux Center, IA 51250



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

CURRY SEED COMPANY, OF.
PO BOX 517
ELK POINT SD 57025

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 1136-3; 1297-3; & 501-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 1136-3; 1297-3; & 501-3. The request for the chemigation report(s) was dated January 7, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 1136-3; 1297-3; & 501-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

CC: Rose Moret, PO Box 232, Sioux Center, IA 51250



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES GREAT PLACES.

February 11, 1991

Curry Seed Company
Box 517
Elk Point, SD 57025

RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. 237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1136-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3910-3, 4438-3, 4582-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and/or chemical application use data for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

REPRODUCTION
REDUCTION

DATE MICROFILMED