

124.6-3

1. Considered 3-16, 1966
2. Name of Applicant LEE SCOTT
3. Post Office Address GEDDES
4. Amount of water claimed 1.76
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 92
7. Water to be diverted and used in CHAR. MUR County about
55 6W miles of GEDDES
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1246-3Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

FEB 11 1933

p.m.

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Lee ScottPostoffice address Reedley, County Charles Mix, State S. D.

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)

Contract(b) Cash on hand, sufficient

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Scott Irrigation Proj. No. 23. Amount of water claimed 1.26 cubic feet per second4. Source of water supply Missouri Riverbetween a point S25°45'W 237' and a point N42°15'W 3440' from E4 Corner5. Location of point of diversion S25°45'W 237'on East bank Charles Mix County.6. Annual period or periods during which water is to be used April 1st to Nov 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 42 acres.(b) Legal subdivisions to be irrigated 8 1/2 to 12 acres in NW 1/4 Sec 36 T96 N64

(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 865-3

8. Estimated cost of work:

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

(b) Pumping plant, \$2400⁰⁰

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

Centrifugal Pump

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back facematerial used in construction

(b) Reservoir: Capacity when filledacre 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; heightfeet; Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATERLINE	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 work3.....years.

11. Time required for complete application of water to the proposed beneficial use5.....years.

12. Choice of newspaper for publication of notice of intention to appropriateCharles Mix Co News.....

STATE OF SOUTH DAKOTA

County of Charles Mix } ss.

I, Lee Smith, 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 Lee Smith

Subscribed and sworn to before me this 2nd day of February 1906

James M. McQueen
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 17, 1966

This is to certify that the foregoing application was received by the Commission at 4:15 o'clock
P.m. upon the 3RD day of FEBRUARY, 1966

State Water Resources Commission

By:

Arthur J. Jones
for Chief Engineer, Executive Officer

Number of permit 1246-3

Date of first receipt of application FEBRUARY 3, 1966

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 right FEBRUARY 3, 1966

Approved MARCH 16, 1966, Recorded in Book 9 Page 99

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 _____

SEPTEMBER 16, 1967

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

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

MARCH 16, 1971

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 1.26 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 MARCH 16, 1971; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 17TH day of MARCH, 1966

State Water Resources Commission

By:

Arthur J. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued _____

JUNE 21, 1966

Water License issued _____

JUNE 21, 1966

Permit No. 1246-3Water Division No. 3 Missouri River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Lee Scottof Geddes, County of Charles Mix, and State of South Dakotathe holder of Permit No. 1246-3 issued upon Application No. 1246-3, bearing date of priority of February 3, 1966, authorizing the diversion of1.26 cu. ft. per second of the waters of the Missouri RiverCounty of Charles Mix, State of South Dakota, at between a point S 25° 45' W, 2371 feet, and a point N 42° 15' W, 3440 feet from the E½ corner, Section 25, T96N, R67Wfor irrigationpurposes, has fully 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 3.0 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows.

to-wit: 92 acres in the NW¼, Section 30, T96N, R66WWitness my hand this 21st day of June A. D. 1966

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1246-3

WHEREAS, On the 3rd day of February A. D. 1966
Lee Scott

of Geddes County of Charles Mix and State of
South Dakota duly made application (No. 1246-3) to us for a permit to use 1.26
cubic feet per second of the waters of the Missouri River
County of Charles Mix, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 17th day of March A. D. 1966
Permit No. 1246-3 was issued to said applicant... for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 16th day of
March A. D. 1969 and for the application to beneficial use of said
water on or before the 16th day of March A. D. 1971
and,

WHEREAS, On the 14th day of June A. D. 1966
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.26
cubic feet per second of said waters, as evidenced by our Certificate No. 1246-3
dated June 21, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.0 cubic feet per second of water, with date of
priority of February 3, 1966 and,

WHEREAS, On the 14th day of June A. D. 1966
proof was duly made of the application to beneficial use of 1.26 cubic feet per second of said water;
for irrigating 92 acres in the NW $\frac{1}{4}$, Section 30, T96N, R66W

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 Lee Scott
of Geddes the holder and owner of said permit No. 1246-3
a water right, dating from February 3, 1966 to the use of 1.26
cubic feet per second of the waters of the Missouri River
in the County of Charles Mix and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~at~~ between a point S 25° 45' W, 2371
feet, and a point N 42° 15' W, 3440 feet from the E½ Corner, Section 25, T96N, R67W
and conducted to and upon a portion of the NW¼, Section 30, T96N, R66W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 21st day of June A. D. Nineteen
Hundred and Sixty-six

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

on or before February 17
(First Publication

1966

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak.,

February 9, 1966

Notice is hereby given that Lee Scott whose postoffice address is Geddes 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 1.26 cubic feet of water per second of time from the Missouri River through the Scott Irrigation Project #2 left between a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and a point bank of said stream in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25 portions of Twp. 96N Range 67W. Said water to be used for the purpose of providing irrigation on the following described land:
S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T96N, R66W

~~and for~~ purposes

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of March, 1966, 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

CC: Mr. Harold O. Williams, Publisher
Charles Mix County News
Geddes, S.D.

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }

County Charles Mix }

ss.

Harold Will being duly sworn, deposes and says the annexed printed copy of Notice

of intention to appropriate water was taken from the _____

Charles Mix County News 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 Sioux Falls County of

Charles Mix and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb. 17, 1966, Mar. 3, 1966, 11, 1966

in each and every issue of the full number thereof, the first publication being made on the 17th day of February

1966 and the last publication on the 10th day of

March 1966, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was _____ the printer and publisher of the said newspaper.

APPROPRIATION OF WATER.

Office Of State

Water Resources Commission

Pierre, S. Dak.

February 11, 1966

Notice is hereby given that Lee Scott, whose postoffice is Geddes, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.26 cubic feet of water per second of time from the Missouri River through the Scott Irrigation Project No. 2, the point of diversion of which is to be located on the bank of said stream between a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and a point in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T96N, R66W.

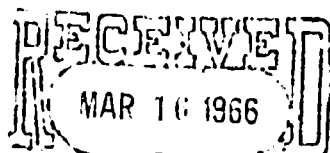
This application will be taken up by the State Water Resources Commission at their office in Pierre for consideration upon the 10th day of March, 1966, at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission,

By: Burton F. Jones,
Water Right Specialist

Subscribed and sworn to before me this 12th day of March A. D. 1966



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Notary Public Charles Mix County, S. D.

Permit No. 1246-3
3 MISSOURI
 Water Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated

I have this day made a thorough examination of the diversion works constructed by

LEE SCOTT of GEDDES
CHARLES MIX County, South Dakota, holder of Permit No. 1246-3, issued
 upon Application No. 1246-3, bearing date of priority of FEBRUARY 3, 1966, authorizing the
 diversion of 1.26 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 8" BERKELEY PUMP MODEL B6JRM
POWERED WITH ~~251~~ INTERNATIONAL MOTOR RATED
@ 42 HP. 2700' OF 10" GATED PIPE & 1000' OF
8" GATED PIPE W/ 40" GATES.

and the system is in the following condition: EXCELLENT

The point of diversion is located AS SHOWN ON THE APPLICATION

The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: AS SHOWN ON THE APPLICATION

comprising a total of 92 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 14TH day of June A.D. 1966

—SEAL—

Burton Jones
 Examining Engineer
 OFFICER.

227-3 and 1246-3

December 9, 1974

Mr. Lee Scott
Ceddes
South Dakota 57342

Dear Mr. Scott:

Reference is made to your letter dated December 5, 1974 inquiring if the described irrigation withdrawal trench you propose to take water from Lake Francis Case in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T86N, R67W would result in any violation of applicable South Dakota water quality standards.

In my opinion it should not result in any such violation.

Sincerely,

VERN W. BUTLER
Secretary
Department of Natural
Resource Development

VWB/DD/bw

cc: Mr. F.L. Ehrenfelt, Real Estate Projects Office, Box 670,
Pierre, South Dakota 57501

Dec. 5, 1974

Natural Resources Dept.
Water Project Rights
c/o Don Driscoll - State Nat. Engineer
Pierre, So. Dakota, 57501

Dear Sir:

I propose to dredge a trench in the shoreline of Lake Francis Case, Charles Mix County, South Dakota, to facilitate irrigation water withdrawal. Location is Sect. 25, NW4NE4 T. 96N. R. 67W. 5th P.M. Said trench is to be 60 feet long, 40 feet wide & approx 6 feet deep with side slope of 3:1. Please advise whether or not this activity will violate any State Applicable Water Quality Standards.

Respectfully

Lee Hunt

Giddens S. Pub.

57342



DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

MROOP-N
SD 2SB OXT 1 000041
Mr. Lee Scott
Dredging and Filling
Missouri River Mile 889.4

5 February 1975

NOTICE OF PERMIT PENDING

The application of Mr. Lee Scott, Rural Route 1, Geddes, South Dakota 57342, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to construct a trench-type basin to facilitate the withdrawal of water for irrigation purposes. Approximately 300 cubic yards of material will be dredged utilizing a dragline with the spoils being placed in the water and used as a wind and water break. The applicant intends to utilize temporary pumping facilities capable of withdrawing 4.26 cubic feet of water per minute during the growing season to provide irrigation for approximately 250 acres of farmland.

Application has been made to the South Dakota Department of Environmental Protection for State certification that the activity, if permitted, will not violate the State's applicable water quality standards.

An environmental assessment has been made and it has been determined that no significant adverse impact will occur. Accordingly, an environmental impact statement is not necessary.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and in general the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will

include application of the guidelines promulgated by the Administrator. Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

Any person who has an interest which may be adversely affected by the issuance of a permit for the work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice and must clearly set forth the interest which may be adversely affected and the manner in which the proposed activity will adversely affect that interest.

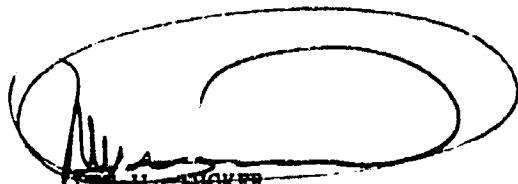
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 7 March 1975. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons.

A permit, if granted, will be under Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat 1151; 33 USC 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act Amendments of 1972.

A drawing showing the location and extent of the work is attached to this notice.

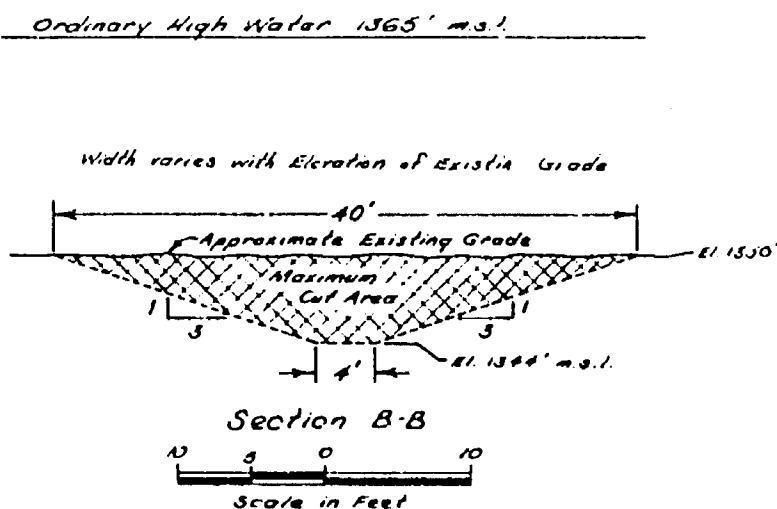
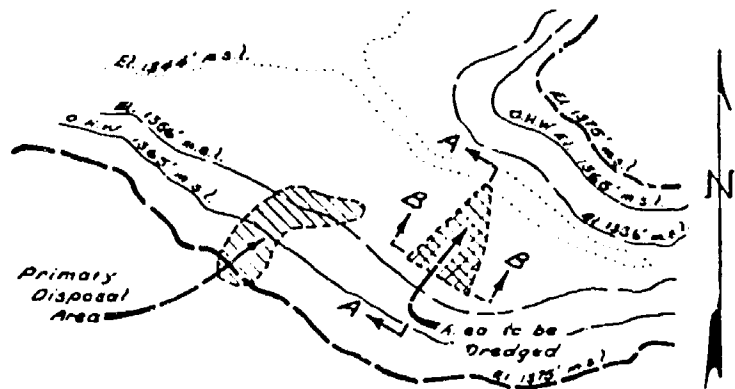
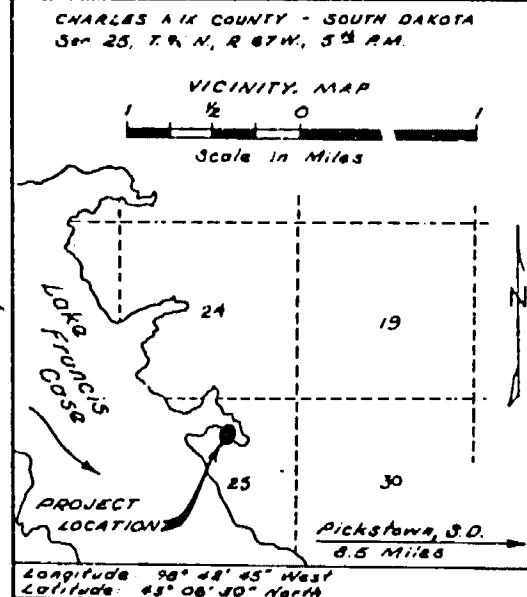
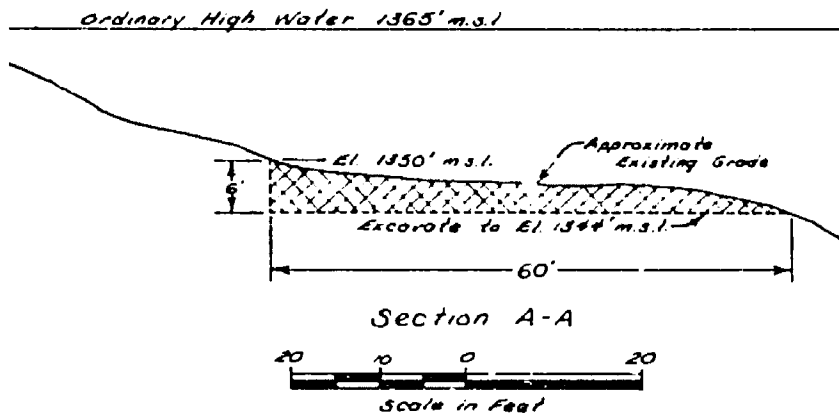
FOR THE DISTRICT ENGINEER:

Attachment
As stated



LEE W. HOOKER
LTC, Corps of Engineers
Deputy District Engineer

SD 2SR OXT 1 000041



Purpose: Access Channel for Irrigation Water
Datum: All elevations refer to Sea Level Datum
Temporary Pumping Facilities are to be utilized

Proposed Access Channel
In Lake Francis Case
At Missouri River Mi. 889.4
County of Charles Mix State S.D.
Application By Lee Scott
Sheet 1 of 1 Date 12-5-74

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
6014 U. S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

POSTAGE AND FEES PAID
DEPARTMENT OF THE ARMY
DDO-314



PUBLIC NOTICE

MRD FORM 0156b
1 JUN 73

RECEIVED

SEP 25 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1246-3

Date: 9-21-07

I/We request that Water Right/Permit No. 1246-3 formerly owned by:

Lee Scott, 37204 286th St, Geddes SD be transferred to:

New Owner Name: DAVID Scott

Address: 37240 286th St

City, State, Zip Geddes, SD 57342 Telephone No. 605-331-2376

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

92 acres in NW¹/₄ sec 30-96N-66W

☒ I understand that the validity of Water Right/Permit No. 1246-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, DAVID Scott, the new owner, certify that the above information is true and correct.

David Scott

(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 9/25, 20 07

RECEIVED OF DAVID SCOTT 37340 286TH ST GEDDES SD 57342

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	2	50
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 _____ 1246-3		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) _____	TOTAL	
	2	50

No.

03168

By

Garland Erbe *g*
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

October 10, 2007

227-3
1246-3
1396-3

David Scott
37340 286th St
Geddes SD 57342

Dear Mr. Scott:

Thank you for following up on the ownership changes for Water Right Nos. 227-3 and 1246-3. The water rights, formerly held by Lee Scott are now listed in your name.

Enclosed are your Receipt Nos. 03168 and 03169 in the amount of \$2.50 each. You may keep these for your records.

Water Right No. 1396-3 authorizing irrigation of portions of the SE ¼ Section 14, T96N, R67W will be scheduled for cancellation consideration for abandonment and/or forfeiture. The cancellation consideration will be scheduled for the Board's December meeting. You will be notified of the time, date and place of the hearing once it is scheduled.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

1246-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DAVID SCOTT, 37340 286TH ST, GEDDES, SD 57342 9539

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 227-3 & 1246-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 227-3 & 1246-3 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.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: FEWFBX**

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.

1246-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

227-3
1246-3

David Scott
37340 286th St
Geddes SD 57342-9539

Dear Mr. Scott:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 227-3 & 1246-3. 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 blue ink that reads "Genny McMath". The signature is fluid and cursive.

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