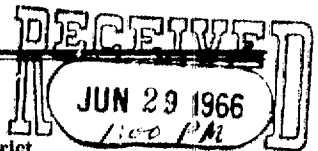


1291-3

1. Considered 9-15 1966
2. Name of Applicant Jessica M^cInerney
3. Post Office Address Pine Falls
4. Amount of water claimed 1.55
5. Source of water supply Ground water
6. Water to be used for irrigation
Acres to be irrigated 108
7. Water to diverted and used in Union County
about 2 miles E of Elle Point.
8. Proof of Publication
Received ✓
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1291-3Water Division No. 3 BIG SIOUX RIVER
(Blanks to be filled by the Engineer for the W. R. C.)DISTRICT
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 Jessica McInerney
 Postoffice address 24 E. 27th St., County Minnehaha, State S. Dak.
Sioux Falls

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, \$ adequate(c) Treasury stock, \$ X(d) Bonds to be issued, \$ X(e) Other resources, \$ X

2. Name of diversion work Thos. McInerney Est. - Jessica McInerney-trustee #2

3. Amount of water claimed 1.55 cubic feet per second 697 G.P.M.4. Source of water supply Ground water

5. Location of point of diversion North 122° 35' West 1095 feet from the
N.E. corner of Sec. 22-T. 91-N-R. 49-W on NE 1/4 bank 24' near County.

6. Annual period or periods during which water is to be used May through September

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 108 acres108 acres in the N.E. part of N.E. 1/4 - 22-T91-N R49W

(b) Legal subdivisions to be irrigated

(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 #905-3

8. Estimated cost of work:

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

(b) Pumping plant, \$-----

(c) Plumbing, \$-----

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

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works (Reservoir, dam, ditch, flume, pumping p., 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 bottom water 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 ----- 4 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

Leader Courier in Elk Point, S.D.

STATE OF SOUTH DAKOTA

County of Minnehaha

Jessica McInerney

I, -----, 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 Jessica McInerney

Subscribed and sworn to before me this 27th day of June 19 66

G. M. Nelson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

T-91-W

15
14

R-49-W

IRR. PLAN MAP

PGR. NO. 584-A

JESSICA McINERNEY (ow)

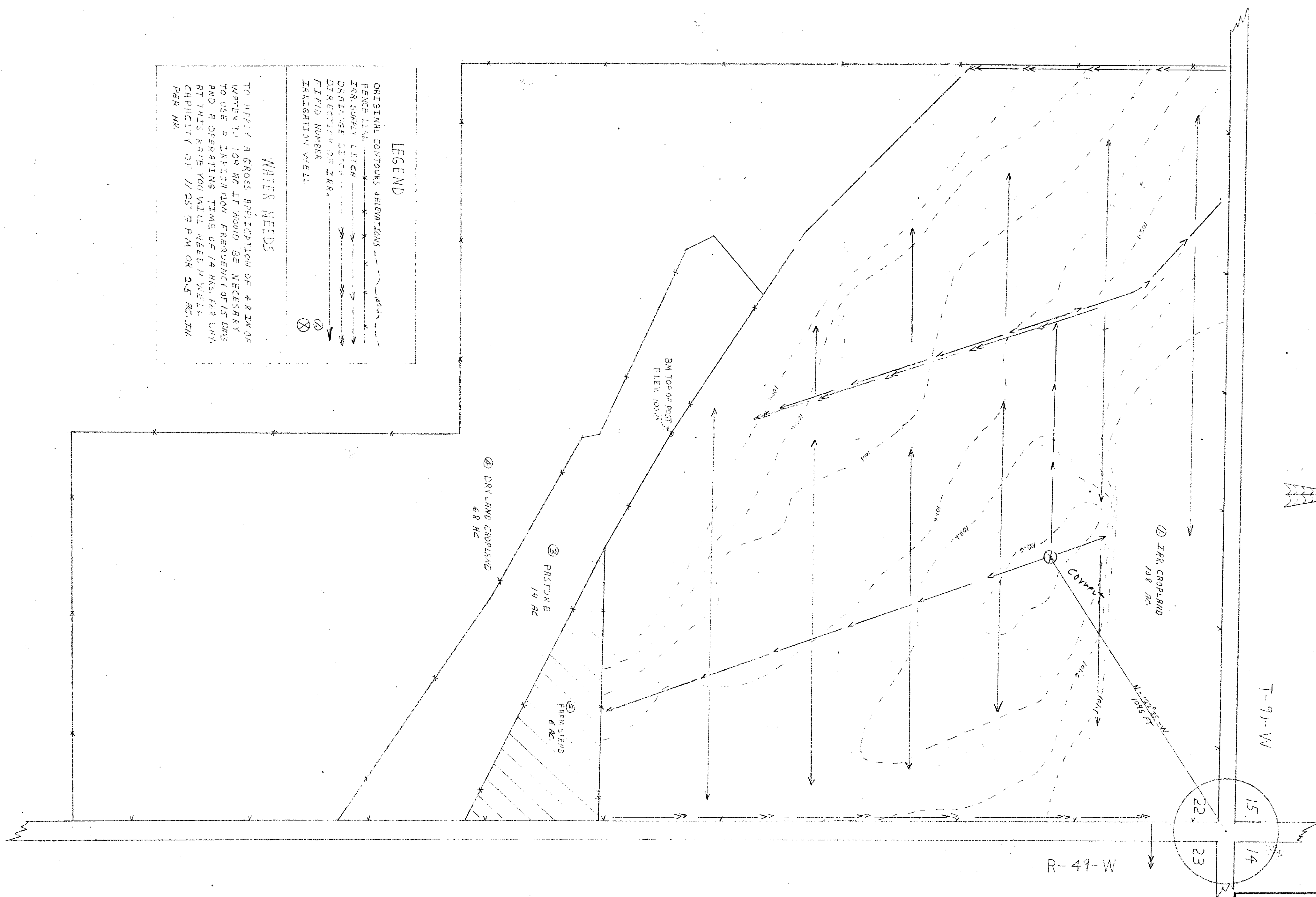
THOMAS HANSON (OP) NE 1/4 + NE 1/4 SW 1/4-22-91-49

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
<i>John Myers</i>	<i>6-66</i>	<i>James R. Craig</i>
Drawn		Title
		<i>CONS. ENG. TECH.</i>
<i>John Myers</i>	<i>6-66</i>	
Traced		Title
Checked	Sheet	Drawing No
	No	
	of	

U. S. GOVERNMENT PRINTING OFFICE : 1961 O - 613867

MAP №905-3 (APPL №1291-3) Form SCS-313 (November 1955)



LEGEND

ORIGINAL CONTOURS AT HIGH TIDES
FENCE LINE
IRR. SUPPLY DITCH
DRAINAGE DITCH
DIRECTION OF FLOW
FIELD NUMBER
TRIANGULATION WELL

WHITE NEEDS

TO HAVE A GROSS APPLICATION OF 4.8 INCHES OF WATER TO 100 AC IT WOULD BE NECESSARY TO USE A IRRIGATION FREQUENCY OF 15 DAYS AND A OPERATING TIME OF 14 HRS PER DAY. AT THIS RATE YOU WILL NEED A WELL CAPACITY OF 1125.0 PM OR 2.5 AC IN PER HR.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, NOVEMBER 7, 1966

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock
P.m. upon the 29TH day of JUNE, 1966

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1291-3

Date of first receipt of application JUNE 29, 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 JUNE 29, 1966

Approved SEPTEMBER 15, 1966, Recorded in Book 9 Page 171

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 15, 1969

2nd. The whole of said work is to be completed on or before SEPTEMBER 15, 1971

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 15, 1975

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 1.55 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 15, 1975; said water to be used during the following described annual period:

MAY THRU SEPTEMBER

Witness my hand this 7th day of NOVEMBER, 1966

State Water Resources Commission

By:

John R. ...
Chief Engineer, Executive Officer

Certificate of Construction issued NOVEMBER 25, 1970

Water License issued NOVEMBER 25, 1970

9. (Continued)

III. Well Specification

(a) Hole and casing

Size of drill hole or excavation 36" , Depth 92'Type of casing Concrete
(wood, concrete, steel, etc.)Size of casing 18" , Thickness of casing 2 1/2"Length of casing 64' . If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen ConcreteSize of perforated screen 18" (diameter) 28' (length)Thickness of gravel pack 6 1/2" , length of gravel pack 92'

(c) Water Bearing Materials

Distance to water 18' . Character of water bearing materials Good sand & GravelThickness of water bearing material 65'

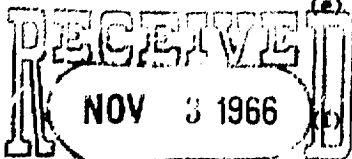
(d) Pump and Motor

Type of pump Deep Well Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Western Land Pumps size 14" BowlKind of motor Gasoline
(gasoline, electric, diesel, etc.)Horsepower 45 , Name of Motor Case tractor

(e) Complete well

Capacity 1800 at drawdown of 9' . Estimated cost 3000⁰⁰Owner of land upon which well is located Jessica McInerney
Name240 East 27 St. Sioux Falls, S.D.
Address

(g) Distance to nearest existing wells

On same owner's property 320 rods. On property owned by others 500 rods
house wellSTATE WATER RESOURCES COMM
PIERRE SOUTH DAKOTA

Permit No. 1291-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jessica McInerny

_____ the holder _____ of
Permit No. 1291-3, issued upon Application No. 1291-3, bearing date of priority of June 29, 1966
_____ authorizing the diversion of 1.55 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1095 feet North 122° 35' West of the NE Corner, Section 22, T91N, R49W

_____, for irrigation

purposes, has _____ 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 2.67 cu. ft. per second of water.

Date November 25, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1291-3

(1) WHEREAS, On the 29th day of June A. D. 19 66
Jessica McInerny

made Water Right Application No. 1291-3 for a permit to use 1.55 cubic feet per second of the water
of ground water
County of Union, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 7th day of November A. D. 19 66
Permit No. 1291-3 with a date of priority of June 29, 1966
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 15th day of September A. D. 19 71 and for the
application to beneficial use of said water on or before the 15th day of September A. D. 19 75

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 1.55 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 108 acres in the NE $\frac{1}{4}$, Section 22, T91N, R49W

(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 Jessica Mc Inerney

_____ of Sioux Falls, S.D.

the holder _____ and owner _____ of said permit No. 1291-3 a water right, dating from June 29, 1966

_____ to use of 1.55 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 1095 feet North 122° 35' West of the NE Corner, Section 22, T11N, R49W

and conduct to and upon portions of the NE1/4, Section 22, T91N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1291-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 25th day of November A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, **J.W. GRIMES**

(First Publication on or before August 18, 1966)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 4, 1966

Notice is hereby given that Jessica McInerny whose postoffice address is Sioux Falls 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 1.55 cubic feet of water per second of time from ~~xxx~~ ground water through the McInerny #2, the point of diversion of which is to be located ~~xxxxx~~.

~~xxxxx~~ in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22 Twp. 91N Range 49W a portion of Said water to be used for the purpose of providing irrigation on the following described land:
NE $\frac{1}{4}$ Section 22, T91N, R49W

~~xxxxx~~ ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 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

By:

BURTON F. JONES
Water Right SpecialistCC: Byron Helgerson, Publisher
Leader Courier
Elk Point, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Union } ss.

Byron Helgerson 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 itme 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:

Aug. 11, 1966

Aug. 18, 1966

Aug. 25, 1966

Sept. 1, 1966

in each and every issue of the full number thereof, the first publication being made on the 11 day of Aug.

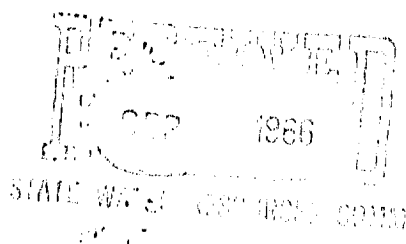
19 66 and the last publication on the 1st day of

Sept. 19 66, 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 Helgerson

Subscribed and sworn to before me this 2nd day of September A. D. 1966



Edith Helgerson

Notary Public Union County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., August 4, 1966.

Notice is hereby given that Jessica McInerny whose post-office address is Sioux Falls, 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 1.55 cubic feet of water per second of time from ground water through the McInerny No. 2, the point of diversion of which is to be located in the NE 1/4 of the NE 1/4 of Section 22 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on a portion of the following described land:

NE 1/4 Section 22, T91N, R49W
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 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
By: BURTON F. JONES
Water Right Specialist
(Pub. Aug. 11, 18, 25, Sept. 1)

Permit No. 1291-3

Water Division 3 STOUX 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 Jessica McInerney^e
 _____ of 210 E. 27th, Sioux Falls, S.D. holder _____
 of Permit No. 1291-3, bearing date of priority of June 29, 1966
 authorizing the diversion of 1.55 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, 93 ft. deep, 24 inch concrete casing, static water level 16 ft. with drawdown to 23 feet.

Western Land Roller Pump, 8 inch, Mod. 8M

Continental propane motor, 6 cyl., 40 HP

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

C. Works used to apply water to beneficial use.

Siphons

Land leveling

The system is in the following condition: Good
 The point of diversion is located 1095 ft., North 122°35' West of NE Corner of Section 22,
T91N, R49W

The works are capable of diverting and conveying to the place of use 2.67
 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: _____
108 acres in NE¼, Section 22, T91N, R49W

comprising a total of 108 acres of land.

2475-3
2474-3
1291-3
1088-3

623 East Capitol
Pierre, South Dakota 57501 WATER RIGHTS DIVISION (605) 773-3352

November 29, 1982

Marimac Incorporated
210 E. 27th Street
Sioux Falls, South Dakota 57105

Dear Sirs:

This letter is in reference to Water Right Nos. 1088-3, 1291-3, 2474-3 and 2475-3 listed in the name of Jessica McInerny. Enclosed are copies of each of these water rights.

On November 24, 1982 Mrs. Darmon Staum of Elk Point was contacted concerning an irrigation questionnaire they had returned for Mrs. McInerny. Mrs. Staum indicated that Mrs. McInerny had deceased and that the land was now owned by Marimac Incorporated.

In order to keep our records up-to-date, it will be necessary for you to file a Notice of Transfer for each of the water rights. Enclosed please find partially completed transfer forms which should be checked over, dated, signed and notarized before returning them to this office with a \$2.50 filing fee for each, (total of \$10.00). The water rights can then be transferred to Marimac Incorporated.

If you have operators for each of the farms, and would like our yearly irrigation questionnaire sent directly to each of the operators, please include their name and addresses with the transfer forms. This information can be written on the bottom of the transfer form pertaining to the appropriate water right, or written on separate sheets.

If you have any questions, please advise.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GYY:ms
Enc.

Water Rights Division - DWNR
Telephone Reference Sheet

NAME OF PERSON (Called/Calling): Larry Jorgenson
ADDRESS: Trent, SD COUNTY: Moody
DATE: Nov 23, 1982 TELEPHONE: 428-5103
RE: Water Right No. 1302-3 - Lynn Jorgenson
COMMENTS:

I talked with Mrs. Larry Jorgenson concerning ownership of land under 1302-3. She indicated they owned part of the land and rented the other part from Lynn J. Mr. Lynn Jorgenson has retired and all of the land will eventually belong to Larry Jorgenson (son)

I indicated to Mrs. Jorgenson that the permit should be transferred to Larry since he farmed all of it anyway. She felt this was satisfactory, no use in a sitting permit.

File in Permit file when necessary. Use to make a record of conversations and what the other party was told.

NAME: Deany Young



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

December 7, 1982

1088-3

1291-3

2474-3

2475-3

Marimac, Inc.
210 E 27 St
Sioux Falls SD 57105

Dear Sir:

Enclosed are receipts No. 4 9050 thru 4 9053 in the amounts of \$2.50 each which you paid for the transfer of Water Right Nos. 1088-3, 1291-3, 2474-3 and 2475-3.

Our records now show you as the owner of these Water Rights. The irrigation questionnaires will be sent to the people indicated on each transfer form.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosures

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-2-82

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

108 acres- NE $\frac{1}{4}$ Section 22, T91N, R49W

formerly owned by Jessica McInerney

has been transferred to Marimac, Inc. 210 E. 27th Street, Sioux Falls, SD 57105

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1291-3 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, Water Management Board 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.

STATE OF SOUTH DAKOTA)
) ss.
County of MINNEHAHA)

I, Marimac, Inc. by Merle Jacobson 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.

Marimac, Inc. by Merle Jacobson, Inc.
(Signed)

Subscribed and sworn to before me this 2nd Day of December, 1982.

Michael E. Lane
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9052

PIERRE, December 3, 1982

RECEIVED OF Marimac Inc., 210 E. 27th Street, Sioux Falls, SD 57105

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.....		
Fee for inspecting Beneficial Use, and issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw, No.....		
Fee for filing <u>Transfer of WR#1291-3</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John P. Hatch
Chief Engineer, Executive Officer
JOHN P. HATCH



1291-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GARY HANSON, OPERATOR
RR #1 BOX 113
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1291-3 & 2474-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, 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) 1291-3 & 2474-3 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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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

cc: Marimac Inc., 210 E 27th, Sioux Falls, SD 57105



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1992

1291-3
2474-3

Gary Hanson
RR #2 Box 224
Elk Point, SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 1291-3 and 2474-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

The carbon copy of the January 27, 1992 notice mailed to Marimac Inc, 210 E 27th St, Sioux Falls, SD was returned to our office by the post office. Do they still own the land you operate? If so, please send us an updated mailing address for them. I have enclosed a postage paid envelope for your reply. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

GARY HANSON, OPERATOR
RR #1 BOX 113
ELK POINT, SD 57025

4a. Article Number

P 906 557 650

4b. Service Type

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

7. Date of Delivery

01/29/92

5. Signature (Addressee)

Gary Hanson

6. Signature (Agent)

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



1291-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

GARY HANSON, OPERATOR
RR #2 BOX 224
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1291-3 & 2474-3. 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 hearing to determine if any Board action is to be taken concerning the violation.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1291-3 & 2474-3 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 on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

cc: Marimac Inc., 210 E 27th, Sioux Falls, SD 57105

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.

3. Article Addressed to:

**CARY HANSON, OPERATOR
RR #2 BOX 224
ELK POINT SD 57025**

5. Signature (Addressee)

Cary Hanson

6. Signature (Agent)

4a. Article Number

1091-3
P837692509

4b. Service Type

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

7. Date of Delivery

2-17-94

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

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

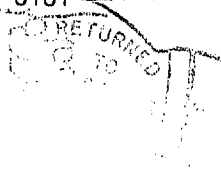


DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

P 837 692 567

MAIL



LN
2-17



1291-3

Name FINAL NOTICE
1st Notice 2-17-94
2nd Notice 2-18-94
Return 2-18-94

number
if each office is state or
not remain in the envelope

Marimac, Inc.
~~210 E 27th~~
Sioux Falls SD 57105

812 841



1291-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1994

NOTICE

TO: GARY HANSON, OPERATOR
RR #2 BOX 224
ELK POINT, SD 57025

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

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: , 1291-3 & 2474-3

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

**9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.**

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
 1291-3 & 474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 57219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

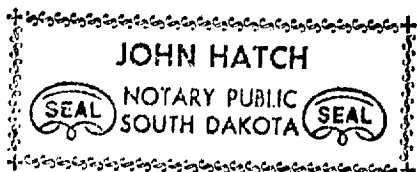
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Gollither, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



1291-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 21, 1994

1291-3

2474-3

Gary Hanson, operator
RR #2 Box 224
Elk Point, SD 57025

Dear Mr. Hanson:

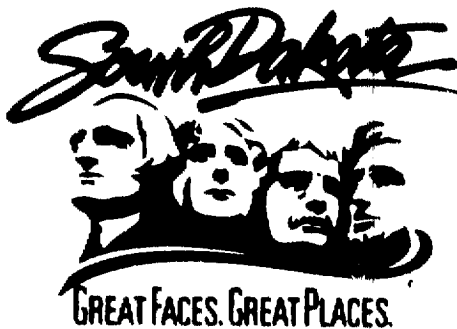
I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaires were 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



December 2, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1291-3

1936-3

4696-3

 Gary Hanson
 RR 2 Box 224
 Elk Point, SD 57025

Dear Mr. Hanson:

I am contacting you in regard to the 1997 irrigation questionnaires pertaining to Water Right Nos. 1291-3 and 1936-3 and Water Permit No. 4696-3. It has come to my attention that I mailed this years questionnaires to the wrong person. I apologize for the error and am now forwarding the forms to you for completion.

The following is a summary of what each water permit or water right authorizes:

- Water Right No. 1291-3, Marimac, Inc., authorizes diversion of 1.55 cubic feet of water per second (cfs) from ground water to irrigate 108 acres in the NE¼ Section 22, T91N, R49W;
- Water Right No. 1936-3, Evelyn Hanson, authorizes diversion of 1.14 cfs from ground water to irrigate 80 acres in the W½ SE¼ Section 22, T91N, R49W;
- Water Permit No. 4696-3, Evelyn Hanson, authorizes diversion of 0.80 cfs from ground water to irrigate 54 acres in the NE¼ SE¼ and SW¼ NE¼ Section 22, T91N, R49W.

Please complete the enclosed 1997 irrigation questionnaires and return them to our office by January 1, 1998. If you have any questions, or need assistance in completing the forms, please contact me.

Sincerely,

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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: GARY HANSON, OPERATOR, RR 2 BOX 224, ELK POINT, SD 57025
**FROM: Ron Duvall, Natural Resources Engineer
 for John Hatch, Chief Engineer
 Water Rights Program**
SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 4696-3, 1291-3 & 1936-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1291-3 & 1936-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4696-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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) 4696-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1291-3 & 1936-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 20, 1998, 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 (605) 773-3352.

cc: EVELYN HANSON, RR 2 BOX 224, ELK POINT, SD 57025

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: 1291-3 GARY HANSON, OPERATOR RR 2 BOX 224 ELK POINT SD 57025		4a. Article Number Z 179 157 146	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery JAN 12-98	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X Gary Hanson			

PS Form 3811, December 1994 102585-97-8-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: 1291-3 Evelyn Hanson RR 2 Box 224 Elk Point SD 57025		4a. Article Number Z 179 157 147	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 1-10-98	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X Mary Hanson			

PS Form 3811, December 1994 102585-97-8-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

1291-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1998

1291-3
1936-3
4696-3

Gary Hanson, Operator
RR 2 Box 224
Elk Point SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1291-3, 1936-3 and 4696-3.

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

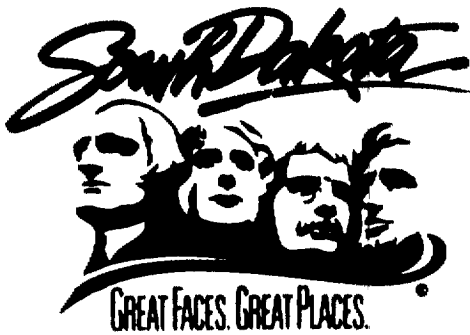
If you have any questions, please contact me.

Sincerely,

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

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

c: Evelyn Hanson, RR 2 Box 224, Elk Point SD 57025



1291-3
**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: GARY HANSON, OPERATOR, 32445 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4696-3, 1291-3 & 1936-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1291-3 & 1936-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4696-3 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 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) 4696-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1291-3 & 1936-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 (605) 773-3352.

c: EVELYN HANSON, RR 2 BOX 224, ELK POINT, SD 57025

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.



1291-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2000

1291-3

1936-3

4696-3

Gary Hanson
32445 480th Ave
Elk Point, SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 1291-3, 1936-3 and 4696-3.

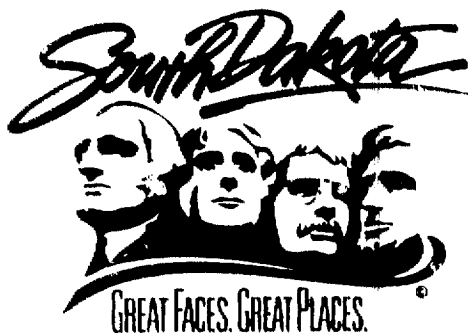
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Evelyn Hanson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2002

1291-3

Brian McInerney
31962 472nd Ave
Elk Point SD 57025

Dear Mr. McInerney:

Enclosed as we discussed, is a copy of Water Right No. 1291-3. The water right is currently listed in the name of Marimac Inc.

I have included a copy of the annual irrigation questionnaire. You indicated that Mr. Hanson farmed the land in 2002. I will still try and obtain the information from him. The enclosed copy of the form is for informational purposes and shows you what type of information you will need to keep track of during next years crop season.

The irrigation questionnaires are normally mailed to irrigators about mid-October. I will add your name to the file so that next year's form for No. 1291-3 goes directly to you. If you have any questions, please contact me.

Sincerely,

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

enclosures



1291-3
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: GARY HANSON, OPERATOR, 32445 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 4696-3, 1291-3 & 1936-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1291-3 & 1936-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4696-3 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 can:

1. Suspend or cancel Permit No(s) 4696-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1291-3 & 1936-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 (605) 773-3352.

cc: EVELYN HANSON, RR 2 BOX 224, ELK POINT, SD 57025

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.



1291-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2003

1291-3
1936-3
4696-3

Gary Hanson
32445 480th Ave
Elk Point SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1291-3, 1936-3 and 4696-3.

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