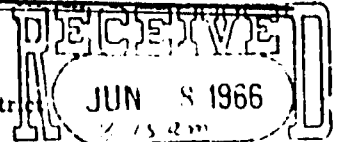


1. Considered 9-15, 1966
2. Name of Applicant Barry and Ron Lohman
3. Post Office Address Elk Point
4. Amount of water claimed 2.28
5. Source of water supply Ground water
6. Water to be used for Irrigation
- Acres to be irrigated 160
7. Water to diverted and used in Union County
about 45 IE miles of Elk Point.
8. Proof of Publication Received ~~12~~ X
- Not Received _____
9. Application Approved _____
- Subject to _____
- Not Approved _____
- Action deferred _____
10. Remarks:

No. 1291-3
 Water Division No. 3 BIG SIOUX RIVER Distr.
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM
PIERRE SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant DAPHN & ROSE M. CHICONE
 Postoffice address ELK POINT, County UNION, State S. DAK

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

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

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

(b) Cash on hand, \$ ADEQUATE

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work CHICONE #33. Amount of water claimed 2.28 cubic feet per second4. Source of water supply GROUND WATER5. Location of point of diversion N134°45'E, 1873 FEET FROM BLF
NE CORNER, SECE, T90N, R49W on bank UNION County.6. Annual period or periods during which water is to be used APRIL THRU OCTOBER

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? SPRINKLER(a) Number of acres to be irrigated 1600 acres. ~~10000~~(b) Legal subdivisions to be irrigated N²SE & W²NE⁴ SECE, T90N, R49W

(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.)

11. 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 N2911-3

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (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.)

WELL, PUMPING PLANT & SPRINKLER SYSTEM

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 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 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 work5.....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 appropriate

ELK POINT LEADER, ELK POINT, S.D.

STATE OF SOUTH DAKOTA

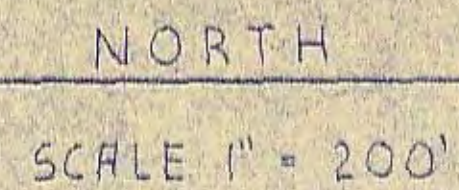
County of Deuel ss.

I, David C. Cramer & Paul Cramer, 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.

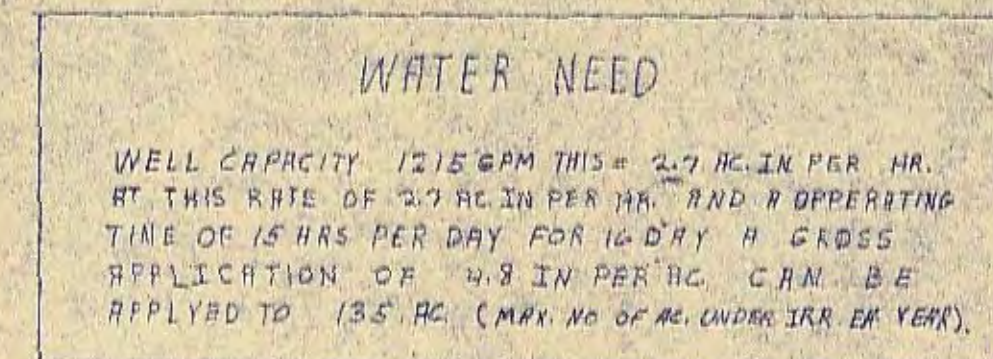
Signed David C. Cramer

Subscribed and sworn to before me this 8th day of June 1965.

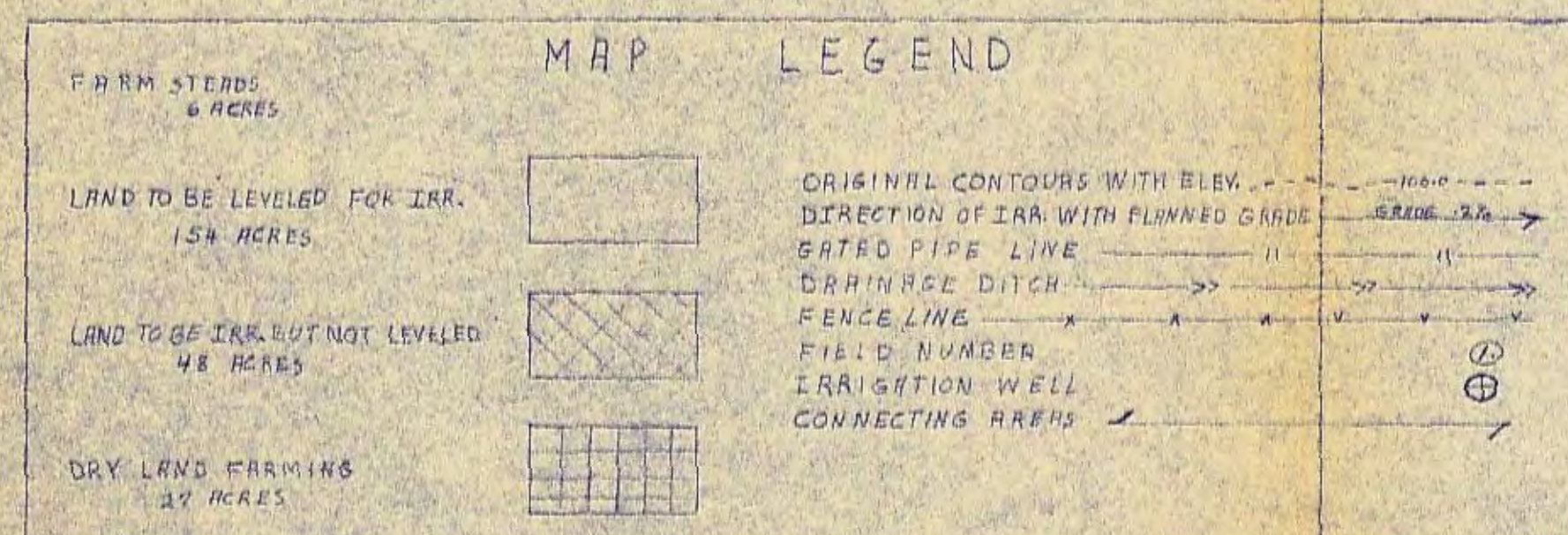
J. J. Christensen
 Notary Public (or other qualified officer.)



SCALE 1" = 200'



CROP ROTATION					
YEAR FIELD NO.	1966	1967	1968	1969	1970
(1A) + (2B)	ROW CROP	ROW CROP	IDLE WITH LEGUMS	ROW CROP	ROW CROP
(2) + (2)	IDLE WITH LEGUMS	ROW CROP	ROW CROP	IDLE WITH LEGUMS	ROW CROP
(3) (7) + (5)	ROW CROP	IDLE WITH LEGUMS	ROW CROP	ROW CROP	IDLE WITH LEGUMS



IRRIGATION-PLAN-MAP

DENNIS CHICONE AGR. 507-A N 1/2 NE 1/4 8-90-47
DARYL CHICONE AGR. 1506 S 1/2 NE 1/4, N 1/2 SE 1/4 - 8-90-49

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
<i>Jim Myers</i>	<i>8-2-68</i>	<i>James R. Brown</i>
Drawn	<i>8-1-68</i>	Title <i>CONS. ENG. TECH.</i>
<i>Jim Myers</i>	<i>8-2-68</i>	
Traced	<i>8-2-68</i>	Title
Checked	Sheet	Drawing No
	No	
	of	

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 16, 1966

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
a.m. upon the 8TH day of JUNE, 1966

State Water Resources Commission

By:

Burton J. [unclear]
for Chief Engineer, Executive Officer

Number of permit 1297-3

Date of first receipt of application JUNE 8, 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 8, 1966

Approved SEPTEMBER 15, 1966, Recorded in Book 9 Page 157

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 MARCH 15, 1971

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

MARCH 15, 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 2.28 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, 1971; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 16TH day of SEPTEMBER, 1966

State Water Resources Commission

By:

[Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 24, 1971

Water License Issued MARCH 24, 1971

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. 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
 80-93' 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 \$1,200.00

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

Elk Point, 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

Form 15.

Permit No. 1297-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Daryl and Rose M. Chicoine

_____ the holder _____ of
Permit No. 1297-3, issued upon Application No. 1297-3, bearing date of priority of June 8,
1966 authorizing the diversion of 2.28 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, have 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 March 24, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1297-3

(1) WHEREAS, On the 8th day of June A. D. 19 66
Daryl and Rose M. Chicoine

made Water Right Application No. 1297-3 for a permit to use 2.28 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 16th day of September A. D. 19 66

Permit No. 1297-3, with a date of priority of June 8, 1966

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 15th day of March A. D. 19 71 and for the application to beneficial use of said water on or before the 15th day of March A. D. 19 71

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 the following land in Section 8, T90N, R49W

W $\frac{1}{2}$ NE $\frac{1}{4}$ 80 acres

N $\frac{1}{2}$ SE $\frac{1}{4}$ 80 acres

Total 160 Acres

(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 Daryl and Rose M. Chicoine

_____ of Elk Point
the holder B and owner B of said permit No. 1297-3 a water right, dating from June 8, 1966
_____ 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 W½ NE¼ and N½ SE¼, Section 8, T90N, R49W

_____ for the purpose of irrigation

Subject to any limitation listed in Water Right Permit No. 1297-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of March A. D.
Nineteen Hundred and Seventy-one

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 10, 1966

Notice is hereby given that Daryl and Rose M. 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 2.28 cubic feet of water per second of time from the ground water through the Chicoine #3, the point of diversion of which is to be located on the

~~XXXXXX~~ In the NE $\frac{1}{4}$ 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:

N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 8, T90N, R49W

~~XXXXXX~~ XXXXXX purposes.

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, 66, 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

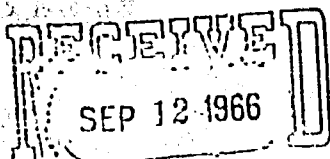
By:

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

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 _____

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 theCity of Elk Point County ofUnion and State of South Dakota; that the said notice was published in said newspaper on the following dates:August 18, 1966
August 25, 1966
September 1, 1966
September 8, 1966In each and every issue of the full number thereof, the first publication being made on the 18th day of Aug 1966, and the last publication on the 8th day of September 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 editor the printer and publisher of the said newspaper.Byron HelgesonSubscribed and sworn to before me this 9th day of September A. D. 1966

STATE WATER RESOURCES COMM.

Edith Helgeson
Notary Public Union County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak.
August 10, 1966.

Notice is hereby given that Daryl and Rose M. Chilcote 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 2.28 cubic feet of water per second of time from ground water through the Chicle No. 3, the point of diversion of which is to be located in the NE 1/4 of the NE 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:

N 1/2 SE 1/4, W 1/2 NE 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 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
(Erb. Aug. 12, 1966)

Permit No. 1297-3
 Water 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 Daryl & Rose M.
Chicome of Elk Point, South Dakota holder____
 of Permit No. 1297-3, bearing date of priority of June 8, 1966
 authorizing the diversion of _____ cu. ft. per second of the waters of _____
 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 Water Right 1136-3)

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

3000 ft. of 6 and 7 inch pipe
 pipe used jointly for water rights No's 501-3/ 1136-3 and 1297-3

C. Works used to apply water to beneficial use.

Vermeer sprinkler Boom, Mod. L180
 (Same as for Water Right No. 1136-3)

The system is in the following condition: Very good

The point of diversion is located 1873 ft. S. 45° 15' W. of N E Corner of Section 8, T90N, R49W

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: All in Section 8, T90N, R49W

W½ NE½ 80 acres

N½ SE½ 80 acres

comprising a total of 160 acres of land.

Date October 1, 1970

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission

Water Rights Division - DWR

File No. 1297-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Daryl & Rose Chicoine

ADDRESS: _____ COUNTY _____

DATE: December 17, 1984 TELEPHONE _____

RE: ownership of ~~the~~ Water Right

COMMENTS: Water Right should now be listed under Rose's name only as Daryl is deceased.

Rose J. Moret

P.O. Box 232

Sioux Center, IA 51250

operator Dave Smith

RR #1 Box 53

Elk Point SD 57025

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME. Sandy McNett

501-3
1297-3
1136-3

WATER RIGHTS DIVISION
(605) 773-3352

December 18, 1984

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

Dear Mr. Smith:

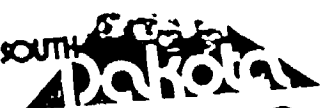
In regard to our telephone conversation of December 17, 1984, enclosed are copies of Water Right Nos. 501-3, 1297-3 and 1136-3. The questionnaire you submitted for Water Right No. 1136-3 is on file and I have marked the questionnaires for Water Right Nos. 501-3 and 1297-3 accordingly.

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.



Department of Water & Natural Resources

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

February 17, 1989

Dave Smith-Operator
Rt 1, Box 52
Elk Point, SD 57025

Dear Mr. Smith:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

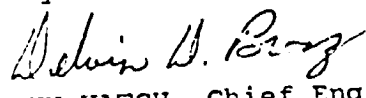


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Eowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division



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.

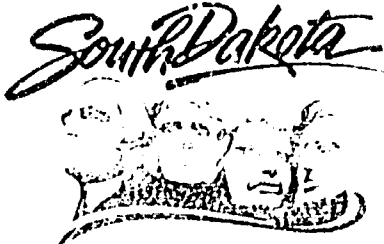
Please complete the questionnaires and return them to our office as soon as possible. I appreciate your assistance in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



GREAT FACES. GREAT PLACES.

February 1, 1991

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

DEPARTMENT OF WATER & NATURAL RESOURCES

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

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



GREAT FACES. GREAT PLACES.

February 1, 1991

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

DEPARTMENT OF WATER & NATURAL RESOURCES

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

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, 2970-3, 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