

1374-5

1. Considered May 17, 1967
2. Name of Applicant Edward W. Pielke
3. Post Office Address Sioux City, Iowa
4. Amount of water claimed 4.9
5. Source of water supply Ground
6. Water to be used for Irrigation
Acres to be irrigated 347
7. Water to diverted and used in Union County
about 1.6 miles of Elk Point.
8. Proof of Publication Received May 2.
Not Received _____
9. Application Approved X
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Water Division No. 3 1374 1319 Sioux River District
(Blanks to be filled by the Engineer for the W. H. C.)

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

(NOTE—Draw: "no through items not applicable.")

1. Name of applicant Edward J. Dilling NUTRA-FLO CHEMICAL CO.
Postoffice address 1135 Plum Creek Road Sioux City, County Woodbury State Iowa
GRAND AVENUE AT CHAMBERS

I. If a corporation

TRANSFERRED TO:
Tom Curry
RR #1, Box 250
Elk Point SD 57025

(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, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed 2.6 g.p.m. cubic feet per second

4. Source of water supply 8" well SE 1/4 Sec 23 T9N R50W

5. Location of point of diversion 1480 ft N-54°30' W of the SE corner
of Section 23 T9N R50W on bank Union County S.D.

6. Annual period or periods during which water is to be used May, June, July, August

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkler or combination system? Overhead

(a) Number of acres to be irrigated 180 acres.

(b) Legal subdivisions to be irrigated See enclosed map

(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 80 horse power.

Amount claimed for engine cooling

(c) Location of plant at well site

(d) Method of developing power Electrical

(e) Point where water will be returned to stream None

E-186 # 984-2
MAP

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.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark.....acres,

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	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 work 5 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate Water-Courier,
Elk Point, S. Dak.

STATE OF SOUTH DAKOTA

County of Union

I, Joseph P. Gross, ss.

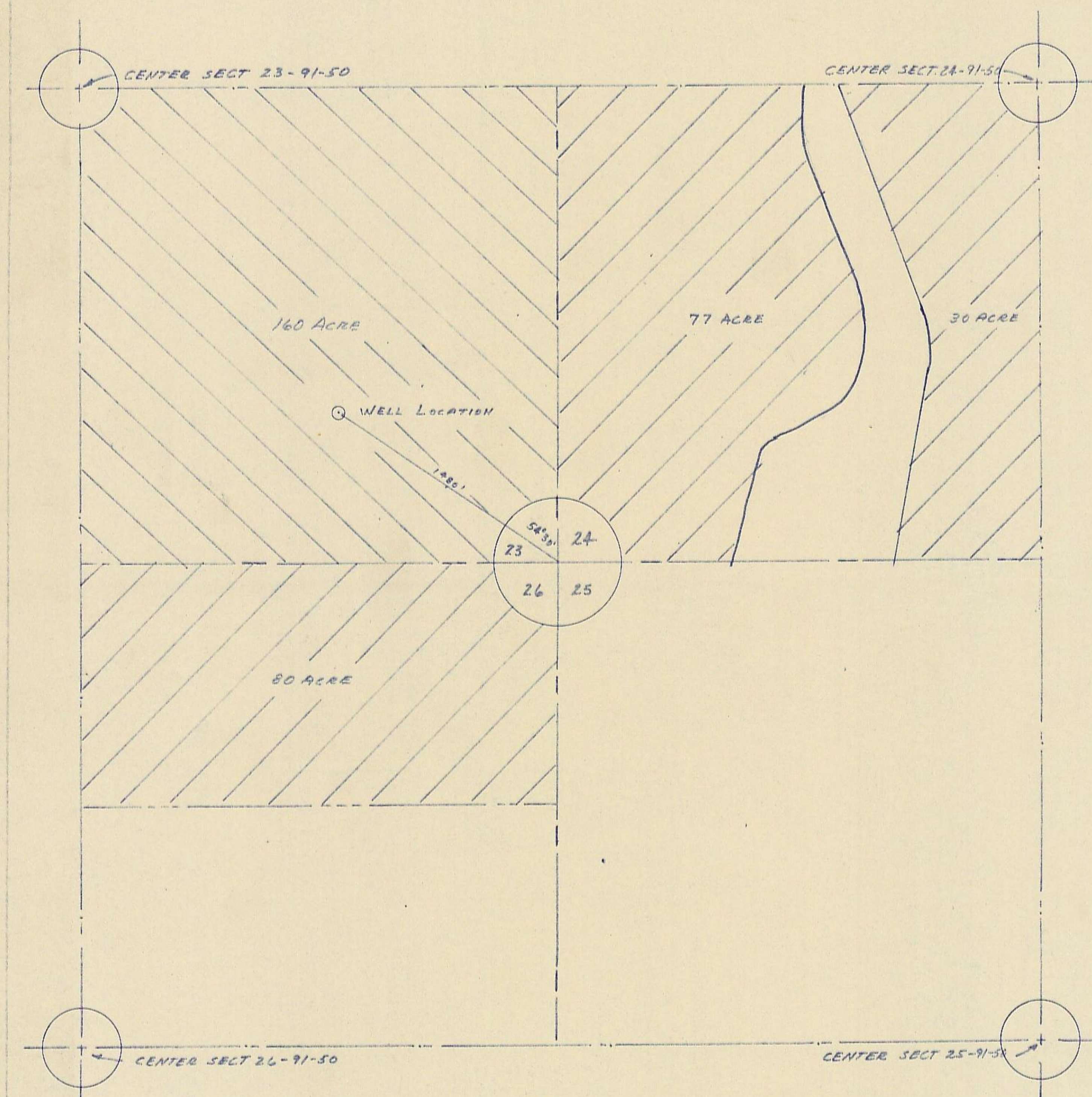
being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Edward W. Dickey

Subscribed and sworn to before me this 25th day of Feb, 1957

Joseph P. Gross
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



AREA BY LEGAL SUBDIVISION

107 ACRES S.W. 1/4 SECT. 24, T.91N., R.50W.
 160 ACRES S.E. 1/4 SECT. 23, T.91N., R.50W.
 80 ACRES N.W. 1/4 SECT. 26, T.91N., R.50W.

SURVEYOR'S CERTIFICATE

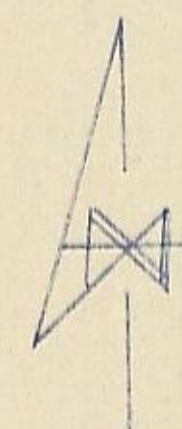
STATE OF SOUTH DAKOTA) SS
 COUNTY OF BEADLE)
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF EDWARD W. DULING,
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
 WITHIN AN OWNERSHIP BOUNDARIES ON MAR. 8, 1967 FOR WHICH APPLICATION
 FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
 IS A TRUE REPRESENTATION THERE OF.
 WITNESS MY HAND AND SEAL THIS 8TH DAY OF MAR. 1967

Harlan W. Meyer
 REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA) SS
 COUNTY OF BEADLE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF
 MAR. 1967

Correne Johnson
 NOTARY PUBLIC



SCALE 1" = 400'

EDWARD W. DULING IRRIGATION PROJECT NO. 1
 SHOWING AREA & WELL LOCATION WHERE WATERS
 WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

OWNER

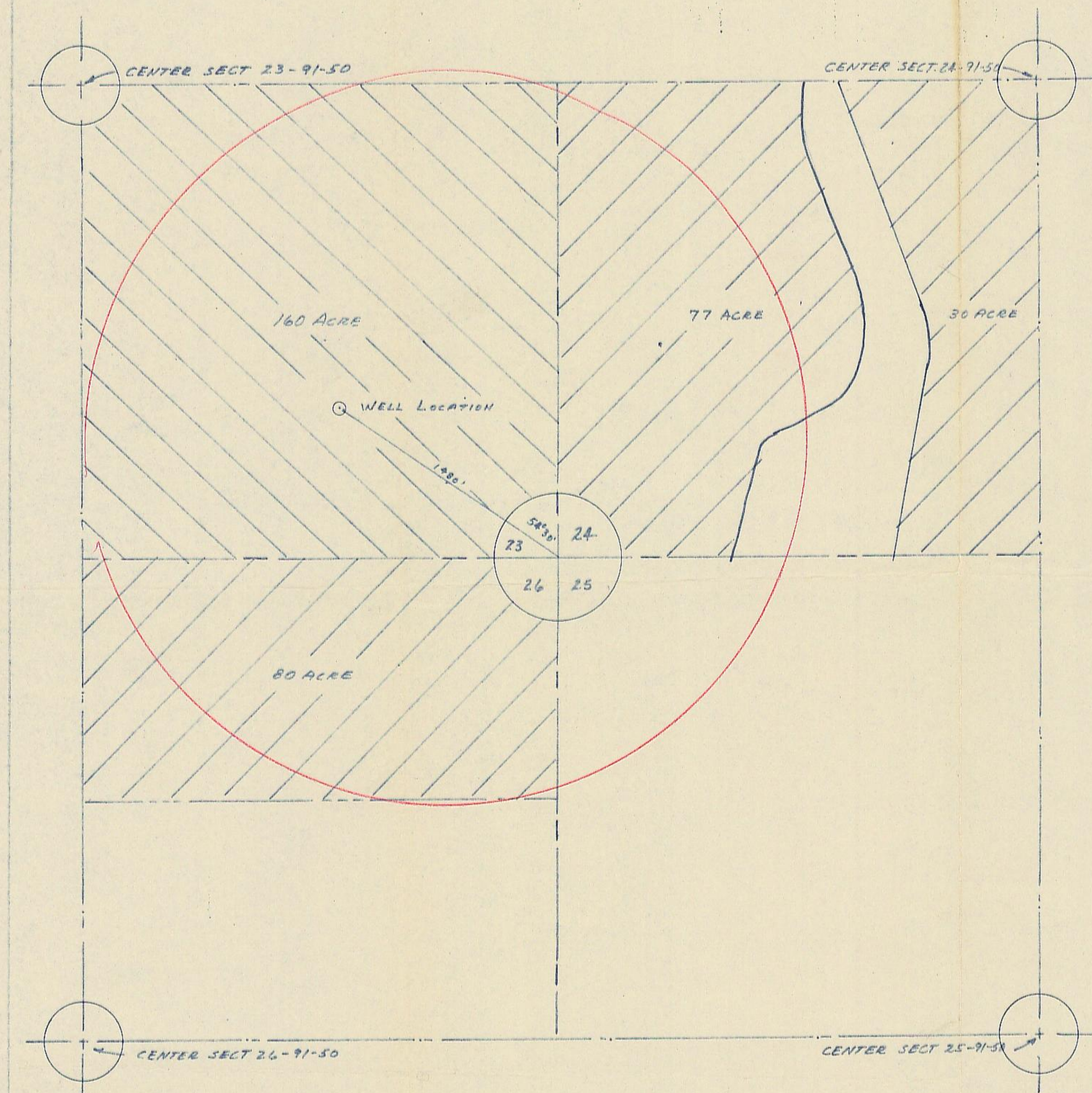
EDWARD W. DULING

SURVEYOR

HARLAN W. MEYER

MAR. 1967

Map # 984-3 (Appl # 1374-3)



AREA BY LEGAL SUBDIVISION

107 ACRES S.W. 1/4 SECT. 24, T.91N., R.50W.
 140 ACRES S.E. 1/4 SECT. 23, T.91N., R.50W.
 80 ACRES N.W. - NE 1/4, SECT. 26, T.91N., R.50W.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) SS
 COUNTY OF BEADLE)

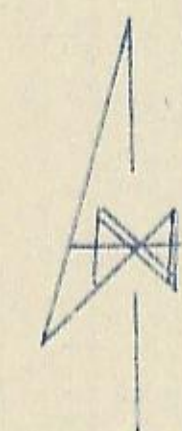
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF EDWARD W. DULING,
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
 WITHIN HIS OWNERSHIP BOUNDARIES ON MAR. 8, 1967 FOR WHICH APPLICATION
 FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
 IS A TRUE REPRESENTATION THERE OF.
 WITNESS MY HAND AND SEAL THIS 8TH DAY OF MAR. 1967

Harlan W. Meyer
 REG. LAND SURVEYOR

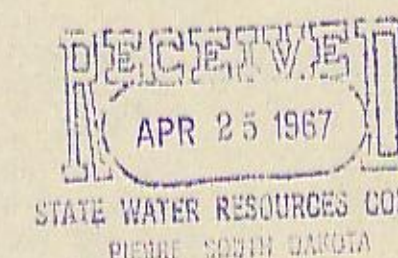
STATE OF SOUTH DAKOTA) SS
 COUNTY OF BEADLE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF
 MAR. 1967

Corrine Johnson
 NOTARY PUBLIC



SCALE 1" = 400'



Tom Curry Union Co.

EDWARD W. DULING IRRIGATION PROJECT NO. 1
 SHOWING AREA & WELL LOCATION WHERE WATERS
 WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

OWNER

EDWARD W. DULING

SURVEYOR

HARLAN W. MEYER

MAR. 1967

Map # 984-3 (App # 1374-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 22, 1962

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
A.m. upon the 22nd day of February, 1962.

State Water Resources Commission

By: Richard D Schurgen
For Chief Engineer, Executive Officer

Number of permit 1374-3

Date of first receipt of application February 22, 1962

Date of return to applicant for correction, amendments or changes required as follows: February 22, 1962

Date of receipt of corrected application April 25, 1962

Date from which applicant may claim right February 22, 1962

Approved May 22, 1962, Recorded in Book 9 Page 221

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

November 12, 1969

2nd. The whole of said work is to be completed on or before May 17, 1972

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

May 17, 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 4.9 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 May 17, 1975 said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 22nd day of May, 1962.

State Water Resources Commission

By: Richard D Schurgen
Chief Engineer, Executive Officer

Certificate of Construction issued MAY 30, 1973

Water License issued MAY 30, 1973

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1374-3

(1) WHEREAS, On the 27th day of February A. D. 19 67

Edward W. Dilling

made Water Right Application No. 1374-3 for a permit to use 4.9 cubic feet per second of the waters of ground water

County of Union, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of May A. D. 19 67

Permit No. 1374-3, with a date of priority of February 27, 1967

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 17th day of May A. D. 19 72 and for the application to beneficial use of said water on or before the 17th day of May 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 2.66 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 a 195 acre circle covering portions of the SE $\frac{1}{4}$, Section 23;

SW $\frac{1}{4}$, Section 24 and NE $\frac{1}{4}$, Section 26, T91N, R50W

(5) NOW, THEREFORE, by the virtue of the authority vested in me by the laws of the State of South Dakota, We hereby grant and confirm to Edward W. Lelling

of Dixon, S.D.
the holder _____ and owner _____ of said permit No. 1374-3 a water right, dating from February 27, 1967
to use of 2.86 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 North 54° 30' East, 1400 feet from the
SE Corner, Section 23, T91N, R50W

and conduct to and upon for irrigating a 195 acre circle covering portions of the SE¼,
Section 23, SW¼, Section 24 and NE¼, Section 26, T91N, R50W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1374-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of May A.D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 35" Depth 120'

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

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

Length of casing 4' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 3/16" slot - 18 inch

Size of perforated screen 3/16" x 3/4" slot
(diameter) (length)

Thickness of gravel pack 6" length of gravel pack 120'

(c) Water Bearing Materials

Distance to water 14' Character of water bearing materials Blue

Coarse sand & Gravel

Thickness of water bearing material

(d) Pump and Motor

Type of pump deep well turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Handroller, size 75 hp.

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

Horsepower 75 Name of Motor

(e) Complete well

Capacity 2000 gal at drawdown of 20' Estimated cost \$5800

(f) Owner of land upon which well is located Edward W. Duling
Name

1935 Plum Creek Road Sioux City, Iowa
Address 5163

(g) Distance to nearest existing wells

On same owner's property 320 rods. On property owned by others 320+ rods

Form 15.

Permit No. 1374-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Edward W. Dulin

_____ the holder _____ of
Permit No. 1374-3, issued upon Application No. 1374-3 bearing date of priority of February 27,
1967 authorizing the diversion of 4.9 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point North 54° 30' West, 1480 feet from the SE Corner, Section 23, T91N,
R501W
_____, for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.66 cu. ft. per second of water.

Date May 30, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

On or before April 10 1967

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak. March 19 1967

Notice is hereby given that Edward V. Duling whose postoffice address is Sioux City, Iowa ~~has~~ has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.9 cubic feet of water per second of time from ~~the~~ ground water through the Duling #1 the point of diversion of which is to be located ~~XXXXXX~~ XXXXXX in the SE SE 23 portions of Twp. 91N Range 50W Said water to be used for the purpose of providing irrigation of the following described land: SW $\frac{1}{4}$, Section 24; SE $\frac{1}{4}$, Section 23; and NE $\frac{1}{4}$, Section 26; all in T91N, R50W.

~~XXXXXX~~ ~~XXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, 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:

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
RICHARD D. SCHROYER
 Water Right Specialist

CC: Mr. Byron Helgersen, 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

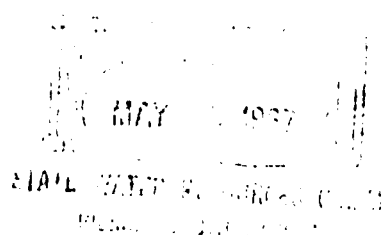
The Leader Courier a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the city of Elk Point County of Union and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 6, 1967
April 13, 1967
April 20, 1967
April 27, 1967

in each and every issue of the full number thereof, the first publication being made on the 6th day of April 1967 and the last publication on the 27th day of April 1967, 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 26th day of April A. D. 1967



Edith Helgerson
 Notary Public Union County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., March 29, 1967.

Notice is hereby given that Edward W. Duling whose post-office address is Sioux City, Iowa, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.9 cubic feet of water per second of time from ground water through the Duling No. 1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Twp. 91N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, Section 24; SE $\frac{1}{4}$, Section 23; and N $\frac{1}{2}$, NE $\frac{1}{4}$, Section 26; all in T91N, R50W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, 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: Richard D. Schmoyer
 Water Right Specialist
 (Pub. Apr. 6, 13, 20, 27)

Permit No. 1374-3
 Water Division 3 BIG 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 EDWARD W. DULING of DIXON holder of Permit No. 1374-3 bearing date of priority of FEBRUARY 27, 1967 authorizing the diversion of 4.9 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:

120' DEEP WELL WITH 18" CONCRETE CASING
WESTERN LAND ROLLER 10" PUMP, POWERED BY
MINNEAPOLIS-MOLINE MODEL DHD 504-6A DIESEL MOTOR

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

300' OF 10" BURIED TRANSITE PIPE TO
CENTER PIVOT

C. Works used to apply water to beneficial use.

16 TOWER VALLEY SELF-PROPELLED SPRINKLER
SYSTEM

The system is in the following condition: GOOD

The point of diversion is located N 54° 30' W, 1480 FEET FROM THE
SE CORNER, SECTION 23, T91N, R50W

The works are capable of diverting and conveying to the place of use 2.66

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:

195 ACRE CIRCLE COVERING PORTIONS OF THE
SE¹, SEC 23; SW⁴, SECTION 24, & NE⁴, SECTION 26,
T91N, R50W

comprising a total of 195 ac. of land.

Date MAY 8, 1973
Burton Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Form 20.

1374-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**

State Office Building No. 2
Pierre, South Dakota 57501

Date November 13, 1973

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

Portions of SE $\frac{1}{4}$, Section 23, SW $\frac{1}{4}$, Section 24 and NE $\frac{1}{4}$, Section 26, T91N, R50W,
described in Water License No. 1374-3

formerly owned by Edward W. Duling, Dixon, S.D.

has been transferred to ~~Nutra Flo Fertilizer~~ ^{CHEMICAL} Company, 1919 Grand Ave., Sioux City, Iowa

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1374-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

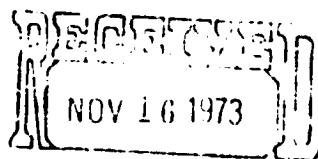
STATE OF SOUTH DAKOTA)
County of _____) ss.

I, L. W. Lohry 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.

Suscribed and sworn to before me this 15th day of November, 1973

(Signed) Nutra-Flo Chem. Co.

(Notary Public)



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8679

PIERRE, January 28

19 02
520

RECEIVED OF Tom Curry, RR #1, Box 250, Elk Point, SD 57025
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 Transfer of WR# 1374-3	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 Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

NO. 1374-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 20 82

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

195 acres - SE 1/4 Section 23, SW 1/4 Section 24 & NE 1/4 Section 26, T91N, R50W

formerly owned by Nutra-Flo Chemical Company

has been transferred to Tom Curry, Elk Point SD 57025

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

Water Right Permit No. 1374-3 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)
County of Union) ss.

I, Thomas W. Curry 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.

Thomas W. Curry
(Signed)

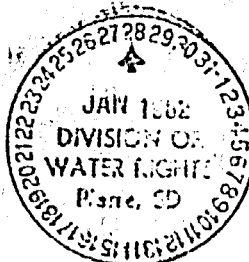
Subscribed and sworn to before me this 25th Day of January, 1982

[Signature]
(Notary Public)

My Commission Expires: 12-27-86

WNP-220-7/79

Notice of Transfer of Water Permit



1374-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 3, 2005

1374-3

Tom Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

I am writing in regard to your 2004 irrigation questionnaire and the notation you made about the number of acres being irrigated. Our records show the water permit (as originally submitted by Edward Duling) was approved for irrigation of 347 acres.

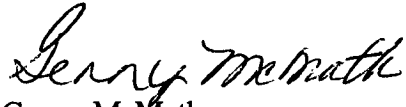
In 1973, the water use system was inspected for licensing purposes. The license does not specifically address acres in each quarter. It describes the irrigated land as being a 195 acre circle covering portions of the SE ¼ Section 23, SW ¼ Section 24 and NE ¼ Section 26, T91N, R50W.

Enclosed is a map we have prepared of the area showing the center pivot (Sections 23, 24 and 26, T91N, R50W). Do you feel the green outlined area is fairly representative of the area you irrigate? For comparison purposes, I have also included a map that was submitted with the original application.

We want to ensure that your water license accurately describes your system as it exists. Please look it over and let us know how many acres in each of the quarters you irrigate. If you irrigate areas outside of the pivot area, highlight those on the map and include the number of acres. You may make notations on either map and return it to us for review.

Thank you in advance for your help. Enclosed is a postage paid envelope for your convenience in replying.

Sincerely,


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

enclosures

McMath, Genny

From: Gronlund, Eric
Sent: Friday, May 06, 2005 11:54 AM
To: McMath, Genny
Subject: Curry acreage breakdowns (approximates)

Sect. 23
NW SE 27
NE SE 38
SW SE 39
SE SE 40

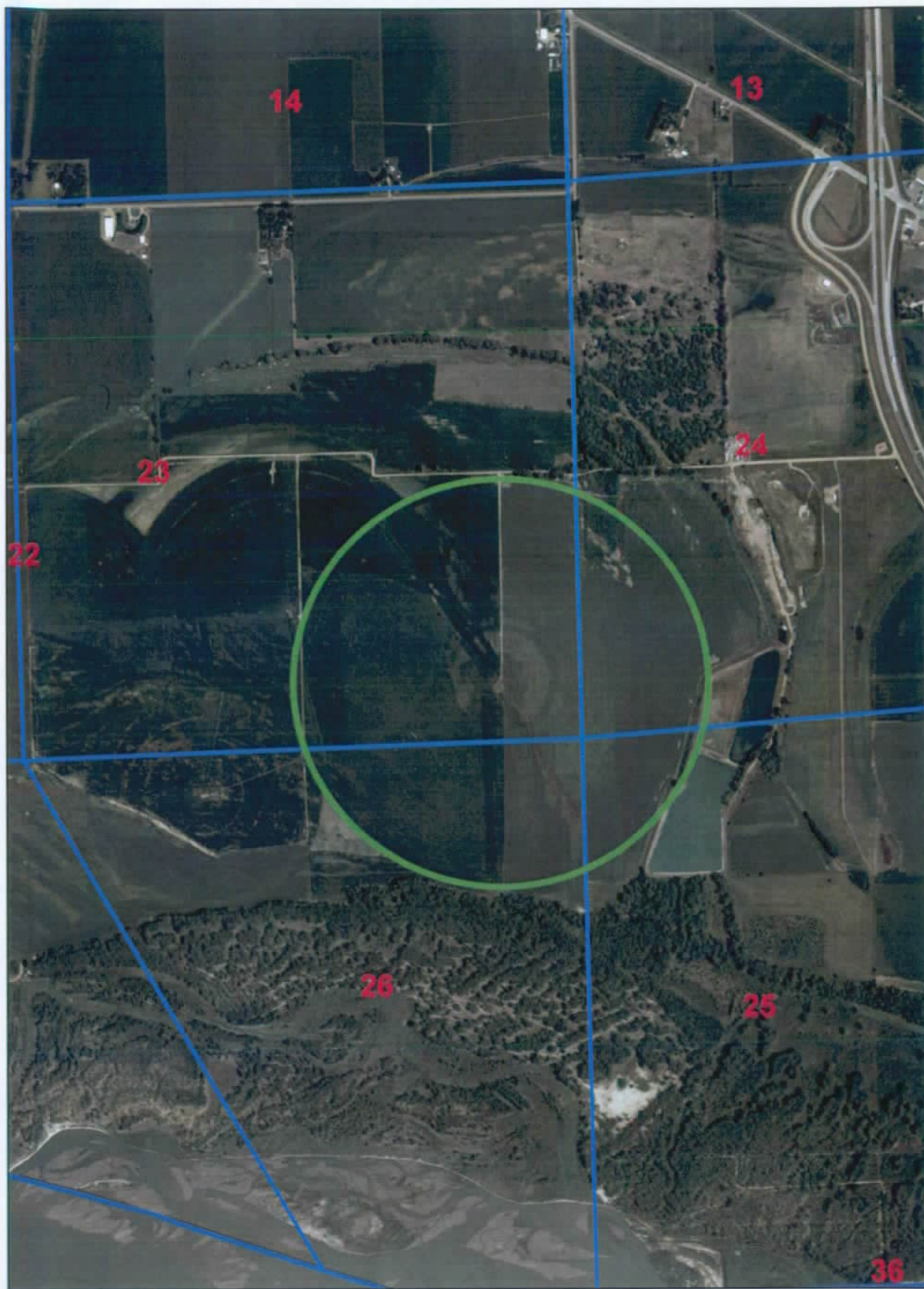
Sect. 24
NW SW 24
SW SW 36

Sect. 25
NW NW 25

Sect. 26
NW NE 26
NE NE 40

295 total acres

Water Right No. 1374-3, Tom Curry



Licensing of Acreage Outside of Permitted Area

NAME & ADDRESS: Tom Curry, 32306 477th Ave, Elk Point SD 57025

DATE: May 9, 2005 **COUNTY:** Union

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

Acreage:

Water Permit No. 1374-3 authorized irrigation of 347 acres and in 1972 was incorrectly licensed for 195 acres. The license described irrigation using a large center pivot located in the SE ¼ Section 23, SW ¼ Section 24 and the NE ¼ Section 26, T91N, R50W. The water right holder indicated the acreage actually developed for irrigation is 295 acres as compared to 347 acres authorized by the permit. A portion of land in the NW ¼ NW ¼ Section 25 was developed at the time but was not included on the original permit or license.

Water appropriation:

Water Permit No. 1374-3 authorized diversion of 4.9 cfs from ground water (one well). However, the license issued in 1972 was for 2.66 cfs based on the level of development at that time. The re-issued license to correct the acreage developed for irrigation will not authorize additional appropriation of water.

UNPERMITTED ACREAGE:

Contiguous to Permitted Acreage

The acreage in the NW ¼ NW ¼ Section 25 is contiguous to the original permitted acreage.

- **Owned by Same Property Owner**

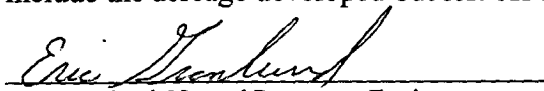
yes

- **Developed Prior to Expiration of Construction Period**

The entire pivot was developed at the same time and within the original construction period.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the license be reissued to clarify the acres irrigated and include the acreage developed but left off the original license.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAY 10 2005

1374-3

Tom Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

Enclosed is your Reissued Water License No. 1374-3. The license has been reissued to reflect the acreage you are actually irrigating.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1374-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions concerning the reissued license, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1374-3

(1) Edward Duling was issued Water License No. 1374-3, May 30, 1972 for a water right to divert 2.66 cubic feet of water per second from ground water (one well), Union County, South Dakota for irrigation purposes. Water License No. 1374-3, with a priority date of February 27, 1967 was issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

The water right was transferred from Edward W Duling to Nutra-Flo Chemical Company in 1973. In January, 1982, the water right was transferred from Nutra-Flo Chemical Company to Tom Curry.

Water Permit No. 1374-3 authorized development and irrigation of 347 acres. The original license was issued for irrigation of a 195 acre circle in portions of the SE $\frac{1}{4}$ Section 23, SW $\frac{1}{2}$ Section 24 and the NE $\frac{1}{4}$ Section 26, T91N, R50W. A review of the file and additional information submitted by the water right holder found the acreage description to be incorrect.

The system as developed irrigates a 295 acre circle and includes a parcel of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 not originally permitted. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that the change in acreage does not increase the potential for interference with or impair existing diversions. The overall project is consistent with the original application.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Tom Curry, 32306 477th Ave, Elk Point SD 57025 the holder and/or owner of Water Right No. 1374-3 is issued a license, bearing a priority date of February 27, 1967 to appropriate 2.66 cubic feet of water per second from ground water (one well) located N54°30'W 1,480 feet from the SE corner of Section 23, T91N, R50W (SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23).

The acres authorized for irrigation are as follows: **all in T90N, R50W** 

Section 23	Section 24	Section 25	Section 26
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 26 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres			
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres			

Total 295 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1374-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 10 2005

date



1374-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
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November 7, 2014

1374-3
2357-3
2358-3

Scott Hanson
47674 327th St
Elk Point SD 57025

Dear Mr. Hanson:

Enclosed are three 2014 irrigation questionnaires originally sent to Tom Curry in Elk Point. Mr. Curry has notified us that you now cash rent the land and would have the information needed for the questionnaires.

The legal descriptions pertaining to each are on the bottom of each form. I am also enclosing a copy of the water right to give you more information on what is authorized for each one.

Please complete the forms and return them in the envelope provided by **December 1st**. I am including a postage paid envelope for your convenience in returning the forms. You can also submit the information on line at the following link:
<http://denr.sd.gov/des/wr/watrightsapps.aspx> Once you get to the link, scroll down the page until you see "Irrigation Questionnaire Annual Reporting form".

If you have any questions, please let me know.

Sincerely,

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

enclosures



1374-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: SCOTT HANSON, RENTER, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit Nos. 1374-3, 2357-3 & 2358-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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 **10:00 am, March 4, 2015**, 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) 1374-3, 2357-3 & 2358-3 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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: Tom Curry, 32306 477th Ave., 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.

1374-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 24, 2015

1374-3
2357-3
2358-3

Scott Hanson
47674 327th St
Elk Point SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for Water Right Nos. 1374-3, 2357-3 & 2358-3.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Tom Curry, 32306 477th Ave, Elk Point SD 57025



1374-3
DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
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January 15, 2016

NOTICE

TO: SCOTT HANSON, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate the 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 1374-3, 2357-3 & 2358-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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 **Thursday, March 3, 2016 at 9:30 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) 1374-3, 2357-3 & 2358-3 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, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 2, 2016

1374-3
2357-3
2358-3

Scott Hanson
47674 327th St
Elk Point SD 57025

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 1374-3, 2357-3 and 2358-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1374-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 20, 2017

NOTICE

TO: SCOTT HANSON, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 1374-3, 2357-3 & 2358-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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 1, 2017 at 11:00 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) 1374-3, 2357-3 & 2358-3 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



1374-3
DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 28, 2017

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit Nos. 1374-3, 2357-3 & 2358-3

Dear Mr. Hanson

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 1374-3, 2357-3 & 2358-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1374-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 26, 2018

NOTICE

TO: SCOTT HANSON, RENTER, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 179-3, 1374-3, 2357-3 & 2358-3 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) 6878-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 1374-3, 2357-3 & 2358-3 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at geny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: TOM CURRY, 32306 477TH AVE, 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.

1374-3



DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
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March 12, 2018

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right Nos. 179-3, 1374-3, 2357-3, 2358-3 and Water Permit No. 6878-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for the above listed water rights and water permit.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 179-3, 1374-3, 2357-3, 2358-3 and Water Permit No. 6878-3. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

With reference to the additional questionnaire you sent in for land in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T91N, R49W, where did the number "0334-3" come from? The land is authorized for irrigation under Water Right No. 306-3 listed in the name of J J Curry & Sons. Curry Seed Company submitted a questionnaire for Water Right No. 306-3 on December 1st. I have included a copy of the form you sent in along with a copy of the form submitted by Curry's. My concern is that the information reported appears to be different. I am hoping to hear back from you or from Mr. Curry as to which information is correct.

Thank you in advance for your help in clarifying the questionnaires.

Sincerely,

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

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

c: Tom Curry, 32306 477th Ave, Elk Point SD 57025



1374-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 25, 2019

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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 before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: TOM CURRY, 32306 477TH AVE, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 1, 2019

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3 & 6878-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3 & 6878-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Thomas W Curry, 32306 477th Ave, Elk Point SD 57025



1374-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 23, 2020

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

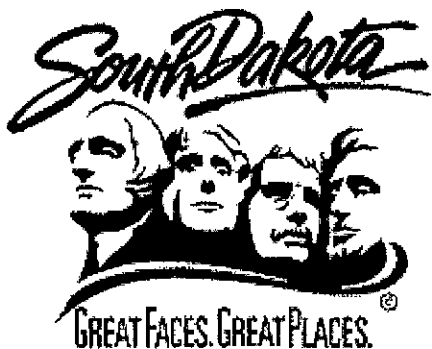
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: XPZLKY**

c: TOM CURRY, 32306 477TH AVE, 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.

1374-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right/Permit Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Tom Curry



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: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3, 8364-3 qualification:

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

The hearing will be held at **Wednesday, March 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. 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) 6878-3, 8364-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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 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 questionnaires 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: HCHCEY**

C; TOM CURRY, 32306 477TH AVE, 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.



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2021

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3

Dear Mr. Hanson:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3, 8364-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6878-3, 8364-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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://danr.sd.gov/iq> using this password: XNXFOM**

c: TOM CURRY, 32306 477TH AVE, 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 1, 2022

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3 & 8364-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3 & 8364-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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