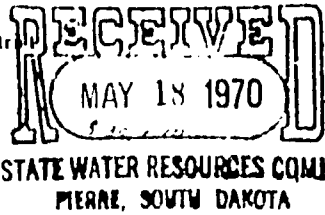


Water Right Number 1755-3

1. Considered July 22, 190
2. Name of Applicant Raymond Sutton
3. Post Office Address Gettysburg, South Dakota
4. Amount of water claimed 5.89
5. Source of water supply Missouri River
6. Water to be used for irrigation
- Acres to be irrigated 412.5
7. Water to be diverted and used in Potter County
about 1 South 20 Miles WEST of GETTYSBURG
8. Proof of Publication Received 7-20-70
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 1755-3
 Map No. 1279-3 Water Division No. 3 MISSOURI RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

Raymond Sutton

1. Name of Applicant _____
 Postoffice address Gettysburg State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract and direct labor

3. Name of diversion work Raymond Sutton #1

4. Amount of water claimed (cubic feet per second) 5.89

5. Source of water supply Missouri River

6. Location of point of diversion Between points 850' East of the NE Corner, Section 28, and 1000' East and 700' North of the SW Corner, Section 28, T118N, R79W

County Potter

7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 412.5

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
See attachment			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Potter County News, Gettysburg, S.D.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pump and motor

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Gated pipe

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
)
 HUGHES)
 County of _____)

I, Raymond Sutton the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend and am able to complete the necessary construction.

Signed Raymond Sutton
 Subscribed and sworn to before me this 18th day of May 1970

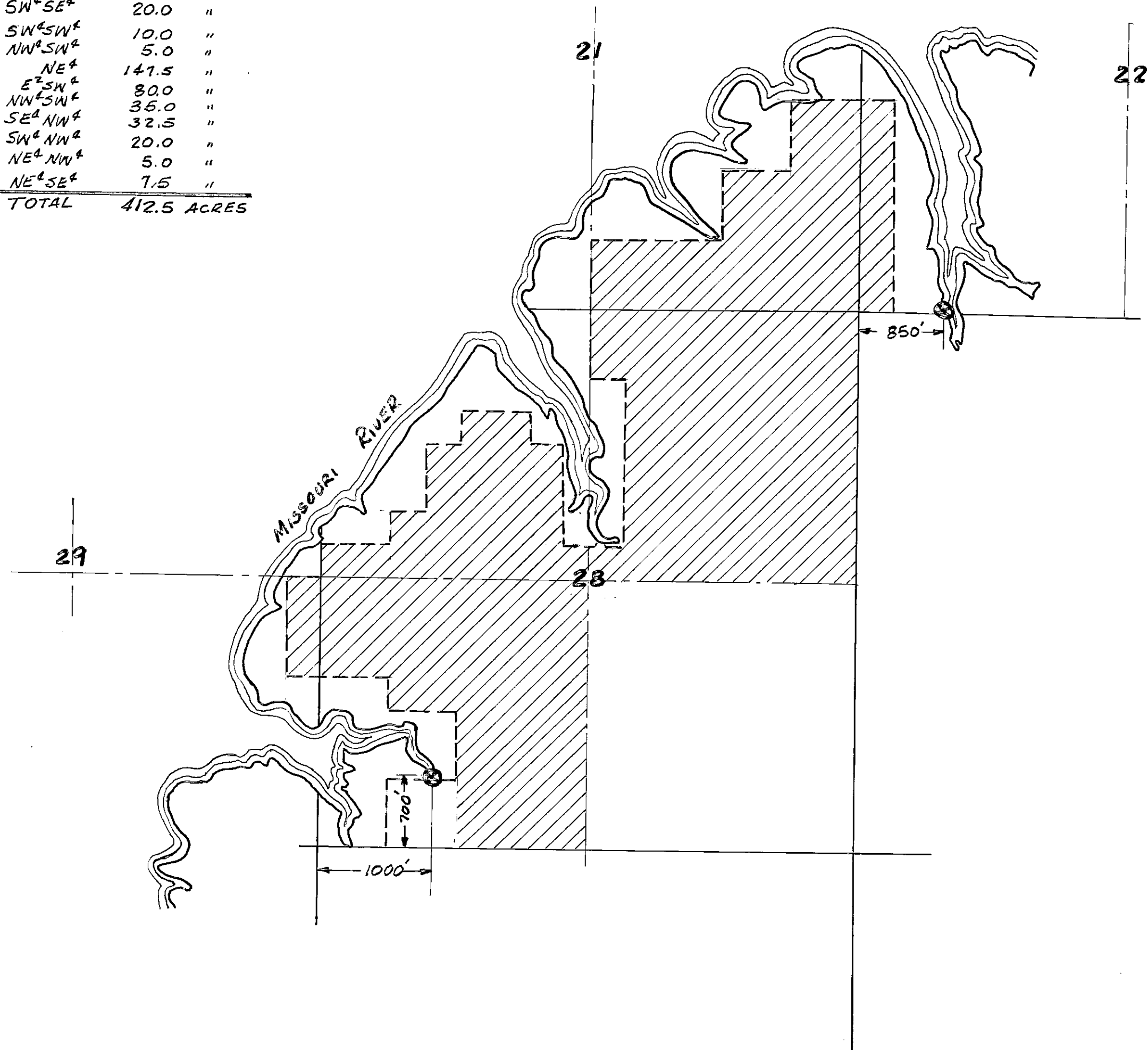
Billy Christensen
 Notary Public (or other qualified officer)

RAYMOND SUTTON IRRIGATION PROJECT

LAND TO BE
IRRIGATED

ALL IN T118N, R79W

SECTION 21	SE ⁴ SE ⁴	40.0 ACRES
	NE ⁴ SE ⁴	10.0 "
	SW ⁴ SE ⁴	20.0 "
SECTION 22	SW ⁴ SW ⁴	10.0 "
	NW ⁴ SW ⁴	5.0 "
SECTION 28	NE ⁴	141.5 "
	E ² SW ⁴	80.0 "
	NW ⁴ SW ⁴	35.0 "
	SE ⁴ NW ⁴	32.5 "
	SW ⁴ NW ⁴	20.0 "
	NE ⁴ NW ⁴	5.0 "
SECTION 29	NE ⁴ SE ⁴	7.5 "
TOTAL		412.5 ACRES



MAP NO 1279-3 (APPL NO 1755-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1755-3RAYMOND SUTTONGETTYSBURG

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications

Date of first receipt of application MAY 18 19 70Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved JULY 22 19 70 Recorded in Book 11 Page 163WATER RIGHT PERMIT NO. 1755-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1755-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 18 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22 19 73
3. The whole of said work is to be completed on or before JULY 22 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

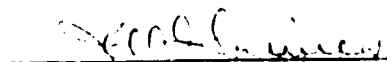
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 5.89 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 JULY 22 19 79; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 28TH day of JULY 19 70

WATER RESOURCES COMMISSION

By:


 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Land to be Irrigated

Raymond Sutton, Gettysburg, S.D.

All in Twp. 118N, Range 79W

		<u>Acres</u>
Section 21	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0
Section 22	SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
Section 28	NE $\frac{1}{4}$	147.5
	E $\frac{1}{2}$ SW $\frac{1}{4}$	80.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.0
Section 29	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.5</u>
	Total	412.5 Acres

1755-3

Publish first publication, on or before June 25, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 26, 1970

Notice is hereby given that Raymond Sutton
whose post office address is Gettysburg, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
5.89 cubic feet of water per second of time from the Missouri River through the
Raymond Sutton fl, the point of diversion of which is to be located in the

between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 28 Twp. 118N, Range 79W. Said water to be used for the purpose
portions of

of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 21; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22; NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 28;
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, all in T118N, R79W

This application No. 1755-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 22nd day of July, 1970, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By

BURTON F. JONES, Water Rights Specialist

cc: Raymond Sutton, Gettysburg, S.D.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1755-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, William R. Owens hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Potter County News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City Gettysburg of _____

County of Potter and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

June 4, 1970

June 11, 1970

June 18, 1970

June 25, 1970

William R. Owens
(Signature)

Publisher
(Title)

June 25, 1970
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
May 20, 1970
Notice is hereby given that
Raymond Sutton, whose post of-
fice address is Gettysburg, South
Dakota, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 5.55 cubic
feet of water per second of time
from the Missouri River through
the Raymond Sutton No. 1, the
point of diversion of which is
to be located between points in
the SW 1/4 SW 1/4, Section 22, and
the SW 1/4 SW 1/4 of Section 28,
Twp. 116N, Range 79W. Said
water to be used for the purpose
of providing irrigation in
portions of the following de-
scribed land:
SE 1/4, Section 21, W 1/4 SW 1/4,
Section 22, NE 1/4, E 1/4 SW 1/4,
NW 1/4 SW 1/4, NW 1/4, Section 28,
NE 1/4 SE 1/4, Section 29, all in
T116N, R79W, S22E.
This application No. 1755-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 22nd
day of July, 1970, at 2:30 p.m.
All interested persons may ap-
pear and be heard.

WATER RESOURCES
COMMISSION

By: BURTON F. JONES,
Water Rights Specialist

(June 4, 11, 18, 25, 70)

RECEIVED
JUL 20 1970

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

1755-3

July 29, 1970

Mr. Raymond Sutton
Gettysburg, S.D. 57442

Dear Mr. Sutton:

Enclosed herewith is your Water Right Permit No. 1755-3 as approved by the Water Resources Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1755-3.

Also enclosed is Form No. 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Resources Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

Respectfully,

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

JWG/BFJ/bw

Encl: As stated

P.S. As was discussed with you, approval of this permit cancels Permit No. 1112-3.

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 23, 1987

RAYMOND SUTTON
RR #3, BOX 79
GETTYSBURG, SD 57442

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

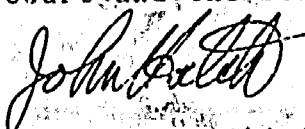
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1755-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, 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). 1755-3 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.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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

South Dakota
Department of
Water & Natural Resources

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

April 29, 1987

1755-3

Raymond Sutton
RR #3 Box 79
Gettysburg, SD 57442

Dear Mr. Sutton:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1755-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

**South Dakota Department of
Water & Natural Resources**

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

February 8, 1989

RAYMOND SUTTON
RR #3 BOX 79
GETTYSBURG, SD 57442

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1755-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Amend Permit No(s). 1755-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. IN YOUR ADDRESS IN THE RETURN TO: Part on the back of the envelope. If you are not the owner, the carrier will deliver to the addressee. For more information, see the back of the envelope. Consult the carrier for details. For additional services, see the back of the envelope.	
OF NEW ADDRESS: 101	
RAYMOND SUTTON RR #3 BOX 79 GETTYSBURG, SD 57442	
1. Signature of Addressee: <i>Raymond Sutton</i>	
2. Signature of Agent:	
3. Date of Delivery: 3/18/86	
4. Address of Agent (ONLY if business and see back)	
5. Type of Service: <i>Registered Mail</i>	
6. Insurance: ☒ Insured ☐ Not Insured	
7. Date of Delivery: 3/18/86	
Form 3811, Feb. 1986	
DOMESTIC RETURN RECEIPT	

South Dakota
Department of
Water & Natural Resources

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

March 9, 1989

NOTICE OF AMENDMENT OF WATER PERMIT

TO: Raymond Sutton
RR 3, Box 79
Gettysburg SD 57442

FROM: Delvin D Brosz, P.E. *Delvin D. Brosz*
Hydrologist
For John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Amendment to Water Permit No(s). 1755-3

Pursuant to the provisions of the notice dated February 8, 1989, and following the Hearing March 1, 1989, the Water Management Board has amended Water Permit No(s). 1755-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation.

Please contact Genny McMath (605 773-3352), if you have any questions.

South Dakota Department of
Water & Natural Resources

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

#1755-3

March 10, 1989

Raymond Sutton
RR 3, Box 179
Gettysburg, SD 57442

Dear Mr. Sutton:

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;

March 10, 1989
Sutton
Page 2

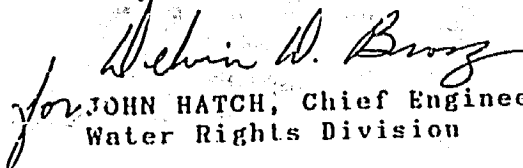
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

February 9, 1990

RAYMOND SUTTON
RP #3 BOX 79
GETTYSBURG, SD 57442

NOTICE

RE: Violation of Water Permit No(s). 1755-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1755-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1755-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Suspend Permit No(s). 1755-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

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

February 23, 1990

1755-3

Raymond Sutton
RR 3, Box 79
Gettysburg SD 57442

Dear Mr. Sutton:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1755-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall, KS

RON DUVAL
Natural Resources Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RAYMOND SUTTON
RR #3 BOX 79
GETTYSBURG SD 57442

NOTICE

RE: Violation of Water Permit No(s) 1755-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1755-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1755-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 1755-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RAYMOND SUTTON
RR 3, BOX 79
GETTYSBURG, SD 57442

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1755-3

The first notice to file chemigation report(s) for Permit No(s) 1755-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1755-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:05:02(3). This rule requires chemigation users to report the type of chemical applied, the date, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and 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 SDCL 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 or up to three years for the 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). 1755-3 in accordance with applicable provisions of SDCL 46-1-12;
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.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1992

RAYMOND SUTTON
RR 3, BOX 79
GETTYSBURG, SD 57442

Dear Mr. SUTTON:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 1755-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1992

1755-3

Raymond Sutton
RR #3 Box 79
Gettysburg, SD 57442

Dear Mr. Sutton:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1755-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult post master for fee.

3. Article Addressed to:

RAYMOND SUTTON
RR #3 BOX 79
GETTYSBURG, SD 57442

4a. Article Number

Pack 557810

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-1-92

5. Signature (Addressee)

6. Signature (Agent)

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



1755-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 15 1994

1755A-3

Raymond Sutton
HCR 3, Box 79A
Gettysburg, SD 57442

Dear Mr. Sutton:

Enclosed is Water License No. 1755A-3. Water License No. 1755A-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Water Permit No. 1755-3 have been incorporated into this Water License No. 1755A-3.