

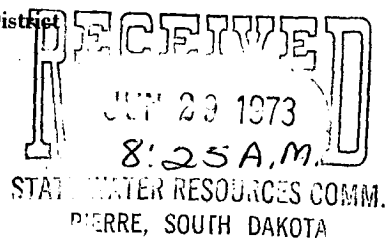
1. Considered JULY 18, 1973
2. Name of Applicant H.C. CALHOUN
3. Post Office Address PIERRE
4. Amount of water claimed 2.76
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 193.70
7. Water to be diverted and used in HUGHES County
about 2 E miles of DEGREY.
8. Proof of Publication Received 7-17-73
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1994-3Map No. 927-3Water Division No. 3MISSOURI 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)

1. Name of Applicant Albert Joe Hattum
Harrold, SD 57536
 Postoffice address 1000 E. 1st St., State South Dakota
- If a corporation show date and place of incorporation _____ combination
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Calhoun No. 1
4. Amount of water claimed (cubic feet per second) 2.76
5. Source of water supply Missouri River
6. Location of point of diversion between a point South 20° East, 233 rods and a point South 37° East,
400 rods, both from the NW Corner of Section 6, T109N, R75W
- County Hughes
7. Annual period or periods during which water is to be used April through 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 193.7

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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.6
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$	23.1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.1

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	24.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.9

All in Sec. 6, T109N, R75W

Attach sheet if more space is needed

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0
4.4

10. Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use four years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Capitol Journal, Pierre, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Centrifugal pump
Industrial engine

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

Aluminum mainline

C. Works proposed to apply water to beneficial use.

Sprinkler system

Estimated Total Cost \$ 20,000.00

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)

) ss.

County of HUGHES)I, H.C. CALHOUN

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 H.C. CalhounSubscribed and sworn to before me this 28 day of June 1973

Notary Public (or other qualified officer)

Dorothy M. Hewlett, Notary Public

My Commission Expires
December 13, 1974

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No.

1994-3

H. C. CALHOUN
(Applicant)

1401 E DAKOTA PIERRE,
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications

Date of first receipt of application JUNE 29, 19 73

Date of return to applicant for correction, amendments or changes required —, 19 —

Date of receipt of corrected application —, 19 —

Approved JULY 18, 19 73, Recorded in Book 12 Page 234

WATER RIGHT PERMIT NO. 1994-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1994-3 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 JUNE 29, 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 18, 19 76
3. The whole of said work is to be completed on or before JULY 18, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 18, 19 82
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 2.76 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 18, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 20TH day of JULY, 19 73

WATER RESOURCES COMMISSION

By:

Donald D. Smith
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

AREAS BY LEGAL SUBDIVISION

NW NW⁴ 10.6 Ac
NE NW⁴ 36.3 Ac
SE NW⁴ 23.1 Ac
NW NE⁴ 27.1 Ac
NE NE⁴ 1.1 Ac
SW NE⁴ 28.6 Ac
SE NE⁴ 24.6 Ac
NW SE⁴ 5.9 Ac
NE SE⁴ 32.0 Ac
SE SE⁴ 4.4 Ac

AREAS SHOWN ABOVE IN SEC 6 TWP 109 R 75

SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I _____ REGISTERED LAND
SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA,
DO HEREBY CERTIFY THAT AT THE REQUEST OF
H. C. CALHOUN, SOLE OWNER, I HAVE
SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN
HIS OWNERSHIP BOUNDRIES ON _____
FOR WHICH APPLICATION FOR APPROPRIATIVE WATER
RIGHT IS MADE AND THAT THIS MAP IS A TRUE REP.
REPRESENTATION THEREOF.

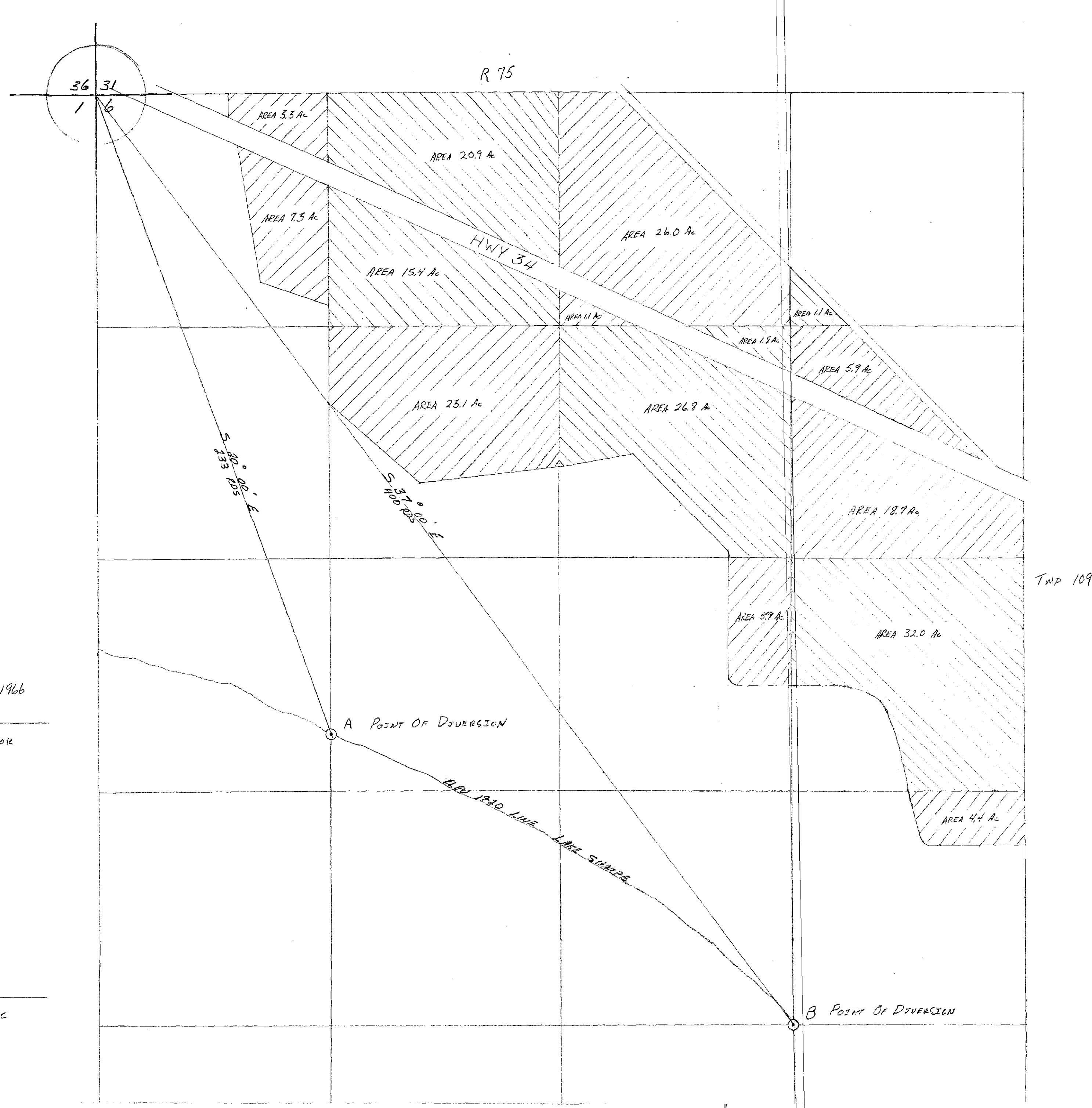
WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 1966

REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A
NOTARY PUBLIC, IN AND FOR SAID COUNTY AND
STATE, PERSONALLY APPEARED _____
KNOWN TO ME TO BE THE PERSON WHO EXECUTED
THE FOREGOING SURVEYORS CERTIFICATE AND
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME
MY COMMISSION EXPIRES _____

NOTARY PUBLIC



AREA TO BE IRRIGATED

SHOWING AREA & DIVERSION POINTS WHERE WATERS
WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATERS

H. C. CALHOUN OWNER

SURVEYOR

Joe Hutton owner

MAP NO 927-3
(APPL NO 1314-3)
1994-3

Publish first publication, on or before July 5, 19 73NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 29, 19 73**H. C. Calhoun**

Notice is hereby given that

whose post office address is **Pierre**, 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**2.76** cubic feet of water per second of time from the **Missouri River** through the **Calhoun #1**, the point of diversion of which is to be located ~~between~~between points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Twp. 109N, Range 75W. Said water to be used for the purpose

of providing irrigation on the following described land:

Portions of
NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 6, T109N, R75WThis application No. 1994-3 will be considered by the Water ~~Resources~~ **Rights** Commission at their office at Pierre upon the 18th day of July, 19 73, at 2:00 P. .M. All interested persons may appear and be heard.**WATER RIGHTS COMMISSION**
WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BPJ/bv

EC: H. C. Calhoun, 1401 E. Dakota, Pierre, S.D. 57501

App. # 1994-3

- see also Appl. # 1314-3

Affidavit of Publication

State of South Dakota } ss.
County of Hughes

John H. Hipple

of said County and State, being first duly sworn, on his oath says:

Daily Capital Journal is a
daily newspaper of general circulation, printed and
published in Pierre in said County
and State by Hipple Printing Company and has
been such newspaper during the times hereinafter mentioned; that the
said Daily Capital Journal

is a legal newspaper and has been in existence for more than one year
immediately preceding the first publication herein mentioned; and has
more than two hundred bona fide subscribers; that I, the undersigned,
am business manager of said newspaper, in
charge of the advertising department thereof, and have personal know-
ledge of all the facts stated in this affidavit; and that the advertisement
#1994-3
headed INTENT TO APPROPRIATE WATER a printed copy
of which is hereto attached, was printed and published in the said news-

paper once each week for two successive weeks; the first publica-
tion being made on July 5, 1973; subsequent publications on

1973; and last publication on July 12,
1973; that \$ 8.73 being the full amount of the fee for publi-
cation of the annexed notice inures solely to the benefit of the publishers
of the said newspaper; that no arrangement or understanding for a
division thereof has been made with any other person, and that no part
thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me
this 16th day of July,

19 73

Notary Public Hughes County.

Attorney's Affidavit Ex Rel Fees

State of South Dakota } ss.
County of

being first duly sworn,
on his oath says: I am
of the that
directed the publication of the annexed notice; that the full amount as
appears by the foregoing affidavit of

for the publication
of such notice has been paid; that no agreement or understanding for any
division thereof, has been made with any person whomsoever, and that
no part thereof has been refunded by the party publishing said notice.

Subscribed and sworn to before me
this day of

19

Notary Public County.

LEGAL NOTICE
Calhoun whose post office
address is Pierre, South Dakota,
has made application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate
beneficial use of 76 cubic feet of
water per second of time from
the Missouri River through the
Calhoun No. 1, the point of
diversion of which is to be located
between points in the NE 1/4 SW 1/4
and in the SE 1/4 SE 1/4 of Section
6, Twp. 100N, Range 75W. Said
water to be used for the purpose
of providing irrigation on
portions of the following describ-
ed land:
NW 1/4, NE 1/4 and SE 1/4, Section
6, T109N, R75W.
This application No. 1994-3 will
be considered by the Water Rights
Commission at their office at
Pierre upon the 18th day of July,
1973, at 2:00 P.M. All interested
persons may appear and be heard.
WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist

Publication Fees - \$

Notary Fees -

Total - - - \$

Received payment.

LEGAL RATES

South Dakota Session Laws of
1957, Chapter 500 page 601-602.

JUL 17 1973

LEGAL PUBLICATIONS

**An Act Defining a Legal Newspaper
for the Publication of Legal and
other Official Notices in the State
of South Dakota.**

§ 60.0508 Supplement to South Dakota Code of 1939. (Legal Newspaper Defined.) No daily or weekly newspaper shall be considered a legal newspaper for the publication of legal and other official notices unless the same, if a daily newspaper, be published five days or more each week and shall have a bonafide circulation of two hundred copies, daily, or, if a weekly newspaper, shall have a bonafide circulation of two hundred copies weekly, and shall have been published in the English language in the county and shall have been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices, and be printed either in whole or in part in an office maintained at the place of publication: Provided, that the consolidation or union of any two or more newspapers, any or all of which were before such consolidation legal newspapers as defined in this section, shall in no manner affect the legality of the newspaper formed by such consolidation, and the same shall be deemed to have complied with the requirements prescribed for a legal newspaper and to be a legal newspaper as above defined: Provided further that nothing in this section shall be so construed as to affect the validity of any publication published in a foreign language prior to the taking effect of this section.

§ 65.0507 (Affidavit Must State Fact of Legality.) All legal and other official notices shall be published in a legal newspaper as defined in the preceding section, and the affidavit of publication shall state that such newspaper is a legal newspaper, which affidavit shall be prima facie evidence of that fact: and every affidavit of publication shall state in plain terms the fees charged thereon

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: April 21, 1977

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

(See attached legal descriptions)

formerly owned by H. C. Calhoun

has been transferred to Albert Joe Hattum

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1994-3 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 Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

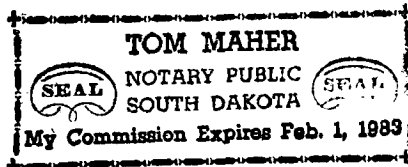
STATE OF SOUTH DAKOTA)
) SS.
County of Hughes)

I, Albert Joe Hattum being first duly sworn on my oath despose 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.

Albert Hattum
(Signed)

Subscribed and sworn to before me this 21st day of April

19 77.



Tom Maher
(Notary Public)

Lots One (1) and two (2), and the South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), and the East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Six (6), in Township One Hundred Nine (109) North, of Range Seventy-Five (75), West of the Fifth Principal Meridian, in the County of Hughes, in the State of South Dakota, less U. S. Government taking and right of way for highway purposes.

Lots three (3) and five (5) and the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Six (6), Township One Hundred Nine (109) North, Range Seventy-Five (75) west of the Fifth Principal Meridian, Hughes County, South Dakota, less U. S. Government taking and right of way for highway purposes.

 **Department of
Water & Natural Resources**

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

February 17, 1989

Mohammed Hattum - Operator
RR 2, Box 44
Harrold, SD 57536

Dear Mr. Hattum - Operator:

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

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

The new standards include:

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



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

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

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

Very truly yours,

John W. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

Extra copy

LAW OFFICES OF
MAHER AND ARENDT
201 NORTH EUCLID, SUITE 1
PIERRE, SOUTH DAKOTA 57501-2571

THOMAS M. MAHER
AL ARENDT
THOMAS P. MAHER

(605) 224-0491
FAX: (605) 224-0493

September 6, 1996

Mr. Ron Duvall
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Re: All of the NE $\frac{1}{4}$ and Lots 3 and 5 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the Highway Right-of-Way; all of the SE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ less Government Take; all in Section 6, Township 109 North of Range 75, West of the 5th P.M., Hughes County, South Dakota

Dear Mr. Duvall:

This is written to request transfer of the permit on the above-described real property from Mohammed Hattum and Julia A. Hattum to Charles F. Fisher, as Agent for Fisher Hunting Group, of 1180 Creek Drive, Rapid City, South Dakota.

I am returning the Notice of Transfer of Ownership which you previously sent to this office, as the legal description described therein is incorrect. We have made corrections on same; we do not know the correct permit number.

Enclosed is a copy of the Real Estate Purchase Agreement entered into by Mr. and Mrs. Hattum, and Mr. Fisher, for your reference.

Thank you.

Very truly yours,

MAHER AND ARENDT

Tom Maher
Thomas M. Maher

TMM:plm
Enclosures

cc: Mr. and Mrs. M. Hattum
Mr. Charles F. Fisher

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of July, 1993, by and between Mohammed Hattum and Julia Ann Hattum, husband and wife, of Rural Route 2, Box 44, Harrold, South Dakota, hereinafter referred to as Sellers, and Charles F. Fisher, as Agent for Fisher Hunting Group, of 1180 Creek Drive, Rapid City, South Dakota, hereinafter referred to as Purchaser.

WITNESSETH:

WHEREAS, Sellers are the owners of certain property located in Hughes County, South Dakota, hereinafter described; and

WHEREAS, Purchaser desires to purchase and Sellers desire to sell said property upon the terms and conditions stated in this agreement;

NOW, THEREFORE, and based upon the mutual covenants hereinafter set forth, the parties agree as follows:

1. Property being sold. Sellers agree to sell and Purchaser agrees to purchase approximately 255.9 acres south of U.S. Highway 34 described as follows:

NE $\frac{1}{4}$, Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 5, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ less Corps' Take, SE $\frac{1}{4}$ less Corps' Take, all South of U.S. Highway 34, Section 6, Township 109, Range 75, Hughes County, South Dakota.

2. Purchase price. The total purchase price to be paid for the property is One Hundred Fifty Thousand Dollars (\$150,000.00) to be paid as follows:

a. Purchaser shall pay to Sellers at the time of the execution of this agreement, the amount of \$2,500.00 as a down payment, receipt of which is hereby acknowledged by the Sellers;

b. At the time of closing, which shall be July 15, 1993, Purchaser shall deliver funds to Sellers to pay the entire remaining balance of \$147,500.00 in cash. The standard closing costs statement will be prepared, including debiting of one-half of the 1993 taxes (see paragraph 5 below).

3. Merchantable title. Merchantable title in the real estate shall be conveyed by Sellers to Purchaser by good and sufficient warranty deed properly executed, with the necessary transfer fee paid by Sellers. All costs of recording the warranty deed shall be paid by Purchaser.

4. Title insurance. Sellers agree to provide the Purchaser with an owner's title insurance policy prior to the date of closing showing Sellers to be vested with good and merchantable title to the property being conveyed. The costs of the owner's portion of the title insurance policy shall be paid by the Sellers.

5. Taxes. The parties agree that all of the 1992 real estate taxes payable in 1993 shall be paid by the Sellers. Taxes for 1993 shall be split fifty/fifty (50/50) based upon the 1992 levy.

6. Time of closing. The closing shall occur on or before July 15, 1993, unless otherwise extended by mutual agreement of the parties.

7. Possession. Possession is to go to Purchaser on closing.

8. Binding effect. This agreement shall be binding upon the heirs, assigns and successors in interest of the parties.

9. Other provisions.

a. Sellers shall lease the property according to the terms of the attached and fully incorporated Lease.

b. Sellers shall receive this year's crop and ASCS benefits on the above-described property.

c. Sellers shall have the right of ingress and egress on the above-described property for agricultural purposes related to their irrigation of their remaining lands.

d. Sellers reserve the right to pump water through the existing irrigation district to Sellers' other lands north of the highway and shall be responsible for the appropriate pumping charges relating to that use. Sellers agree not to interfere with Purchaser's use of the above-described property.

e. Sellers shall be responsible for all farming expense, including normal and ordinary maintenance of the pivot, including the pumps and motors, on the above-described property.

f. The existing water rights and Corps' easement on the above-described property shall be transferred so that the land Purchaser is purchasing and Sellers' other lands shall continue to benefit from such water rights and easement to the maximum extent available. The parties agree to complete and execute all documents necessary to effectuate this intent.

9. Upon approval and acceptance of this agreement by Sellers and Purchaser, and in the event Purchaser shall not complete the purchase as herein agreed, Purchaser shall forfeit the down payment paid to Sellers.

10. Acceptance. Sellers and Purchaser accept this offer.

Mohammed Hattum
Mohammed Hattum - Seller

Julia Ann Hattum
Julia Ann Hattum - Seller

FISHER HUNTING GROUP - Purchaser
By: Charles F. Fisher
Charles F. Fisher, Agent



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 9, 1996

1994-3

Thomas M Maher
MAHER & ARENDT
201 N Euclid, Suite 1
Pierre, SD 57501

Dear Mr. Maher:

I am writing to you in regard to your letter of September 6, 1996, concerning the transfer of a water permit from Mohammed and Julia A Hattum to Charles F Fisher, agent for Fisher Hunting Group. Most of the legal descriptions specified in your letter are authorized for irrigation under Water Permit No. 1994-3. Enclosed is a copy of Water Permit No. 1994-3, currently listed in the name of Albert Joe Hattum.

Enclosed is a corrected "Notice of Transfer of Ownership" form. Please complete the form as needed. The transfer form will need to be signed in the presence of a notary public by the new owner. Once the form is completed and signed, please return it to our office with a required filing fee of \$2.50.

The transfer form previously sent to you was for a permit under the name of Mohammed and Julia Hattum (Water Permit No. 2432-3A). I apologize for the error and appreciate you returning the form for correction.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1996

SECOND NOTICE
Permit No. 1994-3

Thomas M. Maher
MAHER & ARENDT
201 N. Euclid, Suite 1
Pierre, SD 57501

Dear Mr. Maher:

On September 9, 1996, notice was sent to you concerning the transfer of Water Permit No. 1994-3 in the name of Albert Joe Hattum. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

SENDER: *Complete items 1 and/or 2 for additional services. *Complete items 3, 4a, and 4b. *Print your name and address on the reverse of this form so that we can return this card to you. *Attach this form to the front of the mailpiece, or on the back if space does not permit. *Write "Return Receipt Requested" on the mailpiece below the article number. *The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
		Thank you for using Return Receipt Service.	
3. Article Addressed to: <u>1-94-3</u> Thomas M. Maher MAHER & ARENDT 201 N. Euclid, Suite 1 Pierre, SD 57501		4a. Article Number P 378 080 532	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
5. Received By: (Print Name) <u>Calvin Arendt</u>		7. Date of Delivery <u>11-19-94</u>	
6. Signature: (Addressee or Agent) <u>X Calvin Arendt</u>		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1994		Domestic Return Receipt	

LAW OFFICES OF
MAHER AND ARENDT
201 NORTH BUCKLE, SUITE 1
PIERRE, SOUTH DAKOTA 57501-2571

THOMAS M. MAHER
AL ARENDT
THOMAS P. MAHER



(605) 224-0491
FAX: (605) 224-0493

November 19, 1996

Mr. Charles F. Fisher
As Agent for Fisher Hunting Group
1180 Creek Drive
Rapid City, South Dakota 57701

Re: All of the NE $\frac{1}{4}$ and Lots 3 and 5 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the Highway Right-of-Way; all of the SE $\frac{1}{4}$ and N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ less Government Take; all in Section 6, Township 109 North of Range 75, West of the 5th P.M., Hughes County, South Dakota

Dear Mr. Fisher:

On September 17, 1996, I forwarded to you for completion, as the new owner of the above-referenced land, the original "Notice of Transfer of Ownership" form regarding Water Permit No. 1994-3, and requested that you forward the completed transfer to Ron Duvall, Natural Resources Engineer, Water Rights Program, in Pierre, along with the required filing fee of \$2.50.

Today, I received the enclosed "Second Notice" letter from Mr. Duvall, along with the Notice of Transfer of Ownership. As noted in Mr. Duvall's letter, it is important that you get this transfer completed.

Very truly yours,

MAHER AND ARENDT


Thomas M. Maher

TMM:plm

Enclosures

cc: Mr. Ron Duvall, Natural Resources Engineer
Mr. and Mrs. M. Hattum

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1994-3

Date: 4-28-97



I/We request that Water Permit No. 1994-3

formerly owned by: Albert Joe Hattum

be transferred to: (name & address) Charles F. Fisher, Agent Fisher Hunting,
22907 Glume Lane, Rapid City, SD 57702 Telephone No. 343-0557

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

N $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T109N, R75W

I/We understand that the validity of Water Permit No. 1994-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of PENNINGTON)

I/We Charles F. Fisher 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 that I know of my own personal knowledge that the information herein stated is true.

Charles F. Fisher
(Signed)

Subscribed and sworn to before me this 28th day of April, 1997.

Virgil R. Stanley
(Notary Public)
My Comm. Exp. 8-15-04

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT
Division of Water Rights
South Dakota Department of Environment and Natural Resources

415335

Pierre, _____ April 28, 1997

RECEIVED OF Charles F. Fisher, 22907 Flume Lane, Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 1994-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch (C)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1997

No. 1994-3

Charles F. Fisher, Agent
Fisher Hunting
22907 Flume Lane
Rapid City, SD 57702

Dear Mr. Fisher:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1994-3.

Our records now show you as the owner of Water Permit No. 1994-3.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2001

1994-3

Mohammad Hattum, Operator
21862 West Bend Rd.
Harrold SD 57536

Dear Mr. Hattum:

On September 25, 2001 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1994-3 (Fisher Hunting Group) was completed by Lynn Beck, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

The licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of the water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Fisher Hunting Group



1994-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: CHARLES F FISHER, AGENT, FISHER HUNTING GROUP, 2437 BROADMOOR CT,
RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

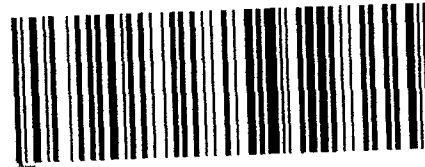
1994-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

TEMP RETURN SERVICE REQUESTED

CERTIFIED MAIL



7001 2510 0004 4797 5309

CFS

RECEIVED

FEB - 5 2002

WATER RIGHTS
PROGRAM

[Handwritten signature]

CHARLES F FISHER, AGENT
FISHER HUNTING GROUP
2437 BROADMOOR CT

F FISH167 853742056 1102 26 01/26/02
RETURN TO SENDER
F FISHER
14175 W POWDERHORN DR
SURPRISE AZ 85374-3808
1 RETURN TO SENDER

57501/3182

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Julie Hattum, Harrold, SD

DATE: February 6, 2002

TELEPHONE:

RE: the 2001 irrigation questionnaire and payment of the license fee

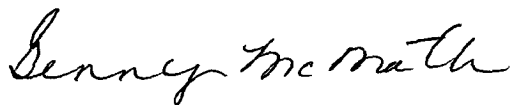
COMMENTS:

Mrs. Hattum called to see if the questionnaire had been returned for No. 1994-3 (Fisher Hunting Group) because she had not seen the form yet. I told her no, we have not received it but I had mailed it to Mr. Fisher in Rapid City and the post office had just returned it to us with a different address. She indicated the land was not irrigated the last two years.

She also was wondering whose responsibility it was for payment of the license fee. They received a letter from us in December requesting the fee. I told her that the permit holder and owner of the land would be responsible. In this case, Fisher Hunting Group needs to pay the fee. I told her I would forward the request for the fee to Fisher Hunting Group at their address in Arizona and she could disregard the fee letter they received in December.

RECOMMENDED ACTION:

Fill out questionnaire for 1994-3 and notify Fisher Hunting Group that the matter has been taken care of. Also – send notification to their new address about the investigation and license fee.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2002

1994-3

RECEIVED

FEB 19 2002

WATER RIGHTS
PROGRAM

Charles F Fisher
Fisher Hunting Group
14175 W Powderhorn Dr
Surprise, AZ 85374-3808

Dear Mr. Fisher

Enclosed is a "Notice" dated January 16, 2002 concerning the 2001 irrigation questionnaire. The notice was originally mailed to 2437 Broadmoor Court in Rapid City, SD. The post office notified us that your address has changed and I will update our records accordingly.

I received a call this morning from Julia Hattum indicating that the irrigation system for the land described in 1994-3 was not run during last crop season. I have filled out a questionnaire for you with the information she supplied. You may **disregard** the enclosed January 16, 2002, "Notice" concerning reporting requirements for Water Permit No. 1994-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On December 10th we forwarded you a copy of a letter sent to Mohammad Hattum (operator) concerning the investigation of the water use system and the pending issuance of the water license. A fee of \$50.00 is still needed for the investigation and issuance of the water license. In the event you did not receive our original letter due to an incorrect address, I am including the information in this letter.

Please remit a total of \$50.00 for the investigation and licensing fee. This is a one time fee and once paid completes your process of obtaining a water permit. The check or money order for the fee can be made payable to the "Water Rights Program."

If you have any questions, please contact me.

Sincerely,

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

*Thanks - Call me please if this
Doesn't Take Care of this*

Ph - 623-546-9813

C Fisher

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 417086

Pierre, February 19, 2002

RECEIVED OF Charles F. Fisher, Fisher Hunting Group, 14175 W. Powderhorn Dr., Surprise, AZ 85374
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 1994-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darlan L. Ebele

Chief Engineer

gm

Permit No. 1994-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 26, 2001 made a thorough examination of the water use system constructed by Fisher Hunting Group of 22907 Fume Lane, Rapid City, SD 57702 holder of Permit No. 1994-3, bearing the priority of June 29, 1973 authorizing the diversion of 2.76 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Hughes County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

At the Missouri River: Cornell pump with a 1,150 gpm capacity and a Deutz motor. Booster pump is a Cornell model no. 4RBF6 with a 900 gpm capacity and a Deutz motor model no. F6L912 rated at 88.5 hp.

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

850' of 12" aluminum pipe above ground, 1,100' of 10" aluminum pipe above ground, and 3,250' of 8" pvc buried pipe.

C. Works used to apply water to beneficial use:

Zimmatic center pivot, 7 towers and 1320' long with an end gun, low pressure unit, 900 gpm capacity.

The system is in the following condition good to fair. The point of diversion is located at the Missouri River: 1320' N and 2250' E of the SW corner in the E½ SW¼ Section 6, T109N-R75W. At the booster pump site: 3085' N and 2825' E of the SW corner in the SW¼ NE¼ Section 6, T109N-R75W. The works are capable of diverting and conveying to the place of use 2.56 cu. ft. per second of water from the Missouri River and 2.0 cfs of water through the irrigation system which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

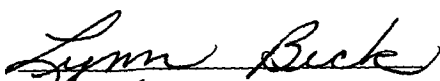
All in Section 6, T109N-R75W

<u>NW¼ NE¼ 1 acre</u>	<u>NE¼ NW¼ 15 acres</u>	<u>NE¼ SE¼ 23 acres</u>
<u>SW¼ NE¼ 28 acres</u>	<u>NW¼ NW¼ 6 acres</u>	<u>NW¼ SE¼ 5 acres</u>
<u>SE¼ NE¼ 18 acres</u>	<u>SW¼ NW¼ 2 acres</u>	
	<u>SE¼ NW¼ 24 acres</u>	

comprising a total of 122 acres of land and the license should be issued for 1.74 cfs applied to the land.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


 Lynn Beck

Dec. 4, 2001
 Date

Natural Resources Engineer
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1994-3

DATE OF INSPECTION: September 26, 2001

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Mohammad Hattum, 21862 West Bend Rd., Harrold, SD 57536

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: lease

NAME & ADDRESS OF PERMIT HOLDER: Charles Fisher, Agent for Fisher Hunting Group, 22907 Flume Lake, Rapid City, SD 57702

DIVERSION POINT LEGAL LOCATION: At the Missouri River: 1320' N and 2250' E of the SW corner in the E½ SW¼ Section 6, T109N-R76W. At the booster pump site: 3085' N and 2825' E of the SW corner in the SW¼ NE¼ Section 6, T109N-R76W.

Pump: At the Missouri River

- 1) Make Cornell
- 2) Model #
- 3) Size
- 4) Capacity 1150 GPM (from pump curve)

Motor:

- 1) Make Deutz V-6
- 2) Model No. #
- 3) Horsepower rating # hp

Pump: booster site

- 1) Make Cornell
- 2) Model 4RBF6
- 3) Size 12¼"
- 4) Capacity 900 GPM

Motor:

- 1) Make Deutz
- 2) Model No. F6L912
- 3) Horsepower rating 88.5 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type above ground aluminum 2) Size 12" 3) Length 850 feet
- 1) Type above ground aluminum 2) Size 10" 3) Length 1100 feet
- 1) Type pvc 2) Size 8" 3) Length 3250 feet

SYSTEM TYPE:

Center Pivot: Has one system that is moved to two locations.

- 1) Make Zimmatic
- 2) Overall length 1320'
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

DISTRIBUTION LINES OR CANALS:

- 1) Type above ground aluminum 2) Size 12" 3) Length 850 feet
- 1) Type above ground aluminum 2) Size 10" 3) Length 1100 feet
- 1) Type pvc 2) Size 8" 3) Length 3250 feet

SYSTEM TYPE:

Center Pivot: Has one system that is moved to two locations.

- 1) Make Zimmatic
- 2) Overall length 1320'
- 3) Number of towers 7
- 4) End gun yes
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- 6) Capacity 900 GPM

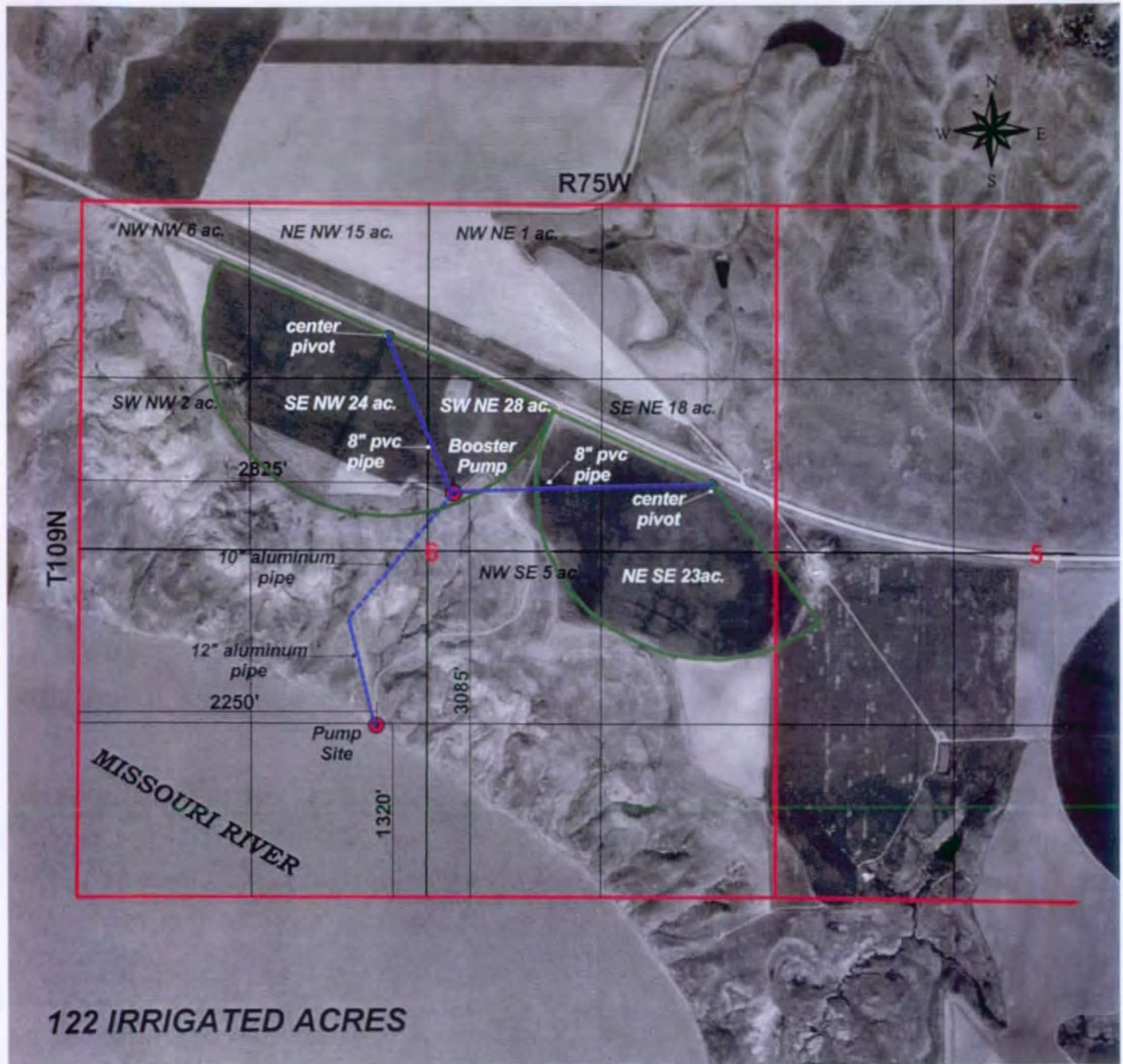
CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

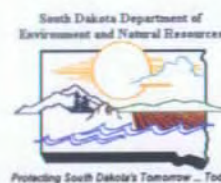
WATER PERMIT NO. 1994-3 FISHER HUNTING GROUP



0.5 0 0.5 1 Miles
SCALE

Lynn Beck
Natural Resources Engineer Specialist
Water Rights, DENR
December 4, 2001

Lynn Beck



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1994-3

(1) H.C. Calhoun, Pierre SD made Application No. 1994-3, June 29, 1973 for a water permit to divert 2.76 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 1994-3, with a priority date of June 29, 1973 was approved July 18, 1973 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 18, 1978 and for the application to beneficial use of said water on or before July 18, 1982.

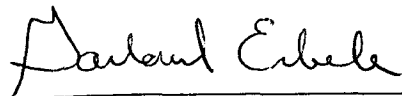
On April 29, 1997, Water Permit No. 1994-3 was transferred to Fisher Hunting Group.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.74 cubic feet of water per second for beneficial use. The location of the diversion point (Missouri River): 1,320 feet north and 2,250 feet east of the southwest corner of Section 6-T109N-R75W (NE ¼ SW ¼); (at the booster pump site): 3,085 feet north and 2,825 feet east of the southwest corner of Section 6-T109N-R75W (SW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 6-T109N-R75W					
NW ¼ NE ¼	1 acre	NE ¼ NW ¼	15 acres	NE ¼ SE ¼	23 acres
SW ¼ NE ¼	28 acres	NW ¼ NW ¼	6 acres	NW ¼ SE ¼	5 acres
SE ¼ NE ¼	18 acres	SW ¼ NW ¼	2 acres		
		SE ¼ NW ¼	24 acres		
Total 122 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Fisher Hunting Group, 14175 W Powderhorn Dr., Surprise AZ 85374 the holder and/or owner of Water Right No. 1994-3 is issued a license to appropriate water, the right to use 1.74 cubic feet of water per second from the Missouri River with a priority date of June 29, 1973 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1994-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 01 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 01 2002

1994-3

Charles F. Fisher
Fisher Hunting Group
14175 W. Powderhorn Dr.
Surprise, AZ 85374

Dear Mr. Fisher:

Enclosed is Water License No. 1994-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417086 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

1994-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 WESTBEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: **CHARLES FISHER GROUP, FISHER HUNTING GROUP, 2437 BROADMOOR CT,
RAPID CITY SD 57702**

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.



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5867

Your item was delivered at 9:01 am on January 18, 2003 in HARROLD, SD 57536. The item was signed for by G INGLE.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5867

ALBERT HATTUM, RENTER
21862 WESTBEND RD
HARROLD SD 57536

Postmark
Here

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Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2003

1994-3

Albert Hattum
21862 Westbend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1994-3.

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

If you have any questions, please contact me.

Sincerely,

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



1994-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5874

Your item arrived at 6:21 am on January 25, 2003 in SURPRISE, AZ 85374. No further information is available for this item.

[Shipment History >](#)[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5874

P CHARLES FISHER GROUP
F FISHER HUNTING GROUP
2437 BOARDMOOR CT
R RAPID CITY SD 57702

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Here

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Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 WESTBEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**cc: CHARLES FISHER GROUP, FISHER HUNTING GROUP, 2437 BROADMOOR CT,
RAPID CITY SD 57702**

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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You entered 2301 0370 0000 7540 5867

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SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5867

ALBERT HATTUM, RENTER
21862 WESTBEND RD
HARROLD SD 57536

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PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2003

1994-3

Albert Hattum
21862 Westbend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1994-3.

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

If you have any questions, please contact me.

Sincerely,

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



1994-3

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You entered 2301 0370 0000 7540 5874

Your item arrived at 6:21 am on January 25, 2003 in SURPRISE, AZ 85374. No further information is available for this item.

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SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5874

P
CHARLES FISHER GROUP
FISHER HUNTING GROUP
2437 BOARDMOOR CT
RAPID CITY SD 57702

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PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 3, 2008

Fisher Hunting Group
c/o Michael Elliott
5006 Carriage Hills Dr.
Rapid City SD 57702

Dear Mr. Elliott:

As you requested, enclosed is a copy of Water Right No. 1994-3 and map for irrigation of 122 acres from the Missouri River. We now have your correct mailing address on file.

Also enclosed is the 2008 Irrigation Questionnaire. A review our files indicates that this yearly questionnaire has not been returned by Albert Hattum, your renter, since 2006. Since you are the permit holder and we did not have an accurate mailing address, we could not proceed with action for failure to return the questionnaire.

Please make Mr. Hattum aware that this form needs to be completed and returned to our office as soon as possible. The deadline to return the questionnaire was December 1, 2008. Mr. Hattum can return the form or call our office and give the information to Genny McMath (605 773-3352).

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



1994-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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 10, 2010**, 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) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

cc: M ELLIOTT, FISHER HUNTING GROUP, 5006 CARRIAGE HILLS DR, RAPID CITY SD

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.

1994-3

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2303 2160 0000 0802 7958M ELLIOTT
FISHER HUNTING GROUP
5006 CARRIAGE HILLS DR
RAPID CITY SD 57702Waiver of Signature ☐ YES ☐ NOPostmark
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1994-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7941

Service(s): **Signature Confirmation™**Status: **Notice Left**

We attempted to deliver your item at 9:01 AM on January 23, 2010 in HARROLD, SD 57536 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to www.usps.com/redelivery, or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 30 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

Detailed Results:

- Notice Left, January 23, 2010, 9:01 am, HARROLD, SD 57536
- Arrival at Post Office, January 23, 2010, 8:01 am, HARROLD, SD 57536

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Form received so no further action required
Sender

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Signature Confirmation Number: 2303 2160 0000 0802 7941

ALBERT HATTUM, RENTER
21862 WEST BEND RD
HARROLD SD 57536

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2010

1994-3

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

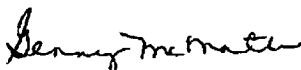
Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1994-3.

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

If you have any questions, please contact me.

Sincerely,


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

c: M Elliott, Fisher Hunting Group



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
SOUTH DAKOTA REGULATORY OFFICE
28563 POWERHOUSE ROAD, ROOM 118
PIERRE, SOUTH DAKOTA 57501-6174

1994-3

COPY

December 16, 2014

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

Albert Hattum
21862 West Bend Road
Harrold, South Dakota 57536

Dear Mr. Hattum:

Reference is made to your application for a Department of the Army permit to construct a new permanent irrigation intake structure and associated riprap bank protection in the Missouri River/Lake Sharpe (Mile 1040.60), in Section 6, Township 96 North, Range 67 West, Hughes County, South Dakota.

Based on the information submitted, the proposed intake structure project, as described on the enclosed drawings, meets the criteria established for General Permit 90-04 and has been assigned application number NWO-1600-756-PIE.

Accordingly, for the purposes of Section 10 of the Rivers and Harbor Act (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), and in accordance with 33 CFR Part 325.5(c)(1), the construction of the intake structure project is authorized without further processing provided the stipulations, conditions and criteria of General Permit 90-04 (copy enclosed) are strictly adhered to.

Any changes to the size, location or withdrawal rate of this structure from that identified herein may require additional Department of the Army Authorization. **The attached Compliance Certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.**

A Preliminary Jurisdictional Determination (JD) has been completed for your project, which is a written indication that wetlands and waterways within your project area are Waters of the United States (Enclosed). If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. The preliminary jurisdictional determination is not appealable. If you do not concur with the findings, you may request an approved jurisdictional determination from this office.

12/23/12 - per Nathan W / COE
legal should be Sec 6, T109N, R75W
lat: 44.27318
long: -99.8912
(legal described below is in
Charles Mix County)
Seamy

RECEIVED

DEC 18 2014

SURFACE WATER PROGRAM

-2-

NOTE: The above determination does not obviate the requirement to obtain state, tribal or local assent as required by law.

You can obtain additional information about the Regulatory Program from our website:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/SouthDakota.aspx>

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://corpsmap.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions regarding the above, please feel free to contact this office at the above Regulatory Office address, or telephone Thomas A Lowin of my staff, or myself, at (605) 224-8531.

Sincerely,

Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures

cf: Larson; US Fish and Wildlife Service, Pierre
Miller; SD Dept. Environment and Natrl Rsrcs, Pierre
Murphy; SD Dept. Game, Fish & Parks, Pierre
Ludeman; Morris Inc., Pierre
Fink; Corps of Engineers, Lake Sharpe Office, Ft Thompson



Albert Hattum Irrigation Project 2014

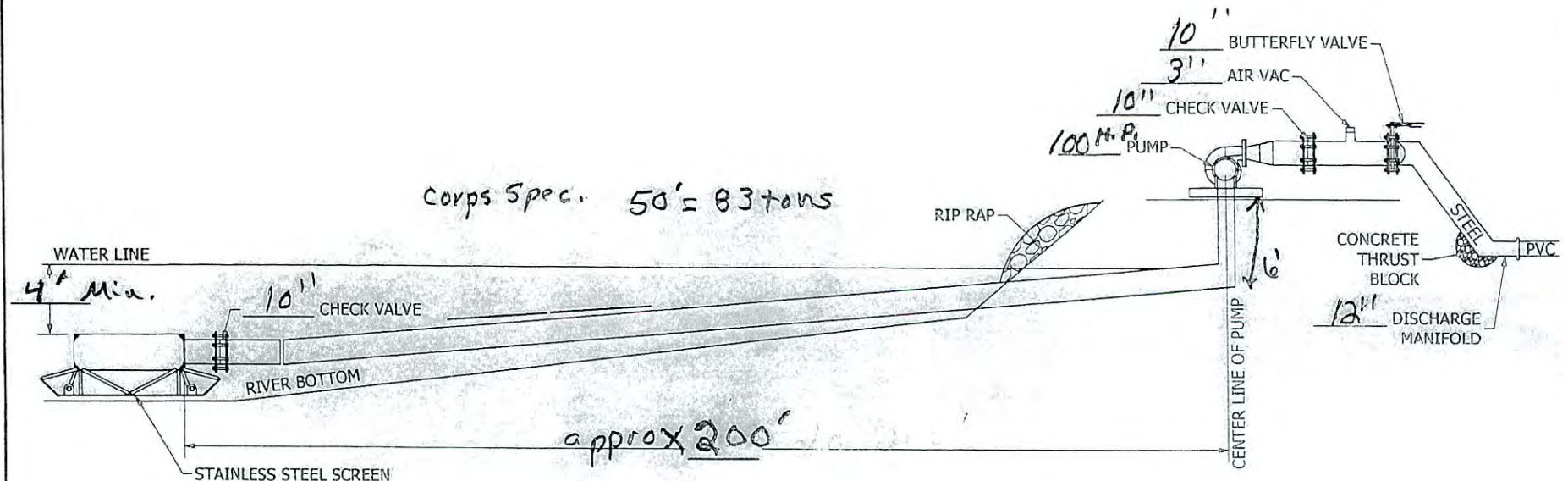
NWO - 1600 - 756 - PIE



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Big Bend Project 061010-0044	
Produced By: Corps of Engineers Production Date: 20 Jun 14 Prepared By: Revision Date:	 US Army Corps of Engineers Omaha District
File Location: Desktop	

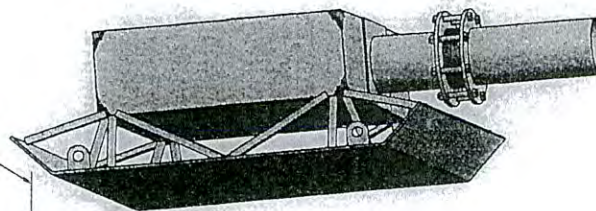
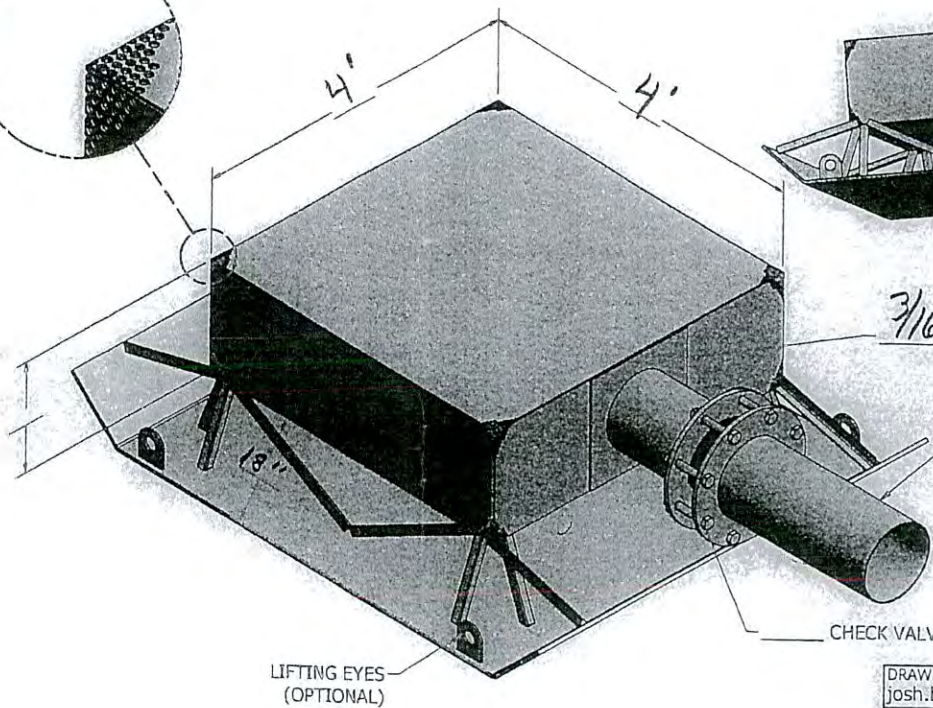
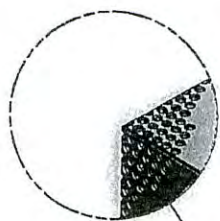
Source:



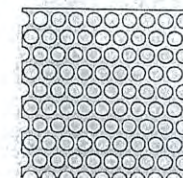
NOTE: 1 INTAKE PER PUMP

DRAWN kari.pates	2/17/2012	MORRIS Inc. Morris, Inc. PO Box 1162, Pierre, SD 57501 1706 N. Waldron, Ft. Pierre, SD 57532 (605)223-3379	
CHECKED			
MATERIAL:		TITLE	
WEIGHT: 724.86 lbmass RELEASED FOR FABRICATION		PUMP STATION LAYOUT	
PROJECT		SIZE B	DWG. NO. PUMP STATION REV
		SCALE NTS	SHEET 1 OF 1

52



SCREEN MATERIAL



1/4" Dia. 5/16" Stg. Centers
12 HPSI 58% O/A

Stainless Steel

900 G.P.M.

3/16" REINFORCEMENT PLATE

10" STEEL PIPE

CHECK VALVE

LIFTING EYES
(OPTIONAL)

THE INFORMATION AND CONCEPTS CONTAINED IN THIS DOCUMENT ARE CONFIDENTIAL AND THE PROPERTY OF MORRIS, INC. DUPLICATION OR USE OF THIS INFORMATION AND/OR CONSTRUCTION OF SYSTEMS BASED ON THIS DOCUMENT ARE STRICTLY PROHIBITED WITHOUT WRITTEN AUTHORIZATION FROM MORRIS, INC.

DRAWN josh.brown		2/17/2012		 MORRIS Inc. Morris, Inc. PO Box 1162, Pierre, SD 57501 1706 N. Waldron, Ft. Pierre, SD 57532 (605)223-3379	
CHECKED					
MATERIAL:					
WEIGHT: N/A					
RELEASED FOR FABRICATION				TITLE	
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				DWG NO INTAKE SCREEN	
				SCALE	
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				SHEET 1 OF 1	

56



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

Albert Hattum
21862 West Bend Road
Harrold SD 57536

Dear Mr Hattum:

This letter is in regards to our February 5, 2015 telephone discussion concerning Water Right No. 1994-3 for irrigation from the Missouri River. Based on our conversation I have determined that you will need to file a change in ownership request transferring the water right from the Fisher Hunting Group to yourself. I have enclosed a partially completed transfer form, please complete, sign and mail it back to us along with the \$50 transfer fee.

Also, you indicated you are making a change in the location of the diversion point for the irrigation project, I am enclosing a partially completed request to change a diversion point document, please sign this request and mail this back to us also. There is no associated fee for making this request. I am enclosing a pre-addressed envelope in which you can submit both forms.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 23 2015

WATER RIGHTS
PROGRAM

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

No. 1994-3

Date: 2-11-15

I/We request that Water Right No. 1994-3

formerly owned by: Fisher Hunting Group

be transferred to: (name & address) Albert Hattum

21802 West Bend Rd

Hamid, SD 57536

Telephone No. 605-875-3248

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

122 acres – NW ¼ NE ¼, S ½ NE ¼, NW ¼, N ½ SE ¼ Section 6, T109N, R75W

I/We understand that the validity of Water Right No. 1994-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Albert Hattum, the new owner, certify that the above information is true and correct.

Albert Hattum

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 24, 2015

1994-3

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the transfer of ownership form and your request to change the point of diversion for Water Right No. 1994-3.

I request for the diversion point change is being reviewed by one of our staff engineers. With regard to the transfer form, a \$50 fee is required by statute for filing an ownership change. Please remit a check or money order in the amount of \$50 made payable to the "Water Rights Program".

I have included a postage paid envelope for your use in returning the fee. Please submit the fee by March 6th so we can continue processing the ownership change.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over the printed name.

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 2, 2015, 20__

RECEIVED OF Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50.00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1994-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. **07342**

By Jeanne Goodran
Jeanne Goodran Chief Engineer

RECEIVED

FEB 23 2015

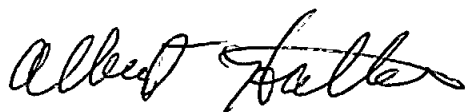
WATER RIGHTS
PROGRAM

Jeanne Goodman, Chief Engineer
SD DENR – Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Dear Ms. Goodman:

I would like to make a change in the authorized location of the diversion point for Water Right No. 1994-3. Currently the authorized location for the diversion point is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6-T109N-R75W. I am requesting the authorized location for the diversion point(s) be located between a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6 T109N-R75W and a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6-T109N-R75W.

Sincerely,



Albert Hattum
21862 West Bend Road
Harrold SD 57536

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Albert Hattum

File No: 1994-3

Address: 21862 West Bend Rd., Harrold, SD 57536

County: Hughes

Date: February 27, 2015

Telephone: 875-3248

RE: Change in Diversion Point from Missouri River

Comments:

On February 23, 2015, the Water Rights Program received a "signed" letter from Albert Hattum, addressed to the Chief Engineer requesting a change in the diversion point(s) for Water Right No. 1994-3.

On February 24, 2015, I was given the letter from Mr. Hattum requesting the diversion point change as-well-as;

- a copy of the license signed by the Chief Engineer in 2002,
- the inspection report map from the inspection of the permit conducted by Water Rights staff on September 26, 2001,
- a letter and map from the USACE to Mr. Hattum dated December 16, 2014, authorizing the construction of a new irrigation intake structure into the Missouri River, its location and construction design drawings, and
- a letter from Water Rights staff to Albert Hattum stating he needed to file a "transfer of ownership" form and request a "change in diversion point". The letter, along with partially completed forms was sent to Mr. Hattum as the result of a telephone conversation on February 5, 2015.

Upon review of this information, the letter from Mr. Hattum changing the location of the currently authorized diversion point and the requested change of diversion point(s) location along the river were incorrect. The letter indicates the current diversion point from the river as being located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6 and requests to change the location to a point between the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6; all in T109N-R75W. The correct diversion point authorized by Water Right No. 1994-3 to divert water from the Missouri River is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6-T109N-R75W. The diversion point provided to the permit holder as being in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6 is the location of a "booster pump" used to deliver water to the irrigation systems as authorized by the water right and identified in the inspection report.

On February 25, 2015, I contacted Tom Lowin (224-8531) from the COE and asked him about Mr. Hattum's permit to construct a new intake structure along the Missouri River. I asked Tom if he knew if Mr. Hattum was planning on diverting from either location or just the single point where he had applied for with their new application with them. He stated he did not know. He

gave me Brandon Bacon's phone number (245-1800, COE, Big Bend Office) and said to contact him if we needed any more information because he was the person who had been to the location.

On February 26, 2015, I contacted Albert Hattum regarding his change in diversion point locations. I informed him the location provided to DENR regarding the change in the licensed diversion point was actually the location of the "booster pump" and not the location of the diversion point from the river. I told Mr. Hattum that the map provided to DENR by the Corps indicated the diversion point from the river was in the SE ¼ SE ¼ Section 6. I informed Mr. Hattum that DENR could change the diversion point to the correct location. He agreed and stated he also wanted to keep the original diversion location in the event that he may need to use the location in the future.

On March 5, 2015, I contacted Brandon Bacon from the COE, Big Bend Office. I asked him if he had the GPS coordinates of the diversion point location for Mr. Hattum's new intake structure. He told me the coordinates were Lat: 44.266484, Long: -99.890979 which were consistent with the map provided by the Corps. Mr. Bacon was contacted because Water Rights staff had identified the legal description in their permit authorization letter sent to Mr. Hattum was incorrect. The staff member contacted the COE, was given the correct legal description; however, was also given GPS coordinates which were incorrect and would have located the diversion point as being approx. ½ mi. north of the diversion point location along the river indicated on their map.

The correct location of Albert Hattum's proposed new irrigation intake structure is the SE ¼ SE ¼ Section 6-T109N-R75W (N 44.266484, W -99.890979).

A handwritten signature in black ink, appearing to read "Mike DeFea". The signature is fluid and cursive, with the first name "Mike" and last name "DeFea" clearly distinguishable.

Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Albert Hattum

ADDRESS: 21862 West Bend Rd., Harrold, SD 57536

DATE: February 27, 2015

COUNTY: Hughes

TELEPHONE: 875-3248

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Water Right No. 1994-3 authorizes the diversion of 1.74 cubic feet per second (cfs) of water from the Missouri River located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 for irrigation of 122 acres located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and SE $\frac{1}{4}$ Section 6; all in T109N-R75W.

The permit holder requests a change in diversion point. The new diversion point is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6-T109N-R75W. The water source is the Missouri River, same as licensed with no additional water appropriated.

The permit holder has also requested to retain the original diversion point in the event they may need to use the location as a back-up location.

The USACE has authorized the construction of the new irrigation intake structure along the Missouri River under General Permit 90-04 and is assigned application number NWO-1600-756-PIE. The map provided to DENR by the USACE, shows the location of the new structure to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6-T109N-R75W.

- **If irrigation, no new land is irrigated**

No new land is being irrigated other than what was originally permitted.

- **Review of Existing Diversions**

There are numerous water rights/permits diverting water from the Missouri River downstream from the diversion point for Water Right No. 1994-3. Because there is ample water in the Missouri River, this change in diversion point is unlikely to cause adverse effects to downstream water rights.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



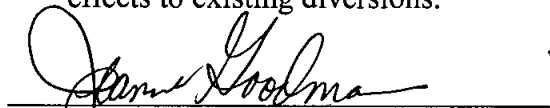
Mike DeFea,

Natural Resources Engineer II

DENR, Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer

Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 17, 2015

Albert Hattum
21862 West Bend Road
Harrold SD 57536

Dear Mr. Hattum:

This letter is in response to your request to change the location of the diversion point authorized by Water Right No. 1994-3.

Currently, Water Right No. 1994-3 authorizes the diversion of 1.74 cubic feet per second (cfs) of water from the Missouri River located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 for irrigation of 122 acres located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and SE $\frac{1}{4}$ Section 6; all in T109N-R75W.

You have requested the new diversion point to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6-T109N-R75W and also indicated you would like to retain the original diversion point location as a back-up location.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in diversion point and retention of the currently authorized diversion point location as a back-up location is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate or the number of acres irrigated from the Missouri River is authorized. If the total diversion rate or the number of irrigated acres increases, a new water right permit will need to be obtained.

Enclosed is a copy of Water License No. 1994-3 and a map prepared by Water Rights staff identifying the original diversion point location and the requested new diversion point location.

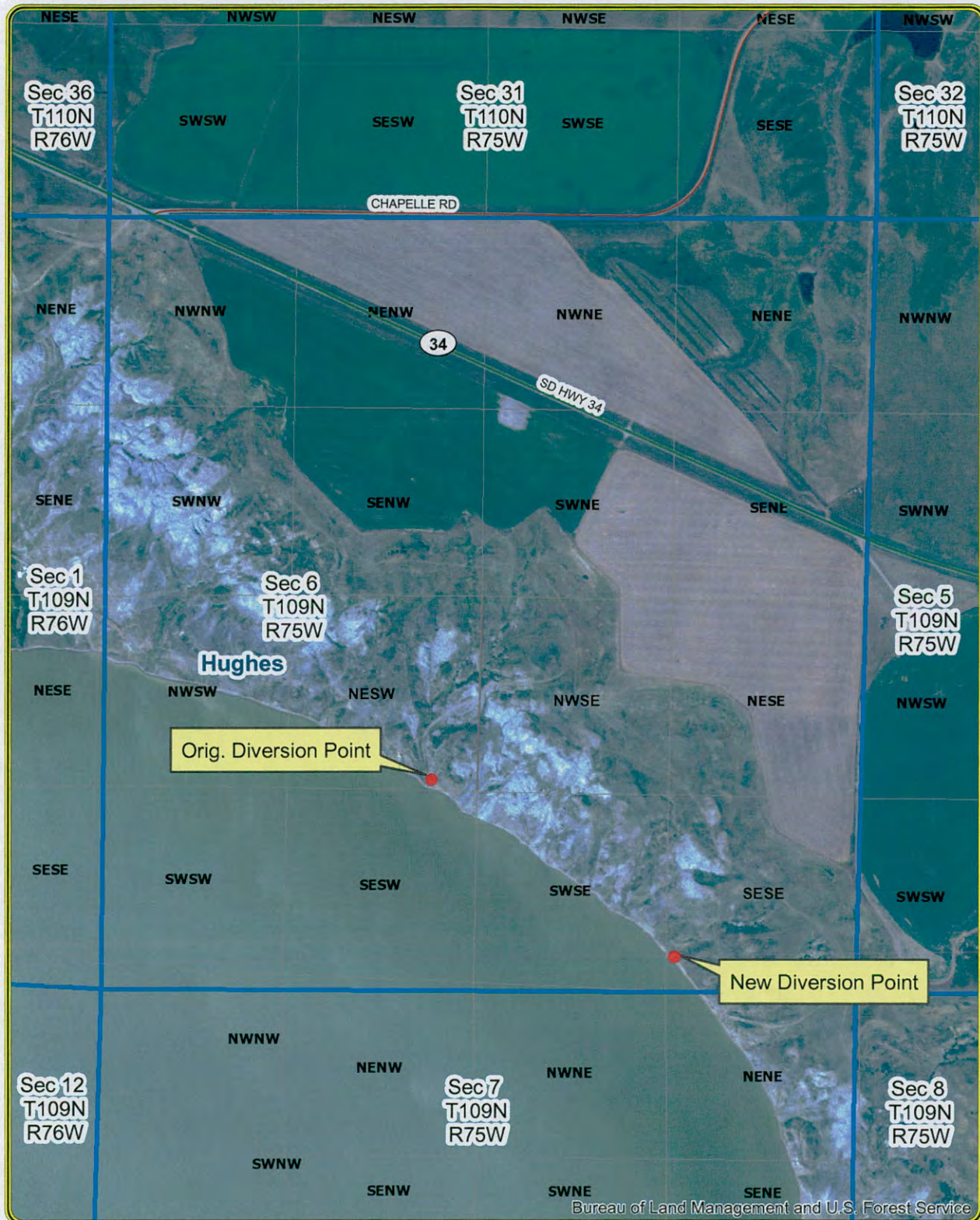
If you have any questions, please contact Mike DeFea at (605) 773-3352.

Sincerely,

Jeanne Goodman
Chief Engineer
DENR, Water Rights Program

Albert Hattum

Water Right No. 1994-3



0 0.15 0.3 0.6 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 27, 2015



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



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January 15, 2016

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1994-3 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

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. 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 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>

c: JOHN C DOWNES, PO BOX 968037, SCHAUMBURG IL 60196

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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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 22, 2016

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for Water Permit or Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 & 5345-3.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water permits and 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: John C Downes, PO Box 968037, Schaumburg IL 60196



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January 20, 2017

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 1994-3 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 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. 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 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 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: JOHN C DOWNES, PO BOX 968037, SCHAUMBURG IL 60196

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.

1994-3



DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 1, 2017

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Hattum:

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/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 and 5345-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Please keep in mind, these forms are due annually on December 1st, not the end of January.
If you have any questions, please contact me.

Sincerely,

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

c: John C Downes



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1994-3

August 30, 2017

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

On the morning of August 28, 2017, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in Section 6-T109N-R75W onto Hwy 34. This irrigation system is covered by Water Right No. 1994-3 which is held by you.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352



1994-3
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January 26, 2018

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

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) 1994-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 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: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.



1994-3

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February 5, 2018

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water or Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3. 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

c: John C Downes



1994-3

DEPARTMENT of ENVIRONMENT
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January 25, 2019

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

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) 1994-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.

1994-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
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February 19, 2019

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3. 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 black ink, appearing to read "Genny McMath". The signature is fluid and cursive.

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

c: John Downes, 1301 Shorebird Ln., Carlsbad, CA 92011



1994-3
DEPARTMENT of ENVIRONMENT
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January 23, 2020

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

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) 1994-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 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:

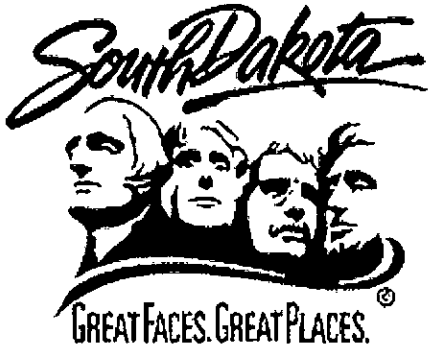
1. Suspend or cancel Permit No(s) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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: IPRIJR**

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.



1994-3
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February 11, 2020

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Irrigation questionnaires for Water Right/Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing regarding the 2019 irrigation questionnaires. I obtained the necessary information from Mr. Downes and completed forms for our files.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3.

With receipt of the information, everything for 2019 is up to date. If you have any questions, please contact me.

Sincerely,

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

c: John Downes



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: ALBERT HATTUM, 21862 W BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 1994-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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.

USPS Tracking®

FAQs >

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Your item was delivered to an individual at the address at 11:26 am on February 1, 2021 in HARROLD, SD 57536.

✓ Delivered

February 1, 2021 at 11:26 am
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HARROLD, SD 57536

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ALBERT HATTUM 21862 W BEND RD HARROLD SD 57536	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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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

March 4, 2021

NOTICE OF ENTRY OF ORDER TO AMEND WATER RIGHT

TO: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: Amendment to Water Right No. 1994-3

On March 3, 2021, the Water Management Board amended Water Right No. 1994-3 to add the following qualification:

- **"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."**

This action was taken for your failure to return the 2020 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with 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.

Certification

I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2021 regarding Water Management Board action taken March 3, 2021 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536
 No. 4332-3: Kash Van Dyke, 22071 486th Ave, Elkton SD 57026

One Year Suspensions:

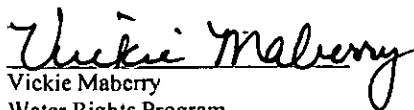
No. 515-3: Bruce D Peterson, 3600 S Slaten Park Dr, Sioux Falls SD 57103
 Daniel Benson, 45586 US Hwy 18, Hurley SD 57036
 No. 577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758
 No. 5524-3: Wade & Todd Druin, 30911 457th Ave, Volin SD 57072-6322
 No. 1554A-1: Franklin Dyck, 313 Pierre St, Vale SD 57788
 No. 1935-1: Brian Dyck, 313 Pierre St, Vale SD 57788
 No. 2675-3: Beau Gregg, 22289 Mint Rd, Harrold SD 57536
 Nos. 6822-3, 8070-3 & 8071-3: Roger Hansen, Hansen Properties, PO Box B, Centerville SD 57014
 No. 1150-2: O M Iwan & Sons, 24912 Rocky Ford Rd, Midland SD 57552
 Nos. 4678-3 & 6960-3: Craig Jepsen, Jepsen Farms, 505 Larson St SW, Hutchinson MN 55350-2108
 Nos. 5566-3, 7615-3 & 7616-3: Wayne Reiersen, 30048 Reiersen Pl, Pollock SD 57648
 No. 2350-3: Bill Boyer, River View Farms, PO Box 486, Alcester SD 57001-0486
 No. 2497-2: Marty Vanderploeg, 22958 293rd St., Martin SD 57551

Three Year Suspensions:

No. 4472-3: Darrel Biddle, 37461 287th St, Geddes SD 57342
 No. 7970-3: David Hoops, PO Box 462, Huron SD 57350-0462

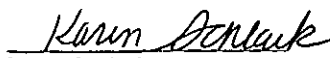
Suspend/Amend

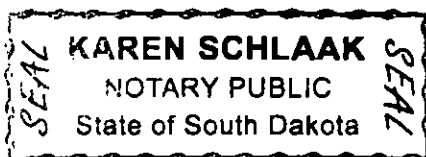
Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 7003-3, 7383-3, 7693-3, 7994-3, 974-3 & 1813-3:
 • Roger Hansen, Hansen Ventures LLC, 700 W Broadway, Centerville SD 57014
 Nos. 4705-3, 7924-3, 3803-3 & 4448-3A
 • Brandon Ritter, 30489 115th St, Mound City SD 57646
 • Iverson Farms, A Ltd Partnership, 30856 119th St, Mound City SD 57646


 Vickie Maberry
 Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 2021.


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2025



1994-3



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: ALBERT HATTUM, 21862 W BEND RD, HARROLD, SD 57536
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1994-3 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) 1994-3 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 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 questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LHADYK**

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.

1994-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
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WATER RIGHTS
PROGRAM

ALBERT HATTUM
21862 W BEND RD
HARROLD SD 57536

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1994-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 14, 2022

NOTICE

TO: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 1994-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "unclaimed". The envelope indicated the post office notified you January 22nd and January 27th to pick up and sign for the certified mail.

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

CERTIFICATION

I hereby certify that on February 14, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a “Notice” dated February 14, 2022, concerning unclaimed certified mail for Water Right No. 1411A-1 to:

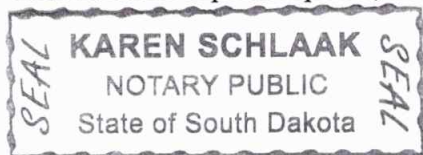
Albert Hattum
21862 W Bend Rd
Harrold SD 57536

Vickie Maberry
Vickie Maberry/ Sr. Secretary
Water Rights Program

[illegible]

Sworn to, before me, this 17th day of February, 2022.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 17, 2022

1994-3

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1994-3. 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

1994-3



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

January 20, 2023

NOTICE

TO: ALBERT HATTUM, 21862 W BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1994-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 1994-3 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 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PGZFVA**

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.

1994-3

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Latest Update

Your item arrived at our USPS facility in MINNEAPOLIS MN DISTRIBUTION CENTER on February 9, 2023 at 11:46 am. The item is currently in transit to the destination.

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Arrived at USPS Regional Facility

MINNEAPOLIS MN DISTRIBUTION CENTER
February 9, 2023, 11:46 am

Unclaimed/Being Returned to Sender

HARROLD, SD 57536
February 7, 2023, 8:48 am

Reminder to Schedule Redelivery of your item

January 28, 2023

Notice Left (No Authorized Recipient Available)

HARROLD, SD 57536
January 23, 2023, 11:31 am

Departed USPS Regional Facility

HURON SD DISTRIBUTION CENTER
January 22, 2023, 11:23 pm

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Total Postage \$	
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Street and Apt	
City, State, Zip	
PS Form 3800, April 2012 Edition	

Feedback

In Transit to Next Facility

January 22, 2023

Arrived at USPS Regional Facility

HURON SD DISTRIBUTION CENTER

January 20, 2023, 10:37 pm

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FAQs



1994-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2023

NOTICE

TO: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 1994-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "unclaimed". The envelope indicated the post office notified you January 23rd & January 28th, 2023 to pick up and sign for the certified mail.

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

CERTIFICATION

I hereby certify that on February 13, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 13, 2023 regarding Unclaimed Certified Mail to the Water Right/Permit Holders addressed as stated below:

No. 2706-3: Ronnie Reimer, 34611 255th St, Pukwana SD 57370

Nos. 1222A-1 & 1524-1: John A Ismay, Ismay Ranch LLC, PO Box 396, Sturgis SD 57785-0396

Nos. 4687-3A & 4687-3B: James L Sutton, PO Box 33, Onida SD 57564-0033

No. 1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

No. 6168-3: Todd Hattum, 21742 W Bend Rd, Harrold SD 57536

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

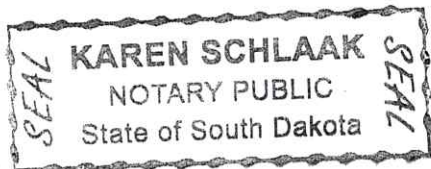
Nos. 835-2 & 959-2: Alva Lee Wiley, 31450 301st St, Winner SD 57580

Vickie Maberry
Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of February, 2023.

Karen Schlaak
Karen Schlaak Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2023

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 1994-3

On March 8, 2023, the Water Management Board ordered:

Effective April 8, 2023, Water Right No. 1994-3 be suspended for the 2023 irrigation season for failure to submit the 2022 irrigation questionnaire.

If the 2022 irrigation questionnaire is received prior to April 8, 2023, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2023 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2023 unless the 2022 irrigation questionnaire is submitted by April 8, 2023.

After April 8th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2022 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 3-4, 2023, in Pierre, SD. The letter should include your reasons for not completing the 2022 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

CERTIFICATION

I hereby certify that on March 8, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelopes containing a "Notice" dated March 8, 2023, concerning Board action to amend, suspend or cancel water rights/permits to the following:

One-year suspensions:

1970-1: Russ Grover, Supt., Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785
3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:
David Ulvestad, 46720 201st St., Bruce SD 57220
Darwin Ulvestad, 46679 201st St, Bruce SD 57220

1252-1: Robert or Jennifer Weyrich, 6545 Dunsmore Rd, Rapid City SD 57702-7027

Three-year suspensions:

577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758
6291-3: Jason Ramsdell, 23086 SD Hwy 13, Flandreau SD 57028
Flandreau Park Golf Club, 48250 230th St, Flandreau SD 57028
1692A-2: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

Cancellations:

495-2: Harlan Eisenbraun, PO Box 416, Wall SD 57790
618-2: Joel Soderquist, Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd,
Wasta SD 57791 6001

Amendment:

1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

Gerry McOrath

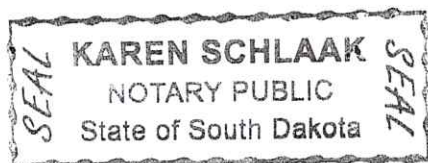
Genny McMath
Water Rights Program

[illegible]

Sworn to, before me, this 9th day of March, 2023.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 4, 2024

1994-3

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

Water Right No. 1994-3 authorizes diversion of 1.74 cubic feet of water per second from the Missouri River for irrigation of 122 acres located within the N ½ & N ½ SE ¼ Section 6-T109N-R75W, Hughes County.

On March 8, 2023, the Water Management Board ordered a one-year suspension of Water Right No. 1994-3 due to your failure to return the 2022 Irrigation Questionnaire.

The time for suspension has now passed and irrigation under Water Right No. 1994-3 may resume for the 2024 irrigation season. The 2024 Irrigation Questionnaire will be mailed to you at the above address. Failure to submit this year's irrigation questionnaire will result in a three-year suspension of your water right.

If you do not intend to resume irrigation, please contact our office.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



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

January 14, 2025

NOTICE

TO: ALBERT HATTUM, 21862 W BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1994-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1994-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 1994-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KZMSPY**

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.



1994-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

NOTICE OF ENTRY OF ORDER FOR THREE YEAR SUSPENSION OF WATER RIGHT

TO: Albert Hattum, 21862 West Bend Rd, Harrold SD 57536

FROM: Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Right No. 1994-3

On March 5, 2025, the Water Management Board ordered:

Effective April 4, 2025, Water Right No. 1994-3 be suspended for the 2025, 2026, and 2027 irrigation seasons for failure to submit the 2024 irrigation questionnaire.

If the 2024 irrigation questionnaire is received prior to April 4, 2025, the suspension will not take effect.

A three-year suspension of Water Right No. 1994-3 means water may not be pumped during the 2025, 2026, and 2027 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate in 2025, 2026, or 2027, unless the 2024 irrigation questionnaire is submitted prior to April 4, 2025.

After April 4, 2025, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2024 irrigation questionnaire and a letter including your reason for not completing the 2024 irrigation questionnaires within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 7-8, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

Please contact Amanda Dewell (605) 773-3352 with any questions.

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ALBERT HATTUM
21862 WEST BEND RD
HARROLD SD 57536

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

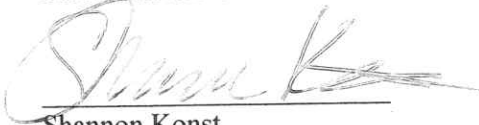
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



1994-3

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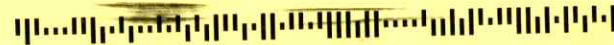
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ALBERT HATTUM
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