

W: Right Number 2109-3

1. Considered 1-22, 1976
2. Name of Applicant JOHN & MARY CURRY
3. Post Office Address ELK POINT
4. Amount of water claimed 1.14
5. Source of water supply GROUNDWATER (105' DEEP WELL)
6. Water to be used for IRRIGATION
- Acres to be irrigated 80
7. Water to be diverted and used in UNION County
about 3 N Miles of ELK POINT
8. Proof of Publication Received 12-31-75
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 1507-3 Water Division No. 3 Big Sioux River
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER ENGINEER
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant XXXXXXXXXXXX Robert Curry
Postoffice address Elk Point, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Curry Irrigation Project
4. Amount of water claimed (cubic feet per second) 1.14 MAXIMUM ALLOWABLE
well
5. Source of water supply _____
6. Location of point of diversion 30' North and 20' East of the SW corner of Sec 5
T 91N R 49W
- County Union
7. Annual period or periods during which water is to be used June thru August
irrigation
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____
9. For irrigation use, Total number of acres to be irrigated 80

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
W 1/2 Sec 5 91-49	80		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier, Elk Point, SD
57025
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.
Gravity IrrigationEstimated Total Cost \$ 5000.00Attachments: 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

County of UnionI, John W. Curry 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

Subscribed and sworn to before me this

13th

day of

August1975

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2109-3
JOHN QUERRY Robert J. Geary. RT #1, Box 107, Elk Point
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57025 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application AUGUST 30 1974
 Date of return to applicant for correction, amendments or changes required SEPTEMBER 3 1974
 Date of receipt of corrected application AUGUST 21 1975
 Approved JANUARY 23 1976 Recorded in Book 14 Page 187

WATER RIGHT PERMIT NO. 2109-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2109-3 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 AUGUST 21 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23 1978
3. The whole of said work is to be completed on or before JANUARY 23 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23 1981
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 1.14 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 JANUARY 23 1981 said water to be used during the following described annual period: JUNE THRU AUGUST

Witness my hand this 23TH day of JANUARY 19 76

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 24 1980

Water License Issued MARCH 24 1980

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 105'
- (2) Casing, Type concrete Diameter 12" Thickness 2 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 12", Length 70'
- (4) Gravel Pack. Thickness 6-7", Length of gravel pack 20 feet

E. Dugout Information or Estimates.

- (1) Surface dimensions -, Depth -

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Underground Water Correlation

Depth to top of water bearing material 65'

Depth to bottom of water bearing material 105'

Thickness of water bearing material 40'

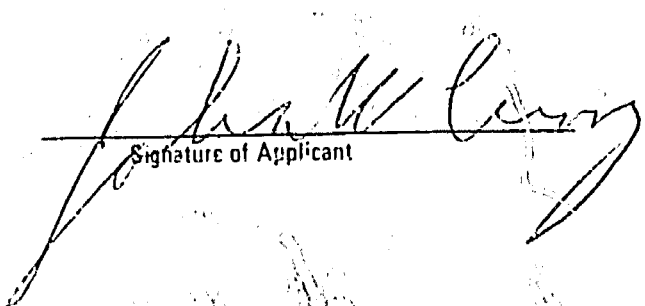
Depth to water (ground surface to water level) 14'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property none rds. On property owned by others 110 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.


Signature of Applicant

October 20, 1975

Mr. John W. Curry
Rt. #1, Box 192
Elk Point, SD 57025

Dear Mr. Curry:

I am enclosing herewith the original copy of the report of analysis of your sample (#75-964) submitted here recently. Also enclosed you will find a copy of extension circular 654 with the quality of the water designated approximately by the red cross on the outside back cover. You will see that it is in the very high salinity category but low in sodium.

The quality of this water plus the nature of the soil which you propose to irrigate make it an extremely marginal situation. You are already aware of the very poor internal drainage characteristics of the Luton soil. With this situation and the probability of occasional high water tables, this water could be quite a problem because of the total salt load that it carries. The salinity may be high enough so that with the poor internal drainage of the Luton soils, you would within a matter of 8-10 years, develop salt sufficient to impair the growth and performance of agricultural crops. However, with careful management it might be possible to go for many years. By this I mean the use of very infrequent but substantial quantities of water when you do irrigate. I suggest no more than 2 irrigations per year and quantities of no less than 3 inches applied each time, preferably 4 or 5 inches. Under these conditions it might be that this land would perform satisfactorily for 20-30 years or even longer. I am hesitant to make a definite recommendation, but if you do undertake to irrigate this land with this water, I would suggest that you watch very carefully for signs of salinity, which will be evident by reduced height of corn plants, burning of leaf margins, and of course occasional gray or white crusts on the soil surface. If you do encounter any of these circumstances, please get in touch with us immediately for recommendations on more intensive management practices for leaching.

A copy of this letter, and of the water analysis, and the WI-1 form are being sent to the State Conservation Commission.

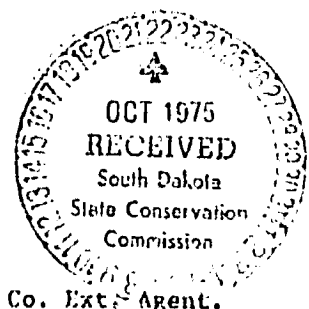
Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission, D. Pahl, and Louie DeSm... Co. Ext. Agent.



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY
Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: W. J. H. H.
Disapproved: _____

NAME: John W. Curry
ADDRESS: RR# 1 Box 192 Elk Point SD
COUNTY: Union Zip 57025

LEGAL DESCRIPTION

1. WELL LOCATION: W 1/2 of SW 1/4 of Sect 5 Twp 91 N Range 49
2. AREA TO BE IRRIGATED: West of 5 pm Union Co. S. Dak. 80 acres

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Gravity
4. CROPS TO BE IRRIGATED: Corn Beans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 2H 2X Whiton ^{0 to 2% slope}
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Deep fine text. slowly permeable soil developed on broken limest.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-964
8. SALINITY: EC = 2503 μ mhos/cm (very high)
9. SOUDER: SAR = 1.81 (Low)

(over)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

SCS

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Subscribed and sworn before me this

7th day of October 1975
Carvin F Rubida

John M. Curry

(Title)



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: **John W. Curry**
 Address: **Et. 1, Box 192**
Elk Point, SD 57025

Date Rec'd **October 8, 1975**
 Sample No. **75-964**
 Identification **Well-**
SW4, Sec. 5, T. 91N, R. 49W

WATER ANALYSIS

Calcium (Ca)	270	ppm*	13.50	me/l**
Magnesium (Mg)	180	ppm	14.76	me/l
Sodium (Na)	156	ppm	6.79	me/l
Potassium (K)	10	ppm	0.25	me/l
Sulfate (SO ₄)	905	ppm	18.82	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	76	ppm	2.13	me/l
Bicarbonate (HCO ₃)	434	ppm	7.12	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	356	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2503	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.81			
Sodium	19.23	% of cations		
Residual sodium carbonate	2.00	me/l		
pH	7.41			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations **35.30 me/l**
 Total anions **28.07 me/l**

by: **Shirley Kitten**

Service Performed

Amount Due

Irrigation analysis

\$6.00

Make checks payable to: **Water Quality Laboratory**

Cut along dotted line and return the lower portion with payment

Sample No. **75-964**

Amount Enc. **\$45.**

Signed _____

Permit No. 2109-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

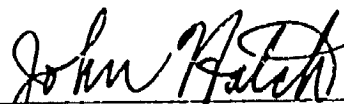
This is to Certify, That Robert J. Geary

_____ the holder _____ of
Permit No. 2109-3, issued upon Application No. 2109-3, bearing date of priority of August 21,
1975 authorizing the diversion of 1.14 cu. ft. per second of the waters of _____
groundwater (one well), County of Union, State of South Dakota at _____
a point 30' north and 20' east of the SW corner, Section 5, T91N, R49W

_____, for irrigation

purposes, has S complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.33 cu. ft. per second of water.

Date March 24, 1980


JOHN HATCH, Chief Engineer
Water Rights, WND

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2109-3

(1) WHEREAS, On the 30th day of August A. D. 19 74
John and Mary Curry

made Water Right Application No. 2109-3 for a permit to use 1.14 cubic feet per second of the waters
of groundwater (one well)
County of Union, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 23rd day of January A. D. 19 76

Permit No. 2109-3, with a date of priority of August 21, 1975
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 23rd day of January A. D. 19 81 and for the
application to beneficial use of said water on or before the 23rd day of January A. D. 19 81

WHEREAS, on the 20th day of March, 1980 this Permit was transferred to Robert J. Geary,
Route 1, Box 5, Elk Point SD.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.14 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

to irrigate 50 acres in the NE 1/4, Section 5, T91N, R49W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Robert J. Guarj

of Pike Point SD
the holder _____ and owner _____ of said permit No. 2109-3 a water right, dating from August 21, 1975
to use of 1.14 cubic feet per second of the waters
of groundwater (o.o well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 30' north and 20' east of the SW corner,
Section 5, T91N, R49W

and conduct ^{ed} to and upon 80 acres located in 1/4 SW 1/4, Section 5, T91N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2109-3 and subject to the laws of the State of South Dakota.

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

Board of Water Management

By:

John Hatch
Chief Engineer, JOHN HATCH

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

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

Water was taken from the Leader-Laurier

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

city of Elk Point

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

December 18, 1975

December 25, 1975

Lester E. Emerson
(Signature)

Public Printer
(Title)

December 25, 1975
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Piorro, South Dakota 57501
December 8, 1975

Noted and by given that John Curry, whose post office address is Elk Point, 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 1.14 cubic feet of water per second of time from the ground water through the Curry Irrigation Project, the point of diversion of which is to be located in the SW 1/4 SW 1/4 of Section 5, Twp. 91N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land: 1/2 SW 1/4, Sec. 5, T91N, R49W. This application No. 2109-3 will be considered by the Water Rights Commission at their office at Piorro upon the 22nd day of January, 1976, at 2:30 p.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
Publish: December 18, 25

Form 6 - Notice of Intent to Appropriate Water

Publish first publication, on or before

2109-2

JANUARY 8

19

76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 8

19

76

Notice is hereby given that John Curry
whose post office address is 411 E. 1st St., 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
1.1 cubic feet of water per second of time from the ground water through the
Curry Irrigation Project, the point of diversion of which is to be located in the

SW 1/4
of Section 5, Twp. 21N, Range 40W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4, Sec. 5, T21N, R40W

This application No. 2109-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 8th day of January, 19 76, at 2:30 PM M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: John Curry

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7412

PIERRE, March 21, 1980

RECEIVED OF Robert J Geary, RR #1, Box 5, Elk Point, SD 57025

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2109-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2109-3		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of water permit No. 2109-3	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (gy)

FORM 20



NO. 2109-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 17 1980

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

1/2 SW 1/4 Sec. 5, T91N, R49W 80 acres

formerly owned by John Curry, Elk Point, SD 57025

has been transferred to Bob Geary, Elk Point, SD 57025

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 2109-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Union) ss.

I, Robert J. Geary being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Robert J. Geary
(Signed)

Subscribed and sworn to before me this 17th Day of March, 1980

Keith E. Whinge
(Notary Public)
My Commission Expires 5/13/84

Permit No. 2109-3Water Division 3 BIG SICKLE RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by JOHN & MARY CURRY(TO BE TRANSFERRED TO EXB GEARY) of ELK POINT holderof Permit No. 2109-3, bearing date of priority of AUGUST 21, 1975authorizing the diversion of 1.14 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

A. Works used to divert the water:

105' DEEP WELL WITH 18" DIA CONCRETE CASING
WESTERN LAND ROLLER 10" PUMP
NEWMAN 30HP ELECTRIC MOTOR - TYPE RCE

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

80 RODS OF 8" MAINLINE

C. Works used to apply water to beneficial use.

40 RODS OF 8" GATED PIPE W/ 30" GATES (ALUMINUM)

The system is in the following condition: GOODThe point of diversion is located 30' N & 70' E OF THE SW CORNER
SECTION 5, T91N, R49WThe works are capable of diverting and conveying to the place of use 3.33cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

W¹ SW¹ SECTION 5, T91N, R49W - 80 ACREScomprising a total of 80 acres of land.

Date July 26, 1979
Burton Jones
(Signature)



Department of Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

March 24, 1980

Robert J. Geary
RR #1, Box 5
Elk Point SD 57025

Dear Mr. Geary:

Enclosed herewith are, Water License No. 2109-3 and Certificate of Construction.

Water License No. 2109-3 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:kw

enclosures

NOTE: Your pump capacity is 3.33 c.f.s. (1495 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.14 c.f.s. (512 gpm). Any diversion in excess of 1.14 c.f.s. would be a violation of your Water Right.

JH:plh

Equal Opportunity Employer



Department of Water & Natural Resources

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

May 26, 1988

Robert J Geary
RR 1, Box 95
Elk Point, SD 57025

Dear Mr. Geary:

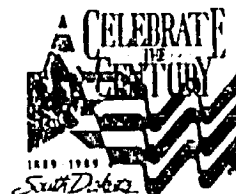
I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 2109-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,

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





2109-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

ROBERT J GEARY
RR #1 BOX 95
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2109-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 3:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

2109-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 3, 1994

2109-3

Robert J Geary
RR #1 Box 95
Elk Point, SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. The questionnaire was completed for you following our February 18th telephone conversation. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaire was completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 772-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ROBERT J GEARY
RR 1 BOX 95
ELK POINT SD 57025

2109-3

4a. Article Number

P 378 081 347

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

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



February 4, 1997

2109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: ROBERT J GEARY, RR 1 BOX 95, ELK POINT, SD 57025

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2109-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2109-3 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, 1997, 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.

2109-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 6, 1997

Robert I Geary
RR 1 Box 95
Elk Point, SD 57025

RE: Water Permit/Right Nos. 2109-3, 2345-3, 2346-3 and 5870-3

Dear Mr. Geary:

I am writing to acknowledge receipt of the 1996 irrigation questionnaires for No. 2109-3 (Robert Geary) and Nos. 2345-3, 2346-3 and 5870-3 (James Geary). You may disregard the February 4, 1997, "Notice of Violation".

I completed questionnaires for you based on our February 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name and James Geary's name have been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

c: James Geary, RR 1 Box 5, Elk Point, SD 57025



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: ROBERT J GEARY, RR 1 BOX 95, ELK POINT, SD 57025

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 2109-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2109-3 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 20, 1998, 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.

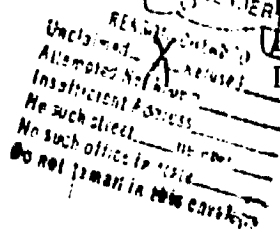


7 SIOUX FALLS SD
Z 179 157 209

02:53 01/2/10

MAIL

RETURN SERVICE REQUESTED



ROBERT J GEARY

RR 1 BOX 95

ELK POINT SD 5702

7024
Enclosed
No such office in India
Do not to mail in 2014 276

01-10-88
1-16 2nd
1-26

9. Signature (Address of Agent) [Signature]		1025295-97-8-017-9 Domestic Return Receipt	
5. Received By: (Print Name) [Blank]		8. Addressee's Address (Only if requested and fee is paid) [Blank]	
3. Article Addressed to: ROBERT J GEARY RR 1 BOX 95 ELK POINT SD 57025		7. Date of Delivery [Blank]	
4b. Service Type ☒ Registered ☐ Express Mail ☐ Return Receipt for Merchandise ☐ COD		4a. Article Number 2.179 157209	
1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.		I also wish to receive the following services (for an extra fee): ☐	

The Return Receipt will show to whom the article was delivered and the date delivered.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Send card to you.
 Print your name and address on the reverse of this form so that we can return the article.
 Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.

SENDER: [Blank]
 RETURN ADDRESS completed on the reverse side 7

2109-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

2109-3

Robert J Geary
RR 1 Box 95
Elk Point, SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 2109-3.

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



2109-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: ROBERT J GEARY, RR 1 BOX 95, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 6044-3, 2109-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2109-3 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) 6044-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.

2109-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

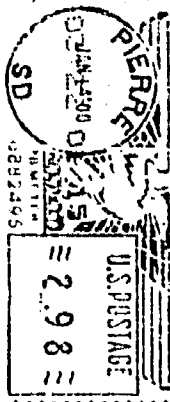
RETURN SERVICE REQUESTED

CERTIFIED

MAIL



ROBERT J GEARY
RR 1 BOX 95
ELK POINT SD 57025



2105-3

PS Form 3811, July 1999

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT J GEARY
RR-1 BOX 95 33750-480
ELK POINT SD 57025

2. Article Number (Copy from service label)

227670283

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-44-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



2109-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2000

2109-3
6044-3

Robert J Geary
RR 1 Box 95
Elk Point SD 57025

Dear Mr. Geary:

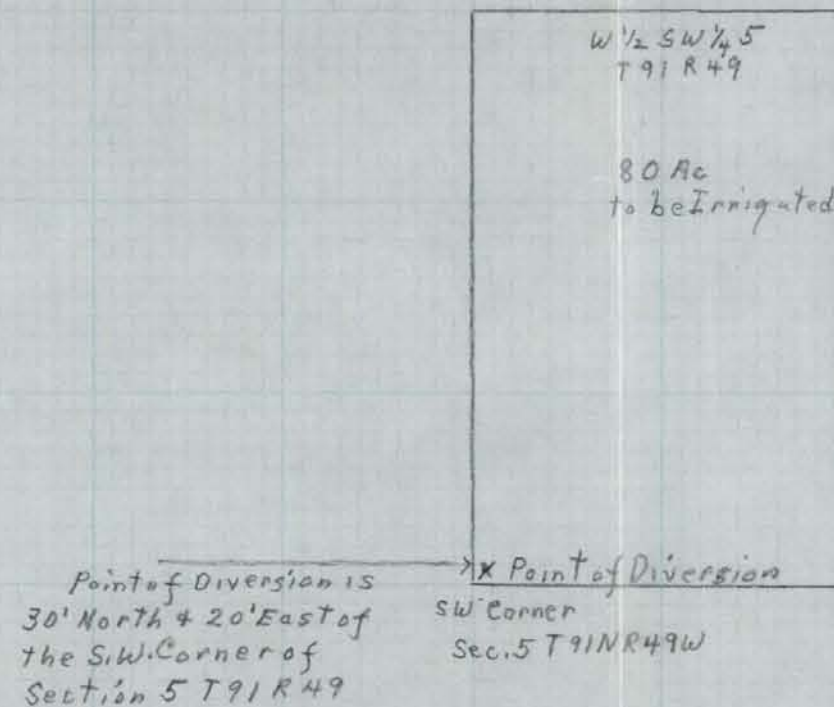
I am writing to acknowledge receipt of your 1999 irrigation questionnaires for Water Permit Nos. 2109-3 and 6044-3.

The information was received in our office prior to the Water Management Board meeting and you are no longer in violation of your water permits.

If you have any questions, please contact me.

Sincerely,

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



Scale - 8" = 1 mi

John Curry
Elk Point, S.D. 57025
Gravity System
Curry Irrigation Project
80 ac. to be irrigated

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>S. K. Dahlgreen 4-24-75</u>	Date <u>4-24-75</u>	Approved by <u>S. K. Dahlgreen</u>
Drawn <u>S. K. Dahlgreen 4-24-75</u>		Title <u>Dist. Conservation</u>
Traced	Sheet No. <u>1</u>	Drawing No. <u>1</u>
Checked	of	



2109-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 1786-3 & 2109-3 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) 6044-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1786-3 & 2109-3 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 on/or before **March 1, 2007**, 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

2109-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2007

NOTICE

TO: Robert J Geary, 32750 480th Ave, Elk Point SD 57025

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

SUBJECT: Unclaimed Mail Concerning Violation of Water Right Nos. 1786-3, 2109-3 and 6044-3

The attached notice was sent by "signature confirmation". The post office has returned the "signature confirmation" mail to our office marked "unclaimed". The package indicated the post office notified you January 27th and February 1st to pick up and sign for the mail and then returned it to us on February 11, 2007.

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

enclosure



2109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2007

1786-3
2109-3
6044-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 1786-3, 2109-3 and 6044-3.

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



2109-3
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 18, 2013

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 1786-3 & 2109-3 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) 6044-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1786-3 & 2109-3 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 on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

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



2109-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2013

1786-3
2109-3
6044-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 1786-3, 2109-3 and 6044-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



**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: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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 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 questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AVHJEY**

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



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

January 30, 2023

Robert Geary
32750 480th Ave
Elk Point SD 57025

RE: Water Right/Permit Nos. 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3,
7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for the above listed Water Rights and/or Water Permits. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 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, 2024 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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, 2024** 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 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: FXZKPW**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2024

1567A-3, 1786-3, 2109-3, 2345-3
2346-3, 5870-3, 6044-3, 6072-3
7768-3, 7769-3, 7770-3, 7771-3
7772-3, 7773-3, 7774-3, 7775-3
7776-3 & 8332-3

Robert & Theresa Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. & Ms. Geary:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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