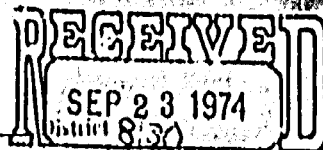


Water Right Number 2117-3

1. Considered NOVEMBER 13, 1972
2. Name of Applicant DEAN BOSSE
3. Post Office Address JEFFERSON
4. Amount of water claimed 1.28
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 90
7. Water to be diverted and used in UNION County
about 6 W Miles of JEFFERSON
8. Proof of Publication
Received 10-11-74
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 2117-3Map No. 1515-3 Water Division No. 3 BIG SIOUX RIVER
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Dean Bosse
Postoffice address Jefferson, State South Dakota 57038
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 Bosse Irrigation Project
4. Amount of water claimed (cubic feet per second) 200 gal/min - 1.25 MAXIMUM AVAILABLE
5. Source of water supply well
6. Location of point of diversion 2100' west and 1320' south of the NE corner of Sec 18
Twp. 18 N. R. 20 W.
County Union
7. Annual period or periods during which water is to be used June - August
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 90

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.
<u>1/4 NW 18 + 1/4 acres in E 1/4</u>	
<u>1/4 NW 18 + 1/4 R 20 W 48</u>	<u>90</u>

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
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 Irrigation SystemEstimated Total Cost \$ 1450Attachments: 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, Dean Bosse, 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 Dean BosseSubscribed and sworn to before me this 20 day of Sept, 1974

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2117-3

DEAN BOSSE
(Applicant)

JEFFERSON
(Post Office Address)

SOUTH DAKOTA 57038 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 SEPTEMBER 23, 19 74
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved NOVEMBER 13, 19 74, Recorded in Book 13 Page 103

WATER RIGHT PERMIT NO. 2117-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2117-3 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 SEPTEMBER 23, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 77
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.28 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 NOVEMBER 13, 19 79; said water to be used during the following described annual period: JUNE - AUGUST

Witness my hand this 19TH day of NOVEMBER, 19 74

WATER RIGHTS COMMISSION

By:

Donald Driscoll
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 18, 19 79

Water License Issued DECEMBER 18, 19 79

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 26", Depth 125'
- (2) Casing, Type concrete, Diameter 18", Thickness 2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 10", Length 10'
- (4) Gravel Pack, Thickness 6-8", Length of gravel pack 10'

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 Water analysis sent to Burlington 3/23/00

Depth to top of water bearing material 30'

Depth to bottom of water bearing material 105'

Thickness of water bearing material 65'

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

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

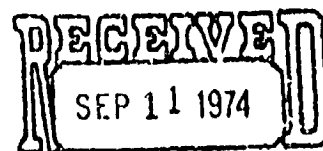
On same owner's property 45 rds. On property owned by others 200 rds.

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.

Dean Basse
Signature of Applicant

September 3, 1974



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Mr. Dean Bosse
Jefferson, SD 57038

Dear Mr. Bosse:

Enclosed please find the report of analysis of the well water submitted about a week ago. You will also find a copy of Extension Circular 654 with the approximate quality of your water for irrigation purposes denoted by a red encircled cross in the chart on the back cover.

This water is regarded as medium to moderately high in total salinity and low in sodium hazard. Thus, there should be no danger of dispersion of clays and loss of structure but there may be some accumulation of salt with time. The reason for this is that this soil is regarded as a moderately, poorly drained soil and will impede the movement of water to deeper layers. Thus, a situation could develop in which a temporary water table would occur periodically during the growing season depending upon coincidence of rainfall and irrigation and this might lead to water-logging for periods of time which could be greater or less and might damage the growth of some crops. If you proceed with the development of this land, I suggest you be as careful as possible to use application rates which are in agreement with the intake rate of this soil and be careful not to over irrigate so as to unnecessarily raise the saturated zone up into the rooting depth of your crops.

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

Sincerely yours,

L. O. Fine
Water Quality Lab

LOF:111

Enclosures

CC: State Conservation Commission
Louie DeSmet, Union County Agent
Darrel Pahl

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: ML JPM 9/6/74

Disapproved: _____

NAME: DEAN BOSSE
ADDRESS: JEFFERSON S.D. 57038
COUNTY: UNION

LEGAL DESCRIPTION

1. WELL LOCATION: W 1/2 NE 18 T89 R49
2. AREA TO BE IRRIGATED: 90 ac.

TYPE OF IRRIGATION

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

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Very fine Silty clay loam
Class I (excellent) Ideal for Irrigation

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-637
8. SALINITY: EC = 901 - (medium-high)
9. SODIUM: SAR = 1.06 (Low)

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

Soil Conservation Office

and:

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

Dean F. Rose

Subscribed and sworn before me this

19 day of Aug 1979.

Ray D. Flinn

Notary Public

(Title)

INSTRUCTIONS FOR PREPARING FORM WI-1

LEGAL DESCRIPTION:

Line 1 - show legal description to nearest 40 acres.
Line 2 - show legal description to nearest 40 acres.

TYPE OF IRRIGATION:

Complete Lines 3 and 4.

LAND CAPABILITY FOR IRRIGATION:

Lines 5 and 6 - Have your local Conservation District Office, or a qualified Soils Scientist serving as a consultant provide the information for this section.

WATER QUALITY:

The applicant must send a sample of the ground water to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota State University, Brookings, South Dakota, 57006.

A report of the analysis will be mailed to the State Conservation Commission by the Water Quality Laboratory. From this report the Commission will complete lines 7, 8, and 9. The applicant will also receive an analysis report for his records.

Certification on back of Form WI-1 must be completed by applicant and notarized.

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

Submitted by: Dean F. Fosse
 Address: Jefferson, South Dakota
57038

Date Rec'd: August 21, 1974
 Sample No.: 74-637
 Identification: Well-
NE1/4, Sec. 18, T 89N, R 42W

WATER ANALYSIS

Calcium (Ca)	97	ppm*	4.85	me/l**
Magnesium (Mg)	61	ppm	5.00	me/l
Sodium (Na)	54	ppm	2.35	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	90	ppm	1.87	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	583	ppm	9.56	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	478	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	901	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.06			
Sodium	19.10	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.05			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 12.30 me/l
 Total anions 11.51 me/l

By: Shirley Hitten

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. 74-637

Amount Enclosed \$

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2117-3

(1) WHEREAS, On the 23rd day of September A. D. 19 74,
Dan Borse

made Water Right Application No. 2117-3 for a permit to use 2.0 cubic feet per second of the waters of groundwater (old well)

County of Union, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 74
 Permit No. 2117-3 with a date of priority of September 23, 1974

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 13th day of November A. D. 19 79 and for the application to beneficial use of said water on or before the 13th day of November A. D. 19 79

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 1.28 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 the following land all in Section 18, T96N, R46W

	Acrea
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	5
TOTAL	90 acres

NOTE: Gated pipe is used interchangeably on this project under

Permit No. 3364-3

(5) NOW, THEREFORE, By the virtue of the power vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Dean Bosse

of Jefferson, South Dakota

the holder and owner of said permit No. 2117-3 a water right, dating from September 23, 1974

to use of 1.05 cubic feet per second of the waters

of groundwater (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 2100 feet west and 1320 feet south of the

NE corner, Section 16, T90N, R48W

and conduct ^{ed} to and upon portions of land in Section 16, T90N, R48W more fully described

on the face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2117-3 and subject to the laws of the State of South Dakota.

WITNESS My hand and seal of our office at Pierre, South Dakota

this 18th day of December A. D.

Nineteen Hundred and Seventy-Nine

Board of Water Management

By:

John Hatcher
Chief Engineer, JOHN HATCHER

Permit No. 2117-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dean Bosse

_____ the holder _____ of
Permit No. 2117-3, issued upon Application No. 2117-3, bearing date of priority of _____
September 23, 1974 authorizing the diversion of 1.28 cu. ft. per second of the waters of _____
groundwater (one well) County of Union, State of South Dakota at _____
a point 2100 feet west and 1320 feet south of the NE corner, Section 18, T90N, R48W
_____ for irrigation

_____ 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 2.0 cu. ft. per second of water.

Date December 18, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

Publish first publication, on or before October 31, 1974NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 26, 1974

Notice is hereby given that Dean Boese
 whose post office address is Jefferson, 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
1.20 cubic feet of water per second of time from the ground-water through the
Boese Irrigation Project, the point of diversion of which is to be located in the _____

_____ NW 1/4 NE 1/4 _____
 of Section 18, Twp. 90N, Range 49W. Said water to be used for the purpose
 of providing irrigation on portions of
W 1/2 NE 1/4 and E 1/2 NW 1/4, Section 10, T90N, R49W

This application No. 2117-3 will be considered by the Water Rights Commission at the Embassy Room #1 at the
Downtown Holiday Inn at Sioux Falls, S.D. its office at
Pierre upon the 13th day of November, 1974, at 2:30 P. M. All interested
 persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Dean Boese, Jefferson, S.D. 57038

Form 10.

No. 3364-3



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Jefferson S.D.

Date Aug 15 - 77

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3364-3.

Water Right Permit No. _____ states that the diversion system is to be constructed by _____, 19____ and that the water is to be put to beneficial use by _____, 19____.

The diversion system was completed on July, 19 77.
Applying the water to beneficial use was completed on July, 19 77.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Dean Bone
(Signature)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Union } ss.

I, Byron Helgerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Leader Courier

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

city Elk Point

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

October 3, 1974

October 10, 1974

Byron Helgerson
(Signature)

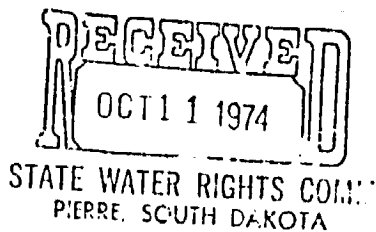
Publisher
(Title)

October 10, 1974

(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501,
September 26, 1974.
Notice is given that Dean Bosse
whose post office address is,
Jefferson, 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 of 1.28 cubic feet of
water per second of time from
ground water through the Bosse
Irrigation Project, the point of
diversion of which is to be located
in the NW 1/4 NE 1/4 of
Section 18, Twp. 90N, Range
49W. Said water to be used for
the purpose of providing irrigation
on the portions of the
following described land: W 1/2
NE 1/4 and E 1/2 NW 1/4, Section
18, T90N, R49W.

This application No. 2117-3
will be considered by the Water
Rights Commission at the Embassy
Room #1 at the Downtown
Holiday Inn at Sioux Falls, S.D.
upon the 13th day of November,
1974, at 2:30 P.M. All interested
persons may appear and be
heard.
Water Resources Commission
By: Burton F. Jones,
Water Rights Specialist



Permit No. 2117-3Water Division 3 Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by DEAN
BOSSE of JEFFERSON holder
of Permit No. 2117-3, bearing date of priority of SEPTEMBER 23, 1974
authorizing the diversion of 1.28 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

A. Works used to divert the water:

105' DEEP WELL WITH 18" ASBESTOS-CONCRETE CASING
WESTERN LAND ROLLER 8" PUMP H7509, SINGLE STAGE,
WITH 14" CHC BOWL
POWERED BY 30HP U.S. ELECTRIC MOTOR

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

C. Works used to apply water to beneficial use.

1 1/2 MILES OF 8" GATED PIPE WITH 30" GATES *

The system is in the following condition: GOOD

The point of diversion is located 2100' W & 1320' S OF THE NE CORNER,
SECTION 18, T40N, R48W

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 18, T40N, R48W

NW ⁴ -NE ⁴	40	ACRES
NE ⁴ -NE ⁴	5	"
SW ⁴ -NE ⁴	4.0	"
SE ⁴ -NE ⁴	5	"

comprising a total of 90 acres of land.

* GATED PIPE IS USED
INTERCHANGEABLY ON
THIS PROJECT AND
UNDER PERMIT NO 3364-3

Date

Aug 27 9 1979

(Signature)

Robert Jones

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7145

PIERRE, December 6, 1979

RECEIVED OF Dean Boxle, RR #2, Box 198, Jefferson, SD 57038

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. 2117-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2117-3		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
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	00

WATER RIGHTS COMMISSION

By *John Hatch*

Chief Engineer, Executive Officer

✓ JOHN HATCH

(99)

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dean Bosse, 32840 481st Ave, Elk Point, SD 57025

DATE: May 21, 1999

TELEPHONE: 605 966-5688

RE: legal description of irrigated acreage

COMMENTS:

A discrepancy exists between the permitted, advertised and licensed areas.

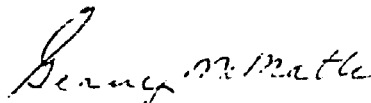
- The application listed NE ¼ Section 18, T90N, R49W (a handwritten notation changed the area to R48W);
- The map describes the area as in R48W;
- The soil/water approval described the area as R49W;
- The application was advertised for R49W;
- The examination of works and subsequent water license described the area to be in R48W.

I called and visited with Mrs. Dean Bosse regarding the error and she confirmed that their land is located "right on the edge of Jefferson, SD", which would be in R48W.

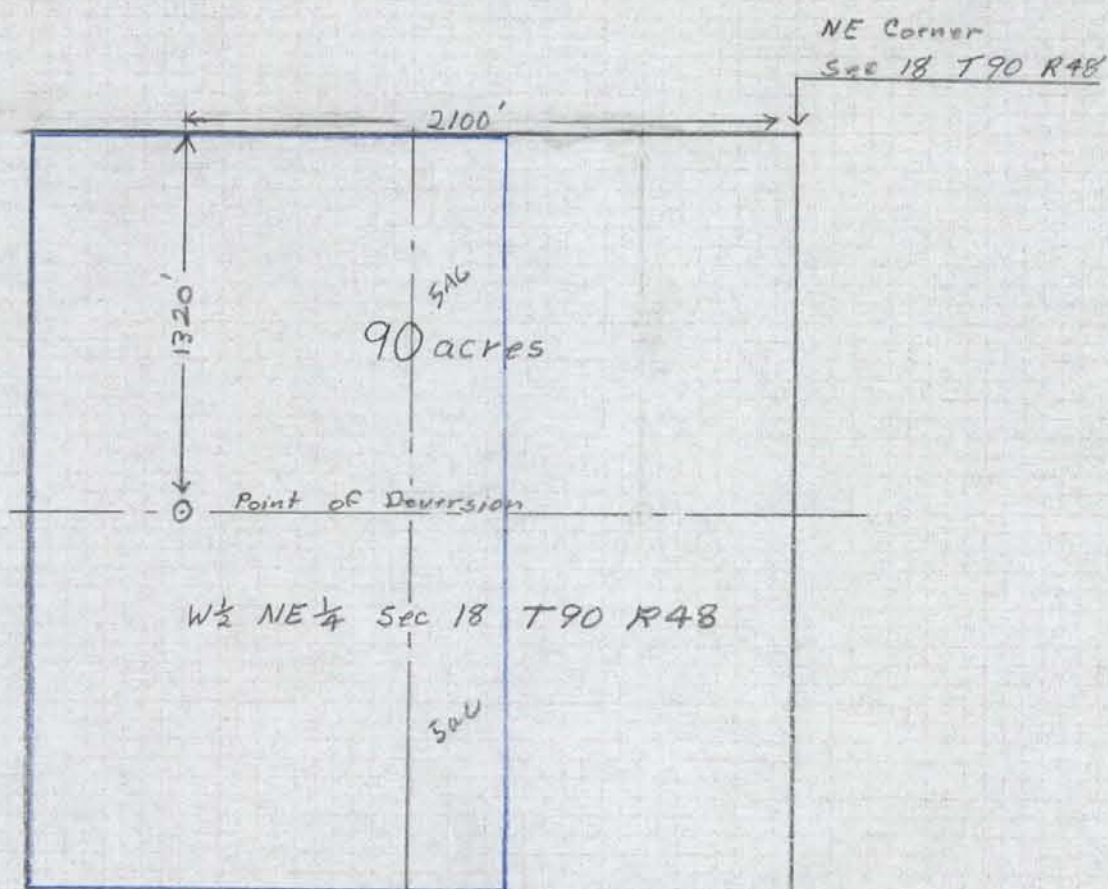
The permit was advertised in error, however, the license (issued in 1979) was issued for the correct legal description. SDCL 46-5-4.1 states that any license issued prior to January 1, 1983 is hereby cured, legalized and validated as fully as if the license had been issued in full compliance with all existing provisions of the title.

RECOMMENDED ACTION:

No follow-up is needed, the license is correct as issued.



Genny McMath
Environmental Scientist



LAND OUTLINED IN
BLUE IRRIGATED UNDER
THIS PERMIT
WELL AS SHOWN

PEQ

Dean Bosse
Gravity Irrigation
Jefferson So. Dak
Union County

90 acres

NW NE Sec 18 T90 R48

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed *C. K. Dahlgren* 9/20/74
Drawn *Gary A. Girard* 9/20/74

Traced

Checked

Approved by

Title

Scale

Sheet

100

of

Drawing No.

MADE BY 11/15/18 APPL NO 2117-3 (APRIL 1963)



2117-3
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 24, 2006

NOTICE

TO: DEAN BOSSE, 32840 481ST AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2117-3, 3249-3 & 3364-3 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) 5184-3 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 2, 2006 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) 5184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2117-3, 3249-3 & 3364-3 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 24, 2006**, 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.



2117-3
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 3, 2006

Dale Bosse
32840 481st Ave
Elk Point SD 57025

Dear Mr. Bosse:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 54-3, 518-3, 2117-3, 3249-3, 3364-3 and 5184-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We have also received the "Notice of Transfer of Ownership" form and filing fee from you for transferring Water Right No. 518-3. The transfer has been completed. Water Right No. 518-3 formerly listed in the name of Douglas Bosse is now listed in your name.

Enclosed is your Receipt No. 02275 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosure