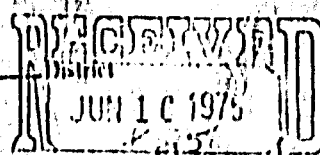


Water Right Number 2300-3

1. Considered JULY 24, 19 75
2. Name of Applicant LEONARD, RICHARD & JAMES DAILEY
3. Post Office Address JEFFERSON
4. Amount of Water claimed 1.78
5. Source of Water supply ~~100'~~ 100' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 125
7. Water to be diverted and used in UNION County
about 65.1E miles of JEFFERSON
8. Proof of Publication Received 7-14-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 2300-3Map No. 1686-3 Water Division No. 3 BIG SIOUX RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: One through items not applicable)

1. Name of Applicant Leonard E., Richard E., and James E. Dailley
Postoffice address Jefferson, State South Dakota
If a corporation show date and place of incorporation _____ contract _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Dailley Diversion #2
4. Amount of water claimed (cubic feet per second) 2.22 1.75 MAXIMUM ALLOWABLE
5. Source of water supply well
6. Location of point of diversion 730' north and 450' east of the SE corner of lot R2 Sec 35
T30 N R7 E - Original Nebraska Survey
County Union
7. Annual period or periods during which water is to be used June thru Sept.
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 125

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.
Portions of Lot R1&R2			
NE 1/4 Sec 35 & Lost R 3 in			
the SE 1/4 Sec 35			
T30 N R7 E	125 ac		

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 21st Point, S 47025
12. Principal Features of the Proposed Water Supply System.

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

8" DEEP WELL TURBINE
DIESEL ENGINE

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

160 RDS. 6" ALUMINUM PIPE

C. Works proposed to apply water to beneficial use.

37 acres Gravity
88 acres VermierEstimated Total Cost \$11500.00Attachments: 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, Leonard E. Dailley 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.Subscribed and sworn to before me this 10th day of June 19 75Signed Leonard E. DailleyJanette Smith
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2300-3
LEONARDE E. RICHARDE E. JAMES E. DAILEY & JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57038 With the following modification:
 (State)

The irrigation well approved under this Permit is located near domestic 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.

Date of first receipt of application JUNE 16, 19 75
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved JULY 24, 19 75, Recorded in Book 14 Page 3
 WATER RIGHT PERMIT NO. 2300-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2300-3 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 16, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24, 19 78
3. The whole of said work is to be completed on or before JULY 24, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24, 19 80
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with 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 1.78 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 24, 19 80; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 1ST day of AUGUST, 19 75

WATER RIGHTS COMMISSION

By:

Henry W. Butler
 Chief Engineer, Executive Officer.

Certificate of Construction Issued SEPTEMBER 17, 19 79

Water License Issued SEPTEMBER 17, 19 79

INFORMATION FURNISHED BY WELL DRILLER.

0-3' top soil
3-35' fine sand
35-41' grey clay
41-55' coarse sand and gravel streaks
55-100' coarse gravel and boulders
100' boulders

Static water level 11'
Pumping level 18'

39' 3 lengths 13' long 1/8" STD. S40T.

61' 4-13' lengths plain
1-9' length plain

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 2 1/2", Depth 100'
(2) Casing, Type Transite, Diameter 16", Thickness 1"
(wood, concrete, steel, etc.)
(3) Perforated Screen.
Type 1/8" slotted, Diameter 16", Length 30'
(4) Gravel Pack, Thickness 4', Length of gravel pack 35'

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 As Attached

Depth to top of water bearing material 34'

Depth to bottom of water bearing material 100'

Thickness of water bearing material 66'

Depth to water (ground surface to water level) 11'

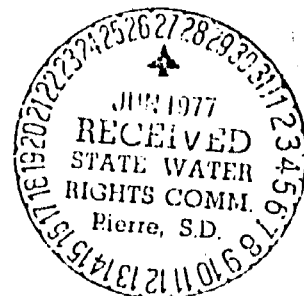
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 40 rds. On property owned by others 100 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.

Leonard E. Bailey
Signature of Applicant



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

Post Office Jefferson, S.D.
Date June 23, 1977TO: ~~WATER RIGHTS COMMISSION~~
State Office Building No. 2
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. 2300-3.

Water Right Permit No. 2300-3 states that the diversion system is to be constructed by July 24, 1980 and that the water is to be put to beneficial use by July 24, 1980.

The diversion system was completed on June 16, 1976. Applying the water to beneficial use was completed on June 16, 1976.

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.

Leonard E. Bailey
(Signature)

March 14, 1975

Mr. Leonard E. Dailey
Jefferson, S.D. 57038

Dear Leonard,

We have completed the analyses of the two water samples submitted here about ten days ago and we have received the WI-1 forms pertaining to your application to irrigate some additional land.

I am enclosing herewith the original copy of the report of analysis for each of the samples. They are yours to keep. I am also enclosing a copy of Extension Circular 654 with the approximate quality of these two waters for irrigation purposes designated by an encircled red cross for each on the outside back cover.

The two samples are quite similar and should not give any difficulty whatever in irrigating the soils which you have. That is the total salinity, although moderately high, should not be a hazard to the crops which you grow in that area, and with the kind of subsoil drainage you have. Furthermore the sodium content of these waters is relatively low in proportion to other kinds of salts, and there should be no difficulty whatever with sodium-caused dispersion of soil clays. Therefore I recommend to the Water Resources Board in the Conservation Commission that these applications be granted.

I wish you the best of success in your irrigation venture.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOP:MRB

Enclosures

cc: State Conservation Commission
Louie DeSmet, Union County Agent
Durrel Fahl



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 OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: 3/15/23

Disapproved: _____

NAME: LEONARD E., RICHARD E. AND JAMES E. DAILEY
ADDRESS: JEFFERSON, S. DAKOTA 57038
COUNTY: UNION

LEGAL DESCRIPTION

1. WELL LOCATION: LOT R2 IN THE N² OF SECTION 35, T30N, R7E, 6TH PM.
2. AREA TO BE IRRIGATED: PORTIONS OF LOTS R1 & R2 IN N² & R3 IN S² SECTION 35
T30N, R7E, 6TH PM.
ALL ORIGINAL NEBRASKA SURVEY.

TYPE OF IRRIGATION

3. 37A
GRAVITY BALANCE
SPRINKLER (Indicate Type): 180 VERMEER BOOM
4. CROPS TO BE IRRIGATED: CORN, SORGHUM, BEANS, ALFALFA, VEGETABLES

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: 2H2XW1-
Prop. for textured soil with
sandy subsoils - Ideal for irrigation

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-136
8. SALINITY: EC = 1048 μ mhos/cm (med - high)
9. SODIUM: Sodium Adsorption Ratio = 1.16 (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

UNION COUNTY SOIL AND WATER CONSERVATION DISTRICT.

and.

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

Leonard E. Bailey.

Subscribed and sworn before me this

25 day of Feb. 19 75.

Jennette Smith

Notary Public A.D.

(Title)

FEB 15 1975

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

Submitted by: **Leonard H. Dailey**
 Address: **Jefferson, SD 57038**

Date Rec'd: **March 3, 1975**

Sample No. **75-136**

Identification **Well-**

T& Sec. 35, T 30N, R 7E

WATER ANALYSIS

Calcium (Ca)	150	ppm*	8.00	me/l**
Magnesium (Mg)	49	ppm	4.02	me/l
Sodium (Na)	63	ppm	2.74	me/l
Potassium (K)	8	ppm	0.20	me/l
Sulfate (SO ₄)	103	ppm	2.14	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	1	ppm	0.03	me/l
Bicarbonate (HCO ₃)	708	ppm	11.60	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)	580	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1048	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.12			
Sodium	18.31	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.32			

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 14.96 me/l
 Total anions 13.77 me/l

By: **Shirley Eitten**

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. **75-136**

Amount Enclosed \$

Signed

Permit No. 2300-3Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leonard E., Richard E., & James E. Dalley

_____ the holder _____ of
Permit No. 2300-3, issued upon Application No. 2300-3, bearing date of priority of June 16, 1975
authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (one well)
County of Union, State of South Dakota at a point 730'N & 450'E of the SW corner Lot R2, Section 35, T30N, R7E
(Nebraska Survey)
for Irrigation

_____ purposes, have 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 September 17, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 2300-3

(1) WHEREAS, On the 16th day of June A. D. 19 75

Leonard E., Richard E., and James E. Dalley

made Water Right Application No. 2300-3 for a permit to use 1.78 cubic feet per second of the water of groundwater (one well)

County of Union State of South Dakota, for Irrigation

purpose; and

(2) WHEREAS, On the 24th day of July A. D. 19 75

Permit No. 2300-3 with a date of priority of June 16, 1975

was issued to said applicant 5 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 24th day of July A. D. 19 80 and for the application to beneficial use of said water on or before the 24th day of July A. D. 19 80

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the law of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 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 lands all in Section 35, T30N, R7E (Nebraska Survey)

Lot R1 - NE $\frac{1}{4}$ 62 acres

Lot R2 - NE $\frac{1}{4}$ 45 acres

Lot R3 - SE $\frac{1}{4}$ 18 acres

TOTAL 125 acres

NOTE: Booms used interchangeably with Permit No. 3486-3.

(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 Leonard E., Richard E., and James E. Dalley

_____ of Jefferson, SD

the holder^s _____ and owner^s _____ of said permit No. 2300-3 a water right, dating from June 16, 1975

_____ to use of 1.78 cubic feet per second of the water of ground water (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 730'N and 450'E of the SW corner, Lot R2, Section 35, T30N, R7E (Nebraska Survey)

and conduct to and upon portions of land in Section 35, T30N, R7E (Nebraska Survey) more fully described on the face of this Licence

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2300-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of September A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:


Chief Engineer

JOHN HATCH

Form 6. - Notice of Intent to Appropriate Water

No. 2300-3

Publish first publication, on or before
July 10, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 10, 1975

Notice is hereby given that Leonard E., Richard E. and James E. Dailey
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 1.78 cubic feet of water per
second of time from ~~the~~ ground water through the
~~Dailey Diversion #2~~, the point of diversion of which is to
be located in the _____

Lot R2

of Section 35, Twp. 30N, Range 7E, Original Nebraska Survey. Said water to be used
for the purpose of providing irrigation on the following described land:
portions of

Lots R1, R2 and R3, Section 35, T30N R7E, Original Nebraska Survey

This application No. 2300-3 will be considered by the Water Rights
Commission at the North Lounge, Surback Center, S.D. School of Mines, at Rapid City, S.D.
upon the 24th day of July, 1975 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:

Leonard E. Dailey, Route #1, Jefferson, South Dakota 57038

No. 2300-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Leaster E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from 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 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:

July 3, 1975

July 10, 1975

Leaster E. Emerson
(Signature)

Editor
(Title)

July 10, 1975
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
June 10, 1975

Notice is hereby given that
Leonard E., Richard E., and
James E. Dailey 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 1.78 cubic feet of
water per second of time from
ground water through the Dailey
Diversion #2, the point of diver-
sion of which is to be located in
the Lot R2 of Section 35, Twp.
30N, Range 7E, Original Nebr-
aska Survey. Said water to be
used for the purpose of providing
irrigation on the following por-
tions of described land: Lots R1,
R2 and R3, Section 35, T30N,
R7E, Original Nebraska Survey.

This application No. 2300-3
will be considered by the Water
Rights Commission at the North
Lounge, Surbeck Center, S.D.,
School of Mines, at Rapid City,
S.D. upon the 24th day of July,
1975 at 2:30 P.M., All interest-
ed persons may appear and be
heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones,
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7036

PIERRE, September 11, 1979

RECEIVED OF Richard E. Dailey, SR #1, Box 26, 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. 2300-3

Fee for inspecting Beneficial Use, and issuing Water License No. 2300-2

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 gy

Permit No. 2300-3Water 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 LEONARD RICHARD
& JAMES DAILEY of JEFFERSON holder
 of Permit No. 2300-3, bearing date of priority of JUNE 16, 1975
 authorizing the diversion of 1.78 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:

100' DEEP WELL WITH 10" TRANSITE CASING
 FAIRBANKS MORSE 8" PUMP #N2W24012X-A - 30HP - 12MBERLS
 POWERED BY DEUTZ DIESEL MOTOR #A6LS14 - 100 HP.

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

1/2 MILE OF 6" ALUMINUM MINILINE

C. Works used to apply water to beneficial use.

VERMEER #140 & 2 VERMEER #150 BOOMS - 660' OF 5" *
 RUBBER HOSE
 150' OF 5" ALUMINUM PIPE WITH GATES CUT INTO PIPE AT
 30' SPACING - TO LEVELLED LAND

The system is in the following condition: GOOD

The point of diversion is located 130' N & 450' E OF THE SW CORNER LOT R4,
SECTION 35, T30N, R7E (NEBRASKA SURVEY)

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 SEC 35, T30N, R7E (NEBRASKA SURVEY)

<u>LOT R1 - NE¹</u>	<u>62</u>
<u>LOT R2 NE¹</u>	<u>45</u>
<u>LOT R3 SE¹</u>	<u>18 ACRES</u>

comprising a total of 125 acres of land.

BOOMS USED IN IRRIGATION WITH PERMIT NO. 3486-3

Date AUGUST 22, 1979

Richard J. [Signature]
 (Signature)

Jefferson, S. D.
June 10, 1975

Water Rights Commission
South Dakota Department of Natural Resource Development
Pierre, South Dakota

Gentlemen:

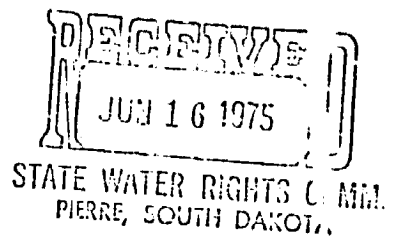
Enclosed please find our Application for Permit to appropriate water for irrigation on portions of Section 35 T30N R7E of 6th PM. original Nebraska Survey but part of Union County South Dakota. I hope that I have furnished all necessary information needed.

We had water tested and had planned to apply for a permit to appropriate water for irrigation on part of Section 36 of same township and range but after some major changes in our plans the well and a major portion of land to be irrigated will be in that portion of Section 36 that is part of Dakota County Nebraska so will apply there.

Thank you for all past courtesies.

Yours truly

Leonard E. Bailey
Leonard E. Bailey





Department of Water & Natural Resources

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

May 26, 1988

Richard Dailey - OPER
RR 1, Box 155
Jefferson, SD 57038

Dear Mr. Dailey:

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). 2300-3.

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
605 773-2352





June 13, 1988

South Dakota Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57501-3181

Gentlemen- Att. John Hatch

In answer to your letter of May 26 in regard to use of water under Permit No. 2300-3 must say that we were not aware of the South Dakota Codified Law that limits non-use of appropriated water to a three year period and we thank you for bringing this to our attention.

Yes, we do want to retain our water rights for Permit No. 2300-3.

The reasons for not using the water for the past five years as reported were: 1983-84 and 85 the **crop raised** on land set up for irrigation (125A) was in alfalfa and we received rain from April 1 to September 31 (1983-21.57 inches, 1984-22.54 inches, and 1985-24.39 inches) which was sufficient without irrigation. In 1986, we started out with 12.72 inches from April 1 to June 30. July and August were predicted to be hot and dry so we prepared to irrigate. Here, we found our diesel engine in bad shape and in need of repair. Mechanics found it impossible to get parts for repair so a new engine had to be bought. With the farm economy as it was and our cash flow being on the low side, we decided to wait a year and see if those things might change. They did, and upon receiving good prices for our livestock and feed grains, beans and hay prices going up, we decided to purchase a new diesel engine and made other changes and arrangements to pump water again. With the drought that is upon us, we need the water.

Again, I say, we wish to retain our water rights to Permit No. 2300-3. Please notify us of any further requirements.

Thank You,

Richard E. Dailey
Richard E. Dailey
R.K.#1, Box 155
Jefferson, SD 57038



2300-3
**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 14, 2004

NOTICE

TO: JAMES E DAILEY, 48184 335TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 2300-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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 3, 2004, 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) 2300-3 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 27, 2004**, 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.



2300-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8237

Your item was delivered at 11:13 am on January 16, 2004 in JEFFERSON, SD 57038. The item was signed for by J DAILEY.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
▶ Request Proof of Delivery [What is this?](#) [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8237

JAMES E DAILEY, OPERATOR
48184 335TH ST
JEFFERSON SD 57038

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

☐ Priority Mail®
☐ Package Services



**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 21, 2004

2300-3

James E Dailey
48184 335th St
Jefferson SD 57038

Dear Mr. Dailey:

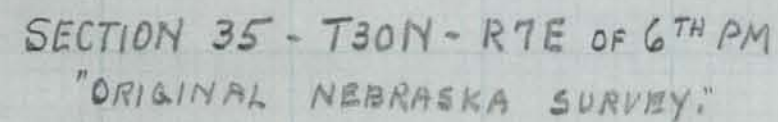
I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 2300-3.

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



N

Leonard E. RICHARD E. & JAMES E. DALLEY - OWNERS
Jefferson, So. Dak.
Dalley Diversion # 2
125 Ac. To be irrigated

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date		Approved by: <i>E. K. Dalgreen</i>	
Designed: <i>L. D. Bailey</i>	<i>5-23-76</i>	Title: <i>Dist. Comp.</i>	
Drawn: <i>E. K. Dalgreen</i>	<i>5-23-76</i>	Title: _____	
Traced: _____	_____	Sheet	Drawing No.
Checked: _____	_____	No	
		of	



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 18, 2008

NOTICE

TO: JAMES E DAILEY, OPERATOR, 48184 335TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 2300-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 11, 2008**, 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) 2300-3 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 3, 2008**, 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/E0455V6-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.

2300-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3905
Status: **Delivered**

Your item was delivered at 8:47 AM on January 28, 2008 in JEFFERSON, SD 57038. The item was signed for by J DAILEY.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#) [Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

Postnet Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3905

JAMES E DAILEY, OPERATOR
48184 335TH ST
JEFFERSON SD 57038

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2008

NOTICE OF AMENDMENT OF WATER RIGHT

TO: James E Dailey, 48184 335th St, Jefferson SD 57038

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 2300-3

On March 11, 2008, the Water Management Board amended Water Right No. 2300-3 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 failure to return the 2007 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.

My commission
expires 4/1/13



2300-3

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 24, 2014

NOTICE

TO: JAMES E DAILEY, MGR, 48184 335TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2300-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 2300-3 qualification:

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

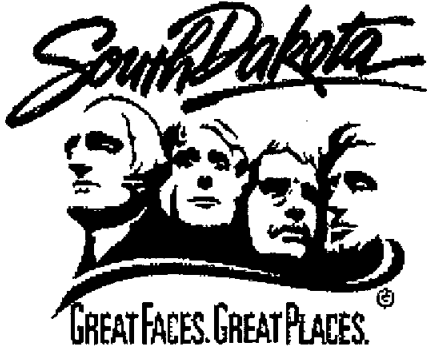
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 2300-3 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 on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2014

2300-3

James E Dailey
48184 335th St
Jefferson SD 57038

Dear Mr. Dailey:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 2300-3. 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 that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



2300-3

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 15, 2016

NOTICE

TO: JAMES E DAILEY, MGR, 48184 335TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2300-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(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) 2300-3 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) 2300-3 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



2300-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 26, 2016

2300-3

Michael A Dailey
48183 335th St
Jefferson SD 57038

Dear Mr. Dailey:

I am writing to acknowledge receipt of the 2015 irrigation questionnaire for Water Right No. 2300-3, listed in the names of James, Leonard and Richard Dailey. You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 2300-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

In regard to the notation on the irrigation questionnaire indicating the need for an ownership change, enclosed is a partially completed Notice of Transfer of Ownership form. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have enclosed a copy of the water right for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

FEB 16 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2300-3

Date: 2-8-2016

I/We request that Water Right No. 2300-3

formerly owned by: Leonard, Richard and James E Dailey

be transferred to: (name & address) MICHAEL A. DAILEY

48183 335th St.

JEFFERSON S.D. 57038

Telephone No. 712-253-7336

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

125 acres - Lots R 1 and R 2 in the NE ¼ and Lot R 3 in the SE ¼ Section 35, T30N, R7E

(Nebraska Survey)

I/We understand that the validity of Water Right No. 2300-3 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 MICHAEL A. DAILEY, the new owner, certify that the above information is true and correct.

Michael A. Dailey
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/16, 20 16

RECEIVED OF Michael A Dailey 48183 335th St Jefferson SD 57038

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 2300-3		
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. 07756

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 17, 2016

2300-3

Michael A Dailey
48183 335th St
Jefferson SD 57038

Dear Mr. Dailey:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership change with Water Right No. 2300-3.

The ownership change has been completed. Water Right No. 2300-3, formerly held by Leonard, Richard and James E Dailey is now listed in your name.

Enclosed for your records is Receipt No. 07756 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



2300-3
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 25, 2019

NOTICE

TO: MICHAEL A DAILEY, 48183 335TH ST, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2300-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2300-3 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) 2300-3 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 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 questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2019

2300-3

Michael A Dailey
48183 335th St
Jefferson SD 57038

Dear Mr. Dailey:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 2300-3. 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



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: MICHAEL A DAILEY, 48183 335TH ST, JEFFERSON, SD 57038
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) 2300-3. 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) 2300-3 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) 2300-3 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: QGRNOD**

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 25, 2022

2300-3

Michael A Dailey
48183 335th St
Jefferson SD 57038

Dear Mr. Dailey:

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 2300-3. 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



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: MICHAEL A DAILEY, 48183 335TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2300-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 2300-3 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) 2300-3 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 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 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: VBLOCD**

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

February 15, 2024

2300-3

Michael Dailey
48183 335th St
Jefferson SD 587038

Dear Mr. Dailey:

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). 2300-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has 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