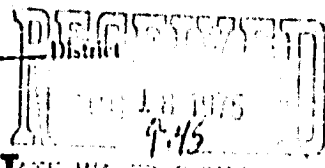


Water Right Number 2345-3

1. Considered NOV. 12, 19 75
2. Name of Applicant JAMES GEARY
3. Post Office Address ELK POINT, SD
4. Amount of water claimed 2.28
5. Source of water supply GROUND WATER (100' DEEP WELL)
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in UNION County
- about 1/2 N, 3W Miles of JEFFERSON
8. Proof of Publication Received 10-15-75
- Not received
9. Application Approved
- Subject to
- Not approved
- Action deferred
10. Remarks:

No. 2345-3
 Map No. 1775-3 Water Division No. 3 BIG SIOUX RIVER
 (Blanks to be Filled by the Engineer for the W. H. C.)


APPLICATION FOR PERMIT

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant James Geary
 Postoffice address RR 1 Box 5 Elk Point, State South Dakota
 If a corporation show date and place of incorporation none
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Geary Irrigation Project / 1
4. Amount of water claimed (cubic feet per second) 2,282.4 C.F.S.
5. Source of water supply well
6. Location of point of diversion 1320' South and 1320' west of the NE corner of Section 16
T90 R49

- 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 160

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.
NE 1/4 Sec 16 T90 R 49	160		

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.

well

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

C. Works proposed to apply water to beneficial use.

center Pivot System?Estimated Total Cost \$ 10,207.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Union
 I, James Geary 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

Signed

Day of

June1975

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2345-3
JAMES GEARY (Applicant) R.R. #1, Box 5, Elk Point (Post Office Address)
SOUTH DAKOTA 57025 (State) With the following modifications:

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 18, 1975
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application SEPTEMBER 16, 1975
 Approved NOVEMBER 13, 1975, Recorded in Book 14 Page 82

WATER RIGHT PERMIT NO. 2345-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2345-3 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 18, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 1978
3. The whole of said work is to be completed on or before NOVEMBER 13, 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 80
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.28 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, 80; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 17TH day of NOVEMBER, 1975

WATER RIGHTS COMMISSION

By:

John H. [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 3, 1978

Water License Issued FEBRUARY 3, 1978

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 100'
- (2) Casing, Type concrete Diameter 18" Thickness 2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type galvanized, Diameter 12", Length 40'
- (4) Gravel Pack. Thickness 6-9", Length of gravel pack 40'

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 level constant with Missouri River

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 100'

Thickness of water bearing material 40'

Depth to water (ground surface to water level) 60' (14' withdrawn)

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

On same owner's property 240 rds. On property owned by others 160 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.

James Henry
Signature of Applicant

Conservation
Commission
Form WL #1

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

Irrigation System: _____

Water Quality: _____

Soils Capable: _____

Approved: _____

NAME: James Geary

ADDRESS: Box 5 R.R. #1 Elk Point, S.D. 57025

COUNTY: Union

LEGAL DESCRIPTION

1. WELL LOCATION: ① 1320' South + 1320' West of the NE Corner of Sec. 16
② 1320' East + 15' S. of the NW Corner of Sec. 16
2. AREA TO BE IRRIGATED: 1/4 NW 1/4 + SW 1/4 Sec. 16 T. 25 N. R. 55 W.

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): X Center Pivot
4. CROPS TO BE IRRIGATED: Corn + Beans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Light Sand - Deep fine textured
slowly permeable soils developed in bluffs

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: ① - 75-648
② - 75-645
8. SALINITY: ① EC = 1167 micromhos/cm
② EC = 1135 micromhos/cm (high)
9. SODIUM: ① SAR = 1.59
② SAR = 1.57 (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

South Dakota State University

and:

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

James Henry

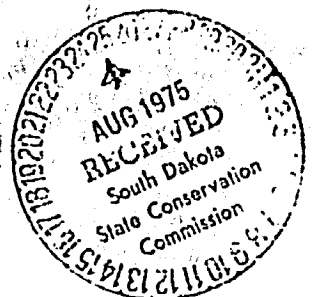
Subscribed and sworn before me this

13th day of August 1975.

Robert M. M.

Notary Public

(Title)



8.6.75

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

Submitted by: **James Geary**
 Address: **Box 5, Rt. 1**
Blk Point, SD 57025

Date Rec'd: **July 22, 1975**
 Sample No.: **75-644**
 Identificat: **Well- #1**
NW 1/4, Sec. 16, T. 90N, R. 50W

WATER ANALYSIS

Calcium (Ca)	170	ppm*	8.50	mc/l**
Magnesium (Mg)	45	ppm	3.69	mc/l
Sodium (Na)	90	ppm	3.92	mc/l
Potassium (K)	12	ppm	0.31	mc/l
Sulfate (SO ₄)	192	ppm	3.99	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	10	ppm	0.27	mc/l
Bicarbonate (HCO ₃)	503	ppm	8.24	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	412	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1167	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.59			
Sodium	23.87	% of cations		
Residual sodium carbonate	6.00	mc/l		
pH	7.37			
Others:				

*ppm=parts per million

**mc/l=milliequivalents per liter

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

COMMENTS: **Total cations 16.42 mc/l**
Total anions 12.50 mc/l

By: **Shirley Mitten**

Service Performed

Amount Due

Irrigation analysis

16.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **75-644**

Amount Enclosed \$

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2345-3

(1) WHEREAS, On the 18th day of August A. D. 19 75

James Henry

made Water Right Application No. 2345-3 for a permit to use 2.28 cubic feet per second of the waters of ground water

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

(2) WHEREAS, On the 17th day of November A. D. 19 75

Permit No. 2345-3, with a date of priority of August 18, 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 13th day of November A. D. 19 80 and for the application to beneficial use of said water on or before the 13th day of November A. D. 19 80

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 1.8 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,

for Irrigating the following land in Section 16, T99N, R49W

NW 1/4 NE 1/4 33.0 acres

NE 1/4 NE 1/4 33.0 acres

SW 1/4 NE 1/4 33.0 acres

SE 1/4 NE 1/4 27.0 acres

126.0 acres

(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 _____

Elk Point

of 2345-3

August 18, 1975

the holder _____ and owner _____ of said permit No. _____ a water right, dating from _____
_____ to use of _____ cubic feet per second of the waters
of _____ ground water

Union

in the County of _____ and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____
a point 1320'S & 1320'W of the NE corner, Section 16, T90N, R49W

126 acres in the NE1/4, Section 16, T90N, R49W

and conduct to and upon _____

Irrigation

for the purpose of _____

2345-3

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

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of February

seventy-eight A. D.

Nineteen Hundred and _____

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 2345-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James Geary

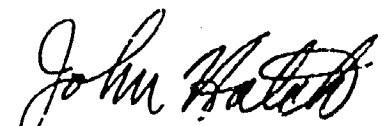
_____ the holder _____ of
Permit No. 2345-3, issued upon Application No. 2345-3, bearing date of priority of August 18,
1975 authorizing the diversion of 2.26 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1320'S and 1320'W of the NE corner Section 16, T90N, R49W
_____, for irrigation

_____ purposes, has _____ 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 2.23 cu. ft. per second of water.

Date February 3, 1978

By:

WATER RIGHTS COMMISSION


JOHN HATCH, Chief Engineer

Form 6 - Notice of Intent to Appropriate Water

J. ~~2345-3~~

Publish first publication, on or before October 30, 19 75

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 18, 19 75

James Geary

Notice is hereby given that _____

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 2.28 cubic feet of water per second of time from the ground water through the Geary Irrigation Project #1, the point of diversion of which is to be located in the _____

Center of NE $\frac{1}{4}$

of Section 16, Twp. 90N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$, Section 16, T90N, R49W

This application No. 2345-3 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 19 75, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES,
Water Rights Specialist

BFJ/bw

cc: James Geary, E.R. #1, Box 5, Elk Point, S.D. 57025

No. 2345-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Hester 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:

October 2, 1975

October 9, 1975

Hester E. Emerson
(Signature)

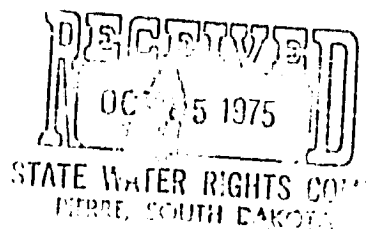
Publisher
(Title)

October 10, 1975
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
September 18, 1975

Notice is hereby given that
James Geary whose post office
address is Elk Point, South Dak-
ota, has made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 2.28 cubic feet of
water per second of time from
ground water through the Geary
Irrigation Project #1, the point
of diversion of which is to be
located in the center of NE $\frac{1}{4}$ of
section 16, Twp., 90N, Range
49W. Said water to be used for
the purpose of providing irrigat-
ion on the following described
land: NE $\frac{1}{4}$, Section 16, T90N,
R49W.

This application No. 2345-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 12th
day of November, 1975, at 2:30
p.m. All interested persons
may appear and be heard.
WATER RESOURCES
COMMISSION
By Burton F. Jones,
Water Rights Specialist
Publish: October 2, 9.



NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE
 DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
 DIVISION OF WATER RIGHTS
 JOE FOSS BUILDING
 PIERRE, SOUTH DAKOTA 57501

Post Office Elk Point
 Date 6-9-76

TO: Water Resources 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. 2345-3.

Water Right Permit No. 2345-3 states that the diversion system is to be constructed by June 13, 1980 and that the water is to be put to beneficial use by June 13, 1980.

The diversion system was completed on June 7, 1976. Applying the water to beneficial use was completed on June 7, 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.

James Gary
 (Signature)

R#1 Box 5

Elk Point S.D. 57025

Please send me a copy
 of Form 10 for Gang-
 irrigation project #2
 Permit #2 2346-3
 Thank you



23453 James Lane

Well - 1014 1000 pm 1000 pm

CP. Plotter 1000 pm 1000 pm

Plotter 2-6, 5

Plotter 9-10, 10

Plotter 10-11, 11

Plotter 11-12, 12

Plotter 12-1, 1

Plotter 1-2, 2

Plotter 2-3, 3

Plotter 3-4, 4

Plotter 4-5, 5

Plotter 5-6, 6

Plotter 6-7, 7

Plotter 7-8, 8

Plotter 8-9, 9

Plotter 9-10, 10

Plotter 10-11, 11

Plotter 11-12, 12

Plotter 12-1, 1

Permit No. 2345-3Water 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 James Geary
 of Rt #1 Box 5, Elk Point, S.D. 57025 holder
 of Permit No. 2345-3, hearing date of priority of August 18, 1975
 authorizing the diversion of 2.28 cu. ft. per second of the waters of Ground
 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:

Motor U.S. Electrical - I.D. # R-XA718-00-028 R 2090620
75 H.P.

Pump - Wel Line, Pump # 79454K, 4 Stage, 12KH Bowl.
Pumping 1000 gpm.

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

Aluminum Pipe

C. Works used to apply water to beneficial use.

Electro-gator Center Pivot, Model 2-GE5G, Ser # 9752701
This c.p. is also used for Permit No. 2346-3

The system is in the following condition: Excellent

The point of diversion is located 1320 ft South and 1320 ft west of the NE
corner of Section 16, T90N R48W

The works are capable of diverting and conveying to the place of use 2.23cu. 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 16, T90N R48W

NW 1/4 NE 1/4 - 33.0 Ac. NE 1/4 NE 1/4 - 33.0 Ac. SW 1/4 NE 1/4 - 33.0 Ac.
SE 1/4 NE 1/4 - 27.0 Ac.

comprising a total of 126 acres of land.

Well Data:

Depth 102 ft.Pumping 1000 gpm

Date June 17, 1977
Leroy J. McManis
 (Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

February 10, 1978

James Geary
RR #1
Box 5
Elk Point, SD 57025

Dear Mr. Geary:

Enclosed herewith are, Water License No. 2345-3 and Certificate of Construction.

Water License No. 2345-3 is the final water right document completing your process of obtaining 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 COMMISSION

JH: gy

Enclosures

NOTE: Your pump capacity is 2.23 cfs (1001 gpm) and based upon the acreage actually irrigated you are entitled to only divert 1.6 cfs (801 gpm). Any diversion in excess of 1.6 cfs would be a violation of your water Right.



2345-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: JAMES GEARY
RR #1 BOX 5
ELK POINT SD 57025

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2345-3 & 2346-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2345-3 & 2346-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.



2345-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1993

2345-3
2346-3

James Geary
RR #1 Box 5
Elk Point, SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right No. 2345-3 and 2346-3. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaires were 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

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



2345-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

JAMES GEARY
RR #1 BOX 5
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) 2345-3 & 23~~4~~⁶-3. 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 8:45 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) 2345-3 & 23~~4~~⁶-3 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

Is your RETURN ADDRESS indicated on the reverse side?

SENDER:

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

2345-3

4a. Article Number

P837692/521

4b. Service Type

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

7. Date of Delivery

2-17-94

JAMES GEARY
RR #1 BOX 5
ELK POINT SD 57025

5. Signature (Addressee)

James Geary

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

2345-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 3, 1994

2345-3
2346-3

James Geary
RR #1 Box 5
Elk Point, SD 57025

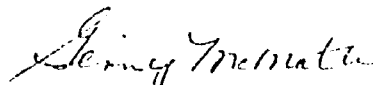
Dear Mr. Geary:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. The questionnaires were completed for you following my February 18th telephone conversation with Robert Geary. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaires were 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) 773-3352



2315-3

February 4, 1997

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

NOTICE

TO: JAMES GEARY, RR 1 BOX 5, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
SUBJECT: Violation of Water Permit No(s) 5870-3, 2345-3 & 2346-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5870-3, 2345-3 & 2346-3. The request for the Questionnaires 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 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 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year." The hearing will be held at 2:30 pm, March 5, 1997 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) 5870-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 on/or before February 28, 1997, 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.

2345-3



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

February 6, 1997

Robert J 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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: JAMES GEARY, RR 1 BOX 5, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5870-3, 2345-3 & 2346-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 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 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 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) 5870-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 on/or before February 20, 1998, 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.

2345-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

2345-3

2346-3

5870-3

James Geary
RR 1 Box 5
Elk Point, SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2345-3, 2346-3 and 5870-3.

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



2345-3
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: JAMES GEARY, 47643 327 ST, 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. 5870-3 & 6072-3, 2345-3 & 2346-3. 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) 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 & 6072-3 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) 5870-3 & 6072-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 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.

2345-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly) <u>2.</u> B. Date of Delivery <u>1-15-00</u>	
1. Article Addressed to: JAMES GEARY 47643 327 ST ELK POINT SD 57025		C. Signature <u>X [Signature]</u> ☐ 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.	
2. Article Number (Copy from service label) <u>7227 670 284</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



2345-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 20, 2000

James Geary
47643 327th St
Elk Point, SD 57025

RE: Water Permit/Right Nos. 2345-3, 2346-3, 5870-3 and 6072-3

Dear Mr. Geary:

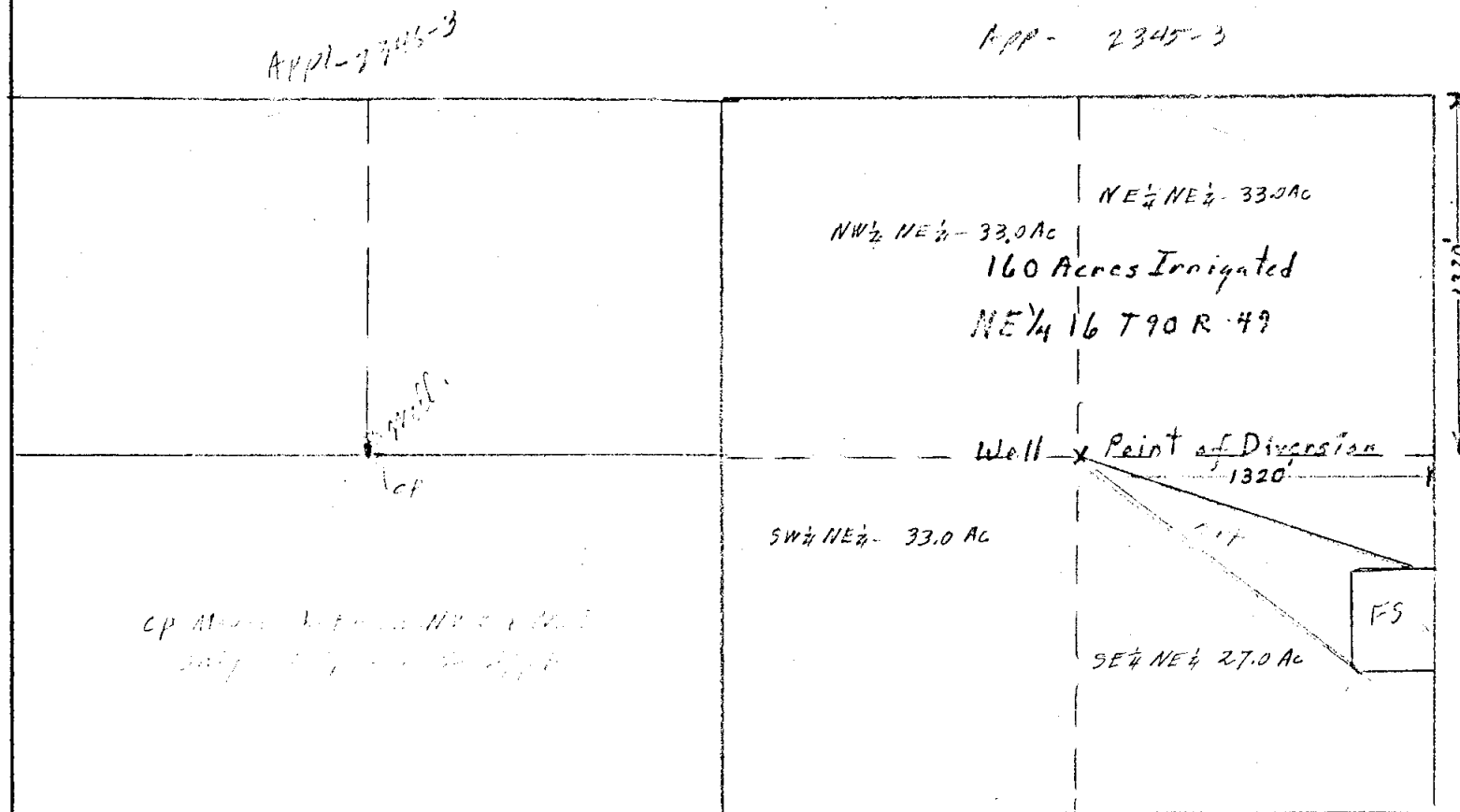
I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2345-3, 2346-3, 5870-3 and 6072-3.

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



Scale: 8" = 1 mi.

James Geary, Elk Point, So. Dak.
Geary Irrigation Project #2
160 Acres
Center Pivot

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>C. K. Dahlquist 6-12-72</u>	Date <u>6-12-72</u>	Approved by <u>C. K. Dahlquist</u>
Drawn <u>C. K. Dahlquist 6-12-72</u>	Title <u>Dist. Comp.</u>	
Traced	Sheet	Drawing No.
Checked	No.	
	of	



January 26, 2007

NOTICE

2345-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: JAMES GEARY, 47643 327 ST, 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) 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 & 6072-3 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) 5870-3 & 6072-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 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.

2345-3



**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

2345-3
2346-3
5870-3
6072-3

James Geary
47643 327th St
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. 2345-3, 2346-3, 5870-3 and 6072-3.

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



2345-3
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: JAMES GEARY, 47643 327 ST, 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) 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 & 6072-3 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) 5870-3 & 6072-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 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.

2345-3



**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

2345-3
2346-3
5870-3
6072-3

James Geary
47643 327th St
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. 2345-3, 2346-3, 5870-3 and 6072-3. 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



2345-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 28, 2016

Robert J Geary
32750 480th Ave
Elk Point SD 57025

RE: Water Right Nos. 2345-3, 2346-3, 5870-3 and 6072-3

Dear Mr. Geary:

Thank you for taking the time to visit with me concerning Water Right Nos. 2345-3, 2346-3, 5870-3 and 6072-3 currently listed in the name of James Geary. I have included copies of all four water rights for your records.

Enclosed are four partially completed transfer forms for use in filing ownership changes on the water rights. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (**total of \$200**). The check or money order for the fee can be made payable to the Water Rights Program.

You indicated during our phone conversation that you did not receive the questionnaires for these water rights. They were all mailed to "47643 327th St, Elk Point, SD. They very well could have been lost in the mail because we did not receive them back from the post office.

It is my understanding from our conversation that the irrigation of land in Section 16 was reported on one of your questionnaires pertaining to the same section. The two questionnaires still needed are enclosed and pertain to:

- No. 5870-3 (land in Section 17, T90N, R49W)
- No. 6072-3 (land in Section 6, T90N, R49W)

Please return the transfer forms, filing fees and the enclosed irrigation questionnaires by January 6th. I have included a postage paid envelope for your convenience. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIVED

JAN 23 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2345-3

Date: 1-21-17

I/We request that Water Right No. 2345-3

formerly owned by: James Geary

be transferred to: (name & address) Robert J Geary

32750 480th Ave Elk Point S.D. 57025

Telephone No. 712 640 1633

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

126 acres - NE 1/4 Section 16, T90N, R49W

I/We understand that the validity of Water Right No. 2345-3 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 Robert J Geary, the new owner, certify that the above information is true and correct.

Robert J Geary

(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 1/23, 20 17

RECEIVED OF Robert J Geary 32750 480th Ave Elk Point SD 57025

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 _____ 2345-3			
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. **08114**

By

James Goodman
Chief Engineer



2345-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 24, 2017

Robert J Geary
32750 480th Ave
Elk Point SD 57025

RE: Water Right Nos. 2345-3, 2346-3, 5870-3 and 6072-3

Dear Mr. Geary:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership of Water Right Nos. 2345-3, 2346-3, 5870-3 and 6072-3. Also were received were irrigation questionnaires pertaining to Sections 6 & 17, T90N, R49W.

The ownership changes have been completed. The above listed water rights formerly held by James Geary are now listed in your name.

Enclosed for your records are Receipt Nos. 08114, 08115, 08116 and 08117 in the amounts of \$50 each which you paid for filing the ownership changes. Thank you for updating the water rights and for taking the time to complete the remaining irrigation questionnaires.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**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