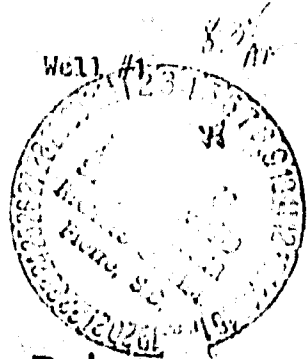


2753-3

1. Considered 7-21, 1976
2. Name of Applicant RUSSELL HALL
3. Post Office Address ELK POINT
4. Amount of water claimed 1.5
5. Source of water supply 100' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 106
7. Water to be diverted and used in UNION county
about 18 miles of ELK POINT
8. Proof of Publication Received 7-6-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2753-3Map No. 2110-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Russell Hall
 Postoffice address R.R. 1, Box 84, 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 Hall Irrigation Project
4. Amount of water claimed (cubic feet per second) 1.5
5. Source of water supply Well
6. Location of point of diversion 3300' West and 1300' South of the Northeast Corner
of Section 29, Township 91 North, Range 49 West
 County Union
7. Annual period or periods during which water is to be used June through September
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 106 acres

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.
That portion East of Hwy. 77			
in the NW Quarter of Sec. 29			
T91N R49W	106 Acres		

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, S.D.
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 15,000Attachments: 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, Russell M. Hall, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Russell M. HallSubscribed and sworn to before me this 30 day of APRIL, 19 76Malvin L. Russell
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2753-3
RUSSELL M. HALL R.R.#1, Box 84, ELK POINT
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57025 With the following modifications:
 (State)

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

Date of first receipt of application MAY 6, 19 76
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application —, 19 —
 Approved JULY 22, 19 76, Recorded in Book 15 Page 233

WATER RIGHT PERMIT NO. 2753-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2753-3 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 MAY 6, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22, 19 79
3. The whole of said work is to be completed on or before JULY 22, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22, 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior 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 seriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.5 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 purpose 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 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 22, 19 81; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 28TH day of JULY, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 29, 19 79

Water License Issued NOVEMBER 29, 19 79

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 16" I.D., Depth 100'
- (2) Casing, Type Transite Diameter 16" I.D. Thickness 3/4 inch
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type 1/8 plotted, Diameter _____, Length 20'
- (4) Gravel Pack, Thickness 6 - 9 inches, Length of gravel pack _____

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 Waterbearing Gravel and Rock

Depth to top of water bearing material _____

Depth to bottom of water bearing material 100'

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 1400' rds. On property owned by others 1400' 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.

Russell M. Hall
Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2753-3

(1) WHEREAS, On the 6th day of May A. D. 1976
Russell M. Hall

made Water Right Application No. 2753-3 for a permit to use 1.5 cubic feet per second of the water of groundwater (one well)

County of Union State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 22nd day of July A. D. 1976

Permit No. 2753-3, with a date of priority of May 6, 1976

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 22nd day of July A. D. 1981 and for the application to beneficial use of said water on or before the 22nd day of July A. D. 1981

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 1.5 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 portions of the following lands all in Section 29 - T91N - R19W

	acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	16
NE $\frac{1}{4}$ NW $\frac{1}{4}$	38
SE $\frac{1}{4}$ NW $\frac{1}{4}$	14
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38
Total	106 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 Russell Hall

of Elk Point, SD
the holder _____ and owner _____ of said permit No. 2753-3 a water right, dating from May 6, 1976
to use of 1.5 cubic feet per second of the water
of groundwater (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purpose, hereinafter mentioned, to be diverted at a point 3300 ft. west and 1300 ft. South
of the NE Corner of Sec. 29 - T91N - R49W

and conduct ^{ed} ~~to~~ and upon portions of land in Section 29 - T91N - R49W, more fully
described on the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2753-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of _____ office at Pierre, South Dakota
this 29th day of November A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer JOHN HATCH

Permit No. 2753-3

Water Diversion No. 3 Big Sioux River Water District

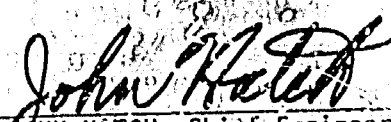
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Russell Hall

_____ the holder _____ of
Permit No. 2753-3, issued upon Application No. 2753-3, hearing date of priority of May 6, 1976
_____ authorizing the diversion of 1.5 cu. ft. per second of the waters of _____
groundwater (one well) County of Union, State of South Dakota at a
point 3300 ft. west and 1300 ft. South of the NE Corner of Sec. 29 -
T91N - R40W
_____ 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 1.56 cu. ft. per second of water.

Date November 29, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

April 28, 1976

Mr. Russell M. Hall
R.R. #1, Box 84
Elk Point, SD 57025

Dear Mr. Hall:

Enclosed please find the original copy of the report of analysis on water sample 076-313 submitted here by you on April 6. Also enclosed you will find a copy of AES publication #13 with the quality of this water approximately charted by means of a red cross in the diagram on the outside back cover.

As you see, it is in the high salinity, low sodium category. This means that this water has a moderate hazard in this climatic area to increase the salt of the root zone of crops. If the soils are well drained, and if occasional natural leaching occurs as a result of heavy precipitation, the salinity hazard is only minor. However, irrigation techniques which add the water to the soil in small, frequent amounts such as 1 inch per week are extremely hazardous to the build-up of salts and would be conducive to possible trouble within 10 or 12 years with this kind of water. Therefore, I caution you to use substantial amounts of water and irrigate as infrequently as possible to maintain adequate crop growth. At all costs, avoid frequent, light applications. Inasmuch as the calcium proportion to other cations is very favorable in this water, it should not be a salinity problem which could not be solved.

A copy of this letter, and of the water analysis, plus the WJ-1 form are being sent to the State Conservation Commission for their action.

Sincerely yours,

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

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Louie DeSmet, County Extension Agent



CONSERVATION
COMMISSION
WI #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 ONLY

IRRIGATION SYSTEM _____

WATER QUALITY _____

SOILS CAPABILITY _____

APPROVED M. J. J. J.

DISAPPROVED _____

NAME Russell M. HALL

ADDRESS RT 1, Box 84, Elk Point, S. Dak 57025

COUNTY Union

LEGAL DESCRIPTION

1. WELL LOCATION _____

2. AREA TO BE IRRIGATED _____

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (INDICATE TYPE) _____

4. CROPS TO BE IRRIGATED Corn &c

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE _____

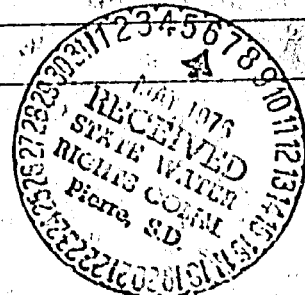
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION _____

Capacity is high.
WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NUMBER 76-313

8. SALINITY EC: 1120 umhos/cm (high)

9. SODIUM SAR: 1.31 (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

S. C. S.

AND:

THAT THE LEGAL DESCRIPTION FOR THE LOCATION OF THE WELL AND LAND TO BE
IRRIGATED IS TRUE AND CORRECT.

Russell M. Hall

SUBSCRIBED AND SWORN BEFORE ME THIS

5TH DAY OF APRIL 19 76.

William L. G. Russell

Notary

(TITLE)

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

Submitted by: Lunsell M. Hall
 Address: Rt. 1, Box 84
Elk Point, SD 57025

Date Rec'd: April 6, 1976
 Sample No. 76-313
 Identification W. 111-
NE 1/4, Sec. 29, T. 91N, R. 49W

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.50	me/l**
Magnesium (Mg)	47	ppm	3.85	me/l
Sodium (Na)	72	ppm	3.13	me/l
Potassium (K)	9	ppm	0.23	me/l
Sulfate (SO ₄)	155	ppm	3.22	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	1	ppm	0.03	me/l
Bicarbonate (HCO ₃)	571	ppm	9.35	me/l
Carbonate (CO ₃)	24	ppm	0.80	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	468	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	40	ppm (as CaCO ₃)		
Electrical Conductivity	1120	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.31			
Sodium	21.27	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	8.10			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 14.71 me/l
 Total anions 10.41 me/l



By: Shirley Mitian

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-313

Amount Enclosed \$

Signed

Form 6. - Notice of Intent to Appropriate Water

No. 2753-3

Published first publication, on or before

July 8, 1970

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 11, 1970

Notice is hereby given that Russell Hall

whose post office address is Elk Point, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for

a permit to appropriate for beneficial use 1.5 cubic feet of water per

second of time from the ground water through the

Russell Hall #1, the point of diversion of which is to

be located in the _____

NE 1/4 NW 1/4

of Section 29, Twp. 91N, Range 40W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4, Section 29, T91N, R40W

This application No. 2753-3 will be considered by the Water Rights

Commission at the Court House at Winner, S.D.

upon the 21st day of July, 1970 at 2:00 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

BY:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: ~~XXXXXX~~ Russell Hall, Route #1, Box 84, Elk Point, S.D. 57025

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Union) ss.

I, Lester B. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Leader Courier

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

City of Elk

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

June 24, 1976

July 1, 1976

Lester B. Emerson
(Signature)

Published
(Title)

July 2, 1976
(Date Signed)

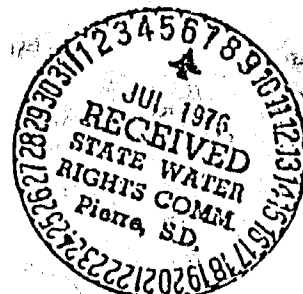
NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

June 17, 1976

Notice is hereby given that Russell Hall whose post office address is Elk Point, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.5 cubic feet of water per second of time from ground water through the Russell Hall #1, the point of diversion of which is to be located in the NE 1/4 NW 1/4 of Section 29, Twp. 91N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land: NW 1/4, Section 29, T91N, R49W.

This application No. 2753-3 will be considered by the Water Rights Commission at the Court House, Pierre, S.D., upon the 21st day of July, 1976 at 10:00 A.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
Publish: June 24, July 1



Form 10.

No. 2753-3



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

Post Office Flak Point, S.D.A.

Date Oct 30 - 1976

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2753-3

Water Right Permit No. 2753-3 states that the diversion system is to be constructed by Jul 24, 1951 and that the water is to be put to beneficial use by Jul 32, 1951.

The diversion system was completed on Aug 3, 1976. Applying the water to beneficial use was completed on Aug 3, 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.

Donald M. Hall
(Signature)

Permit No. 2753-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USENOTED: THIS PERMIT IS VALID FOR
A PERIOD OF 10 YEARS AND IS NOT
TO BE USED FOR ANY OTHER
PURPOSE THAN THAT SPECIFIED.

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 Russell
Hall of RR #1 Box 84 Elk Point, S. Dak 57025 holder
of Permit No. 2753-3, bearing date of priority of May 6, 1976
authorizing the diversion of 1.5 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 - HS Electrical FD # 1 0476 03320 N-5002351
75 HP 1500-1800 RPM

Pump - Western Land Roller Serial C751006
Head 6 ft - 0 - 100 - ft Pumping 700 gpm

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

900 ft. of 4 1/2" dia flexible hose

C. Works used to apply water to beneficial use.

Water - Wich W 70 Gile Gun, Model W-90-A1
Serial 0359, Nelson - Big Gun 200 nozzle 1.6" dia.

The system is in the following condition: Good

The point of diversion is located 3300 ft West and 1300 ft South of the
Northwest corner of section 29, T91N, R49W

The works are capable of diverting and conveying to the place of use 1.50
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Section 29 T91N, R49W

NW 1/4 NW 1/4 - 16.0 Ac. NE 1/4 NW 1/4 - 38.0 Ac. SE 1/4 NW 1/4 - 14.0 Ac.
SW 1/4 NE 1/4 - 35.0 Ac.

comprising a total of 106 acres of land.

Well Data:

Depth - 104 ft.Capacity - 1400 gpm

Date June 2, 1977
LeRoy J. Mearns
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7097

PIERRE, October 20, 1970

RECEIVED OF Russell M. Hall, RR #3, Box 84, Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>2753-2</u>	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>2753-2</u>		
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	12	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH gy



Department of Water & Natural Resources

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

February 9, 1990

RUSSELL M HALL
RR #1 BOX 84
ELK POINT, SD 57025

NOTICE

RE: Violation of Water Permit No(s). 5273-3, 5274-3 and 1989 Irrigation Questionnaire Requirements

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 5273-3, 5274-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board has directed that owners of water permits who have not submitted the 1989 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 5273-3, 5274-3 qualification:

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

The hearing will also be to determine if Permit No. 2753-3, 3284-3, 3866-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 5273-3, 5274-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 2753-3, 3284-3, 3866-3 also held by RUSSELL M HALL to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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



Department of Water & Natural Resources

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

February 28, 1990

2753-3
3284-3
3866-3
5273-3
5274-3

Russell Hall
RR 1, Box 84
Elk Point SD 57025

Dear Mr. Hall:

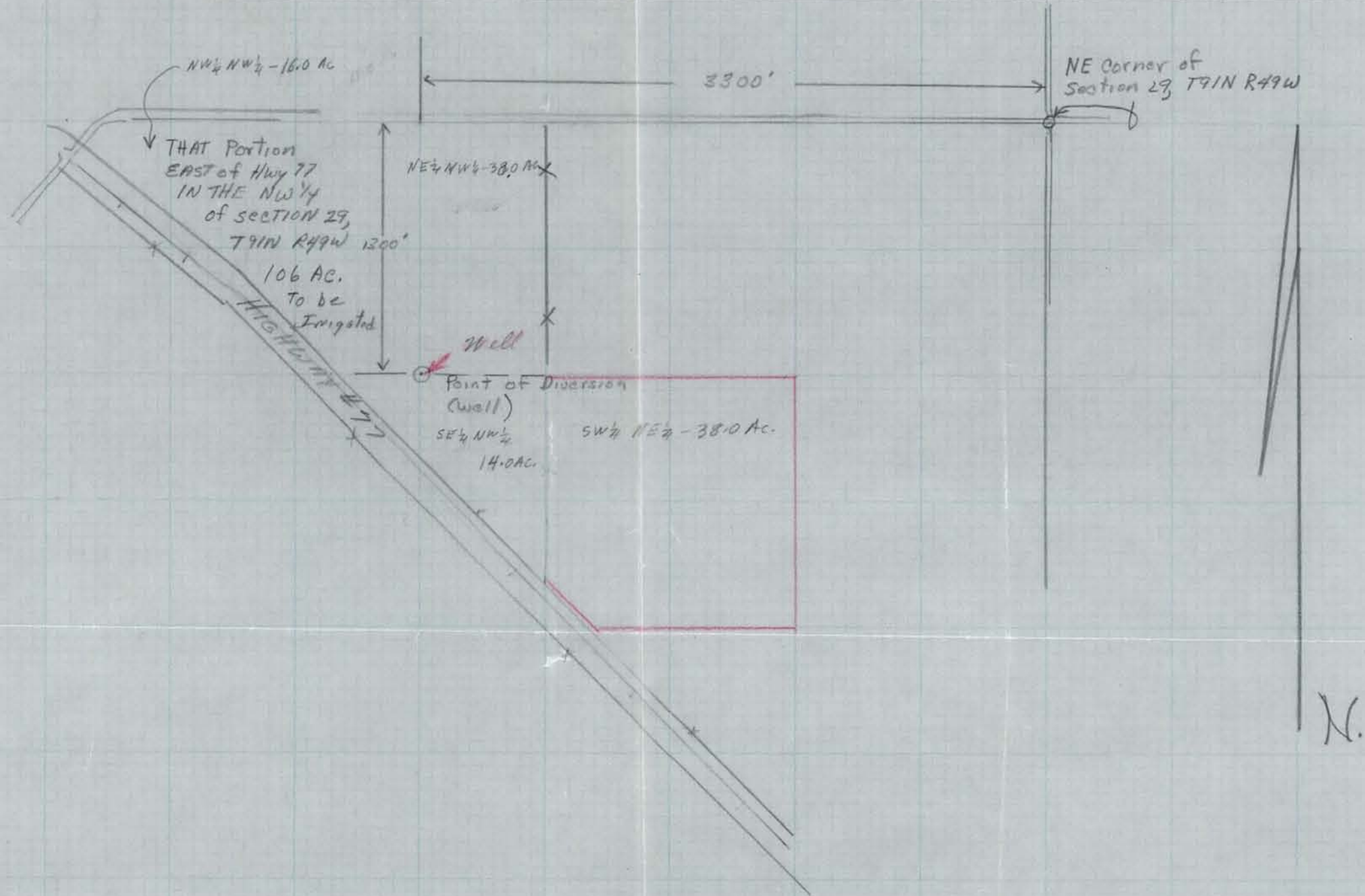
I am writing to acknowledge receipt of your 1989 irrigation questionnaire for the Water Permits listed above. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall

RON DUVALL
Natural Resources Engineer
Water Rights Division



scale 8" = 1 mile

Russell HALL Elk Point, So. Dak. Hall Irrigation Project 106 AC To be Irrigated			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Jim Baline 4/20/76	Date	4/20/76
Drawn	Jim Baline 4/20/76	Approved by	Jim Baline 4/20/76
Traced		Title	
Checked		Sheet	Drawing No.
		No	
		of	



**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: RUSSELL M HALL, 47715 COUNTY RD 1B, ELK POINT, SD 57025 9740

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) 2753-3 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) 5273-3 & 5274-3 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) 5273-3 & 5274-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2753-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2013

2753-3
5273-3
5274-3

Russell M Hall
47715 County Rd 1B
Elk Point SD 57025 9740

Dear Mr. Hall:

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. 2753-3, 5273-3 and 5274-3. 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