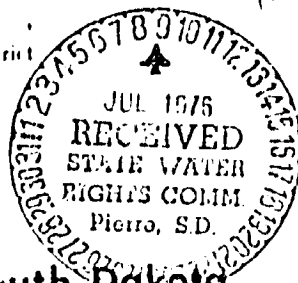


2851-3

1. Considered 9.29, 1976
2. Name of Applicant DONALD E. HUBER
3. Post Office Address CONDE
4. Amount of water claimed 2.22
5. Source of water supply 81' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 294
7. Water to be diverted and used in CLARK County
about 7E 6S miles _____ of CONDE
8. Proof of Publication Received 8-30-76
Not Received _____
9. Application Approved Approved _____
Subject to _____
Not Approved _____
Action deferred ✓
10. Remarks:

No. 2851-3Map No. 2186-3 Water Division No. 3 JAMES RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. 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 Donald E. Huber
 Post-office address Poncha, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Donald E. Huber Well Irrigation Project
4. Amount of water claimed (cubic feet per second) 2.22
5. Source of water supply Well
6. Location of point of diversion SE 1/4 NE 1/4 Sec 5 118 N - 59 W
Ashtown Township
 County Clark
7. Annual period or periods during which water is to be used May 1 To Nov 1
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 294

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.
NW 1/4 NE 1/4 5-118-59	28.0	NE 1/4 SW 1/4 5-118-59	28.0
NE 1/4 NE 1/4 5-118-59	36.0	SE 1/4 SW 1/4 5-118-59	4.0
SW 1/4 NW 1/4 5-118-59	40.0	NW 1/4 SE 1/4 5-118-59	40.0
SE 1/4 NE 1/4 5-118-59	38.0	NE 1/4 SE 1/4 5-118-59	38.0

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 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Clark County Courier
12. Principal Features of the Proposed Water Supply System.

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

Well and pump

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

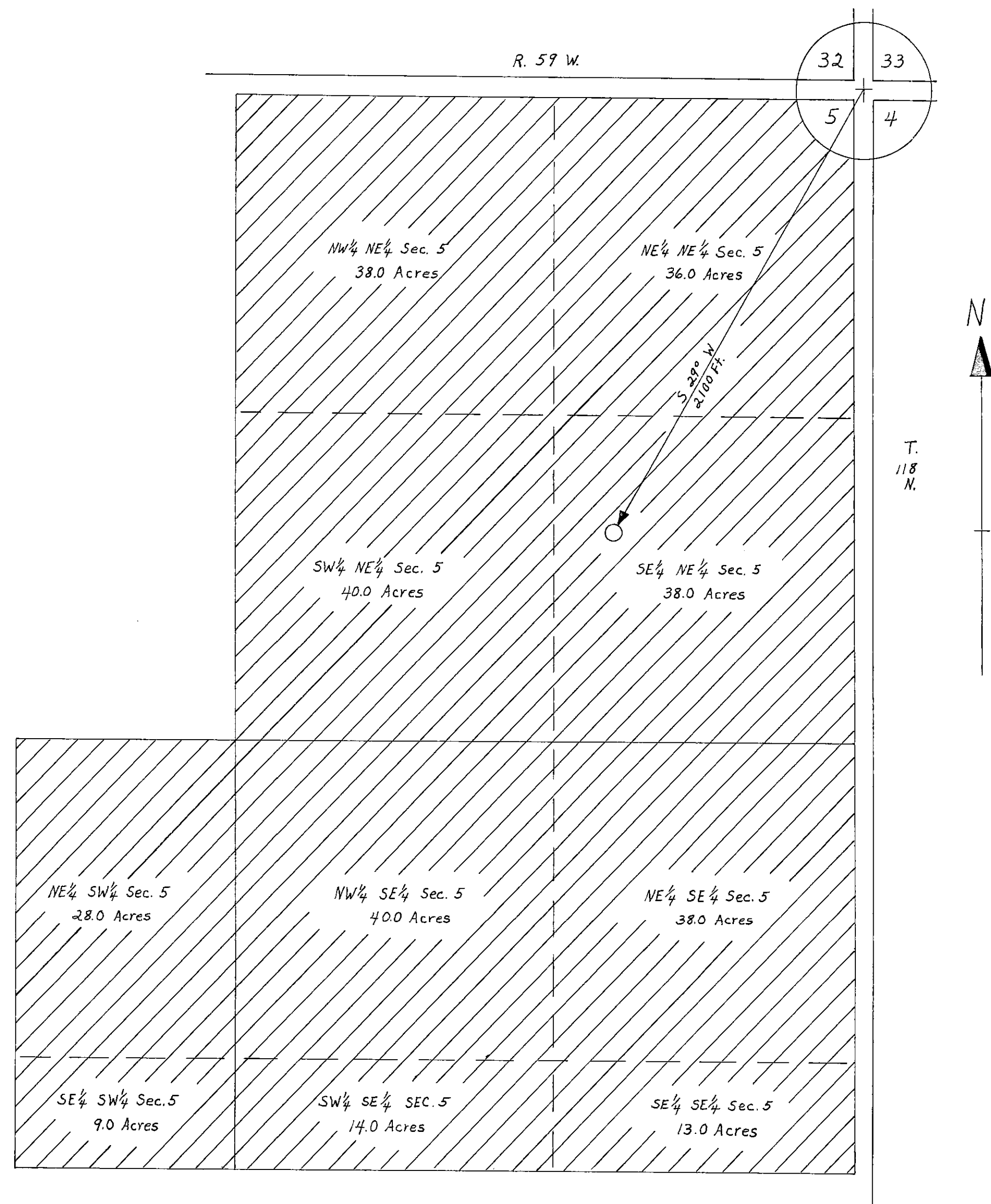
Aluminum pipe

C. Works proposed to apply water to beneficial use.

Traveling GunEstimated Total Cost \$ 36,000Attachments: 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 ClarkI, Donald E. Huber, 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 Donald E. HuberSubscribed and sworn to before me this 5th day of July, 1976Margaret McLean
Notary Public (or other qualified officer)



All Lands Described Are Owned By: Donald E. + Everett Huber, Co-Owners

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 NE 1/4	5	118	59	38.0
NE 1/4 NE 1/4	5	118	59	36.0
SW 1/4 NE 1/4	5	118	59	40.0
SE 1/4 NE 1/4	5	118	59	38.0
NE 1/4 SW 1/4	5	118	59	28.0
SE 1/4 SW 1/4	5	118	59	9.0
NW 1/4 SE 1/4	5	118	59	40.0
NE 1/4 SE 1/4	5	118	59	38.0
SW 1/4 SE 1/4	5	118	59	14.0
SE 1/4 SE 1/4	5	118	59	13.0
TOTAL				294.0

LAND TO BE IRRIGATED

PUMP SITE

SCALE: 1" = 400'

SURVEYOR'S CERTIFICATE

I, Franklin L. Fite, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF Donald E. + Everett Huber, NO 1, IRRIGATION PROJECT AND HAS BEEN PREPARED BY:

SIGNATURE: Franklin L. Fite

TITLE: District Conservationist
Soil Conservation Service

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF July, 1976, A.D.

D. Moulton
NOTARY PUBLIC

MY COMMISSION EXPIRES APRIL 12, 1984.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2851-3

DONALD E. HUBER
(Applicant)

CONDE
(Post Office Address)

SOUTH DAKOTA 57434 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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JULY 9 19 76
Date of return to applicant for correction, amendments or changes required — 19 —
Date of receipt of corrected application JULY 29 19 76
Approved JANUARY 27 19 77, Recorded in Book 16 Page 293

WATER RIGHT PERMIT NO. 2851-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2851-3 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 JULY 9 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27 19 79
3. The whole of said work is to be completed on or before JANUARY 27 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27 19 84
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 2.22 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 27 19 84; said water to be used during the following described annual period: MAY 1 - NOVEMBER 1

Witness my hand this 8TH day of MARCH 19 77

WATER RIGHTS COMMISSION

By:

John H. Hald
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Land description	Acres irrigated
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5-118-59	14.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5-118-59	13.0

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 81'
- (2) Casing Type steel Diameter 16" Thickness .250
(wood, concrete, steel, etc)
- (3) Perforated Screen
Type Johnsen Diameter 16" Length 20'
- (4) Gravel Pack, Thickness 7" Length of gravel pack 81'

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 (Sand, gravel 60-81)

<u>0-3' Top soil</u>	<u>13'-37' Blue clay</u>
<u>3'-5' Sandy clay</u>	<u>37'-45' Sand, gravel</u>
<u>5'-13' Yellow clay</u>	<u>45'-60' Blue clay</u>

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 81'

Thickness of water bearing material 21'

Depth to water (ground surface to water level) 9'

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

On same owner's property 240 rds. On property owned by others 200 rds.

G. Water Storage Dams.

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

Donald E. Weber
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 45-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Donald E. Huber
ADDRESS Conde, S. Dakota
COUNTY Clark

LEGAL DESCRIPTION

1. WELL LOCATION 60 rods west & 100 rods south of the NE corner-section-5, 118-59 Clark Co.
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4-5-118-59 = 160 Acres
North portion SW 1/4-5-118-59 = 100 Acres
Portion of NE 1/4 SW 1/4-5-118-59 = 32 Acres

TYPE OF IRRIGATION

3. GRAVITY TOWLINE CENTER PIVOT GUN
4. CROPS TO BE IRRIGATED Corn, Alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-752
6. SALINITY (EC x 10⁶) 1476 (high)
7. SODIUM (SAR) 2.08 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

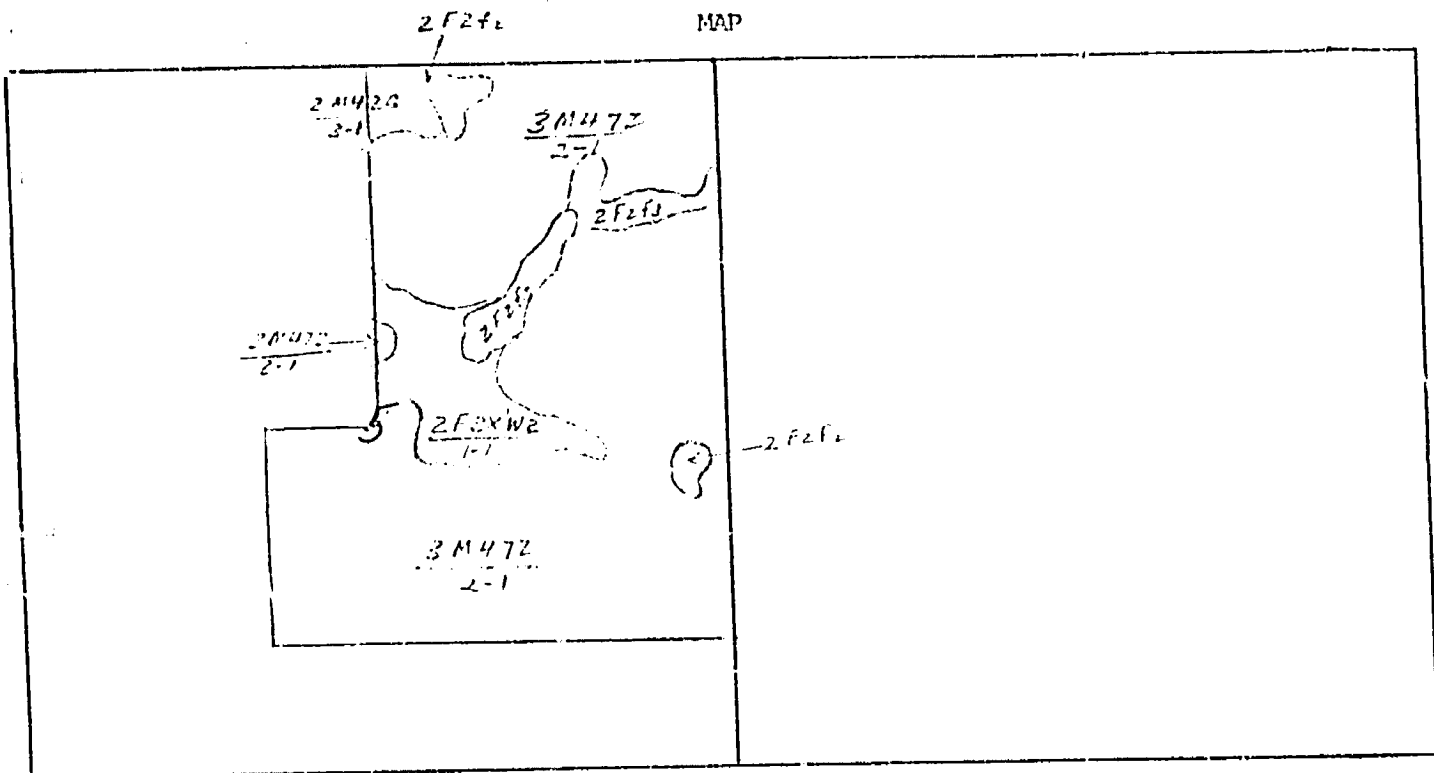
I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Clark Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

Donald E. Huber
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
2 DAY OF July 1976.
3-3-1979
(TITLE OR SEAL)

[Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)



Sec. 5-118-54

NARRATIVE

2 M47Z - FORTWILLIAMS LOAM - Moderately deep, well drained soils of loam and silt loam surfaces and moderately permeable subsoil of loam, clay loam or silty clay loam underlain by sand and gravel between 20 to 40 inches.
3-1

2 F2 f₂ - LOWER SILTY CLAY LOAM - Dark, poorly drained alluvial soils with silt loam surface layers and moderately slow permeable silty clay subsoils. Seasonal water table occurs at 3 to 6 feet, usually drained.
1-1

2 M42G - MIDDLE LOAM - Deep, well drained soils having silt loam surface layers resting directly or down, compact, clayey subsoils having slow permeability. *Subsides*.
3-1

(2 F2 f₂) - 2 F2 f₂, MIDDLE SILTY CLAY LOAM - (non-irrigable)

(2 F2 f₃)

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



Submitted by: Donald Huber
 Address: Conde, SD 57434

Date Rec'd: July 2, 1976
 Sample No.: 76-752
 Identification: Well-33'
NE4, Sec. 5, T. 118N, R. 59W

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.60	me/l**
Magnesium (Mg)	51	ppm	4.18	me/l
Sodium (Na)	113	ppm	4.92	me/l
Potassium (K)	11	ppm	0.30	me/l
Sulfate (SO ₄)	460	ppm	9.57	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	18	ppm	0.51	me/l
Bicarbonate (HCO ₃)	468	ppm	7.68	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)	384	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1476	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.08			
Sodium	30.00	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.11			
Others:				

*ppm==parts per million
 **me/l==millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 16.40 me/l
 Total anions 17.76 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-752

Amount Enclosed \$

Signed

July 27, 1976



Mr. Donald E. Huber
Conde, SD 57434

Dear Mr. Huber:

Your water analysis submitted here July 2 has been completed. I am enclosing the original copy of the report of analysis for you to keep. Also enclosed is a copy of AES publication #13 with the quality of this water plotted approximately for irrigation uses by means of the red cross in the chart on the outside back cover.

As you see, it is a high salt water but only moderate in sodium content. This water carries about 1.3 tons of salt for each acre foot of water you apply. That is, if you apply a foot of water on 160 acres in one year you will add about 195 tons of salt to the quarter section. This is considerable, and it must be taken into account in your management of this water. Furthermore, there are some soils which are definitely non-irrigable in the area you propose to develop. They are the Tetonka, Lamour and Parnell silty clay loam soils almost in the center of the NE quarter and one little area towards the east side of the SE quarter. It would be very easy for center pivot equipment to become mired in these soils because of their extremely sticky nature and the fact that they are almost bottomless once they get thoroughly soaked up. And they will get soaked up quicker than other soils in the area because they are in depressions. Therefore, you should be fully advised ahead of time that center pivot equipment is apt to give you some real headaches in trying to irrigate this area. I would much prefer that you use some other technique of spreading water on this land.

The high salt content of the water means that you must use it in substantial amounts and infrequently. That is, I am talking about irrigations of 3 inches or so every time you water and you should not use it more than 3 times in any growing season. Thus, frequent, light applications as made by a center pivot system going around on the quarter once every 4 days or so is absolutely the wrong thing to do with this soil-water combination. I suggest very strongly you consider some other method of irrigation before going ahead.

A copy of this letter is accompanying your application materials to the State Conservation Commission. You will be hearing from them.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab
LOF:ckb

cc: State Conservation Commission, D. Pahl, George Schanck (Co. Ext. Ag.)
Encl.

Form 6 - Notice of Intention to appropriate Water

No. 2851-3

Publish first publication, on or before September 16, 1976

**NOTICE
INTENTION TO APPROPRIATE WATER**

Pierre, South Dakota 57501

August 11, 1976

Donald E. Huber

Notice is hereby given that _____
whose post office address is Conde, 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
2.22 cubic feet of water per second of time from the ground water through the
Donald Huber #1, the point of diversion of which is to be located in the _____

NE 1/4 NE 1/4

of Section 5, Twp. 118N, Range 59W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

NE 1/4, SE 1/4, E 1/2 SW 1/4, Section 5, T118N, R59W

This application No. 2851-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 1976, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bv

cc:

Donald E. Huber, Conde, S.D. 57034

No. 2851-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz heraby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clark County 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 Clark

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

August 19, 1976

August 26, 1976

Bert Moritz
(Signature)

Editor

(Title)

August 27, 1976

(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

August 11, 1976

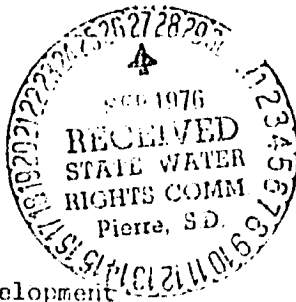
Notice is hereby given that
Donald E. Huber whose post
office address is Conde, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 2.22 cubic feet of
water per second of time from
ground water through the Donald
Huber No. 1, the point of
diversion of which is to be located
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5,
Twp. 118N, Range 59W. Said
water to be used for the purpose
of providing irrigation on the
portions of the following
described land: NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$,
SW $\frac{1}{4}$, Section 5, T118N, R59W.

This application No. 2851-3 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 29th, day of
September, 1976, at 10:00 A. M.
All interested persons may
appear and be heard.

WATER RIGHTS
COMMISSION

By: Burton F. Jones
Water Rights Specialist
8-19-76





Rural Route 2
Conde, SD 57434
September 24, 1976

Mr Burton F. Jones
Water Rights Commission
Department of Natural Resource Development

Dear Sir:

I am writing in reference to an individuals water rights, the effect that irrigators have on domestic water supplies. I have a water supply that has been on this farm SW $\frac{1}{4}$ -4-118-59 in Ash Township in Clark County for sixty years or more. The water source is about 28 feet deep. During the late twenties and during the dry thirties, this water source furnished water for many steam threshing rigs and many people of the community.

As of now irrigator wells have been and are being dug to the northwest of my farm, some were in operation prior to my knowledge of issuance of permits.

It is my understanding that these wells go down to 80-100 feet and go through water veins that are close to the surface. These wells I am informed, are dug about 30-36 inches in diameter, then a sleeve of about 16-18 inches is inserted to draw the water or serve as the main piping therein. The hole outside of the sleeve is than filled with pea or fine gravel,, allowing all subterranean and ground water sources through which the well is dug, to drain into the lower levels of the aquifer, thus lowering the water levels in the community , eventually drying out shallow well and dugouts. This in turn would require the digging of new and deeper wells, requiring heavier and more expensive equipment to operate. WHO HAS THE RESPONSIBILITY AND EXPENSE OF THESE EXPENDITURES?

Does your office assume this responsibility or does the irrigator and under what restrictions and/or qualifications?

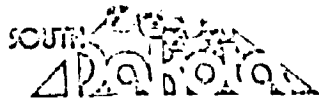
Can anyone promise that these wells adjacent to my farm will not affect my water supply. If it can be proven that my water supply for domestic use, will not be affected by irrigators, than I have no objections to irrigation.

Wells are and are being dug on Sections 21, 29, 30, and 32 T-119-N, R-59-W, and also on Section 5, T-118-N, R-59-W ; application No. 2851-3.

If there isn't any proof through research, that my water supply will not be affected than this is hereby submitted in consideration for the necessary restrictions and qualifications, to include therein an immediate supply of water be furnished should my source of water be eliminated.

Yours truly

Ferdinand J. Barrie
Ferdinand J. Barrie



2851-3 & 3305-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 20, 1977

Donald E. Huber
Conde, SD 57434

Maurice Huber
Conde, SD 57434

Gentlemen:

Deferred Water Right Application No. 2851-3 will be reconsidered by the Water Rights Commission during their January 25-27, 1977 meeting, at 10:30 A.M., January 27. A copy of the "Report on Water Right Applications No. 2851-3, Donald Huber and No. 3305-3, Maurice Huber" is enclosed for your information. Any comments concerning this application can be presented at this hearing.

The Commission will be meeting in the South Dakota Education Association Auditorium, 411 East Capitol, Pierre, S.D. Application No. 3305-3, Maurice Huber will also be considered at 10:30 A.M., January 27 rather than the advertised 10:00 A.M. January 26 time. Please advise, if you have any questions concerning the hearings.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

cc: Ferdinand Barrie, R.R. 2, Conde, S.D. 57434
Donald A. Porter, Attorney, 436 South Pierre, Pierre, S.D. 57501

CK-76

REPORT ON
WATER RIGHT APPLICATIONS NO. 2851-3, DONALD HUBER
AND NO. 3305-3, MAURICE HUBER

JANUARY 19, 1977

The Water Rights Commission deferred action at the September 29-30, 1976 meeting on the Donald Huber Application No. 2851-3, pending an investigation by the Commission Staff. The Maurice Huber Application No. 3305-3 has been advertised for the January 25-27, 1977 meeting. An investigation was conducted in the Conde Area December 16, 1976.

APPLICATIONS AND PERMITS

The following table lists the area Water Right Applications and Permits. The project locations are shown on the attachment.

<u>Number</u>	<u>Name</u>	<u>Priority</u>	<u>cfs</u>	<u>Acres</u>	<u>Well</u> <u>depth</u>	<u>Status</u>
2710-3	Horace Walter	4-28-76	3.6	252	1 well 100'	Approved 5-20-76
2851-3	Donald Huber	7-9-76	2.22	294	1 well 125'	Deferred 9-29-76
2871-3	Raymond Gross	8-10-76	2.1	154	1 well 84'	Approved 9-30-76
3305-3	Maurice Huber	10-29-76	2.0	160	1 well 200'	Advertised for 1-26-77 meeting

PERSONS CONTACTED

Donald Huber and Maurice Huber were contacted the day of the investigation. Ferdinand J. Barrie was contacted January 17, 1977.

DISCUSSION

The field work for the Clark County ground water study has been completed; however, the report has not been written. Observation wells were drilled in the area as shown on the attachment this past fall.

Mr. Barrie is concerned that nearby irrigation pumping will affect his shallow domestic well which he believes is 28 feet deep. The Commission Staff does not believe his well should be affected by irrigation pumping based upon a review of well logs for the area.

The Donald Huber irrigation well is 125 feet deep with an outside casing installed to 70 feet which should seal off any upper water formations. There is artesian head with a static water level of 10 feet and the aquifer begins at 70 feet. The Maurice Huber well is proposed to be 200 feet deep with a static water level at 70 feet and the aquifer beginning at 96 feet. The well log for observation well CK-76 one mile South of Mr. Barrie shows a shallow sand and gravel formation (4' to 35') above a 35 foot layer of low permeable material (35'-70'), with 46 feet of gravel below. Mr. Barrie's well is probably in the upper sand and gravel formation which is apparently separated from the lower gravel formation.

RECOMMENDATIONS

Based upon the investigation, there is unappropriated water available and the Commission Staff Recommends that Applications No. 2851-3, Donald Huber and No. 3305-3, Maurice Huber each be approved with the qualification:

"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."

JOHN HATCH, CHIEF ENGINEER
Water Rights Commission

1 R60	6	5	4	3	2	1	6 R59 R58
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20 CK-76A0	21	22	23	24	19
25	30	29 2710-3 Harold Walter	28 Raymond Gress 2271-3	27	26	25	30
36 7119	31	32 CK-76.0	33 Harold Haber 3305-3	34	35	36	31
1 7118	6	5 2551-3 Donald Haber	4 Ferdinand Garrle	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16 CK-76C	15	14	13	18
24	19	20	21 CK-76D-0	22	23	24	19
25	30	29	28	27	26	25	30

897-6519

J. J. Barri, Clark Co.
(2851-3) is drilling a new
domestic well and is going
to request a letter of verification
that he has an adequate
well so he can be protected
in the future against local
irrigators as he can't get water
from his shallow well.

would like to talk to one of the
Engineers.

Y. O. Barrie;

Cond. 897-6519

Says he wrote letter to
Beant concerning a matter
Right to have credit of
one money from bank
would have to sell cattle
and of bankrupt of growth
isn't done

Wrote letter to wife
thru an American friend.
34-

24. 76 1/2
2N 110'

2N' / 10'

W. J. R. R. R. R.

John Henry D. (Bartholomew)

Ans. He USED TO WAGE.

12. *of 1900.*

DATE: 6/2/1964 BY: A. B. W. B.

How has your life?

10. APPROX 20' DEEP

Continued on p. 14

Conclusion or justification

PROOF. Let α be a root of f in $\bar{K}$. Then α is a root of f in K if and only if $\alpha \in K$. But $\alpha \in K$ if and only if α is a root of f in K . Thus $\alpha \in K$ if and only if α is a root of f in K . This is the statement of the lemma. $\square$

THEY ARE NOT THE SAME.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILER, LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 36 DATE MICROFILMED 4-19-82 BY Henry Jones

4-19-82

Henry Jackson

MITO

January 16, 1979

Ferdinand Barrie
RR #2
Conde, SD 57434

LS: 2851-3

Dear Mr. Barrie:

This letter is in reference to your telephone call during which you reported that you used to have 13 feet of water in your well, that you had 6 feet in August and in December you had only 2 or 3 feet with the well being approximately 30 feet deep. I am sending copies of the observation well logs and water measurements for three observation wells near you which indicate that the water levels in your area have not dropped.

I would suggest that you see if a well driller could clean out and/or deepen your well. The well logs for the observation wells that we have in your area indicate that water is available. There should be no reason other than your own well that you do not have an adequate supply.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

encl



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

September 10, 1982

Donald E Huber
Conde,
South Dakota 57434

Dear Mr. Huber:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 2851-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79

Notification of Water License Ready for Issuing (\$50.00)

SECOND NOTICE
PERMIT NO. 2651-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

December 15, 1982

Donald E. Huber
Condo, South Dakota 57454

Dear Mr. Huber:

September 10, 1982 you were notified the required final inspection fee of \$50.00 is due before Water License No. 2651-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Right.

A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used. Failure to pay the fee means that the legal requirements to establish a water right have not been completed and a property right has not been established.

Please submit the required fee immediately to avoid jeopardizing your water permit or advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

CD08021s.wr

PS Form 3811, Jan. 1970

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered..... ☐ Show to whom, date and address of delivery..... ☐ RESTRICTED DELIVERY Show to whom and date delivered..... ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$		
(CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>Donald C. Huber</i> <i>Conde SD 67434</i>		
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO. <i>4381362</i>		
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>D. C. Huber</i>		
4. DATE OF DELIVERY		POSTMARK <i>DEC 28 1962</i>
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>[Signature]</i>



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

January 21, 1983

Donald Huber

RR

Conde, SD 57434

Dear Mr. Huber:

We have been notified by the Division of Water Rights that in the process of licensing your water permit #2851-3 several discrepancies have been found between your legal descriptions on your water permit and that which you have soil and water compatibility for.

- 1.) SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5-118-59 = 33 acres; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5-118-59 = 3 acres;
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5-118-59 = 3 acres.

This area does not have soil and water compatibility. However, in reviewing your file the staff has found that the 45 acres in question are indicated on the soils map that accompanied your application. Therefore we have made the necessary corrections to include this acreage. (Refer to attached corrected WI-1 form)

- 2.) SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5-119-59 = 8 acres.

This area also does not have soil and water compatibility. However, due to the small acreage involved we have amended your soil and water compatibility permit to include this area. (Refer to attached corrected WI-1 form)

If you have any questions or feel our amendments are in error please feel free to contact this office.

Sincerely,

Jim Stukel

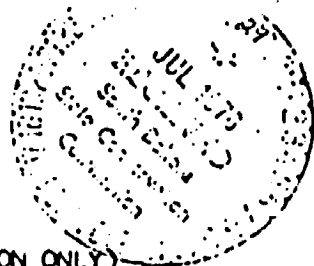
Irrigation Program Director

cf

cc: Water Rights Division



Bunt



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Donald E. Huber 0834-CK
ADDRESS Corvitz, S. Dakota
COUNTY Clark

LEGAL DESCRIPTION

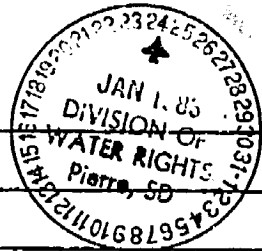
1. WELL LOCATION 60 rods west & 100 rods south of the NE corner Section-5-118-59
2. LOCATION OF AREA TO BE IRRIGATED NW 5-118-59 = 160 Acres
North portion SE 4-5-118-59 = 100 Acres
Portion of NE 1 SW 4-5-118-59 = 30 Acres
NE 4 5-118-59 = 45 + SE 4 SW 4 5-118-59 = 8

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE x CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Corn, alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-752
6. SALINITY (EC X 10⁶) 1476 (high)
7. SODIUM (SAR) 2.08 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.
and;
that the legal description for the location of the well and land to be irrigated is true and correct.

Donald E. Huber
APPLICANT'S SIGNATURE

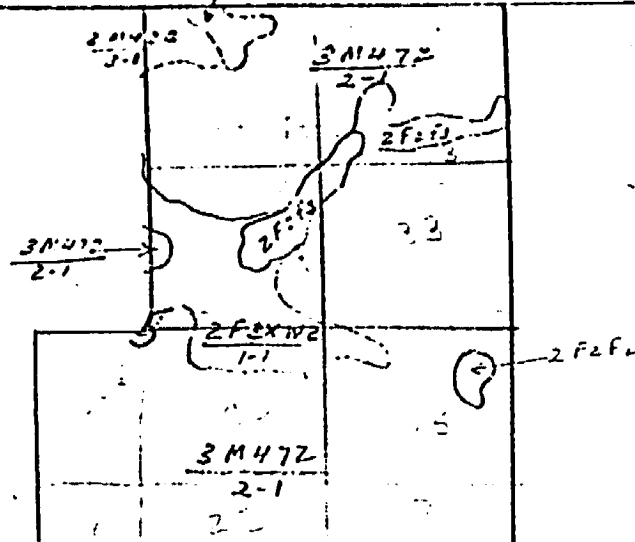
SUBSCRIBED AND SWORN BEFORE ME THIS
2 DAY OF July 1976.

3-3-1979
(TITLE OR SEAL)

[Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

Donald Huber - was permitted



Sec. 5-118-59

NARRATIVE

3M472 - FORDVILLE LOAM - Moderately deep, well drained soils of loam and silt loam surfaces and moderately permeable subsoil of loam, clay loam or silty clay loam underlain by sand and gravel between 20 to 40 inches.

2F2f2 - LEVIGURE SILTY CLAY LOAM - Dark, poorly drained alluvial soils with silt loam surface layers and moderately slow permeable silty clay subsoils. Seasonal water table occurs at 3 to 8 feet, usually drained.

2F2f3 - BRADLE LOAM - Deep, well drained soils having silt loam surface layers resting abruptly on dense, compact, clayey subsoils having slow permeability. *Subsoils*

2F2f2 - TETONKA, LEVIGURE & BRADLE SILTY CLAY LOAM - (non-irrigable)

2F2f3

Permit No. 2851-3Water Division 3 JAMES RIVER Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by DONALD E. HUBER of CONDE holder of Permit No. 2851-3, bearing date of priority of JULY 9 1976 authorizing the diversion of 2.22 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in CLARK 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:

81' DEEP WELL WITH 16" STEEL CASING - 20' JOHNSON IRR SCREEN
NATIONAL PUMP Co 8" PUMP - MODEL N-200, POWERED BY
NEWMAN 75HP ELECTRIC MOTOR @ 1780 RPM

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

2700' OF 8" ALUMINUM MAIN LINE FROM WELL SOUTH TO
SOUTH SIDE OF SMALL FIELD & WEST TO EDGE OF PIVOT
1360' OF 8" BURIED PVC TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

OLSON 8 TOWER CENTER PIVOT SYSTEM - MODEL #108P,
WITH NELSON #100 END GUN
WATER WINCH TRAVELLING SPRINKLER WITH NELSON - MODEL P200
BIG GUN WITH 1.4" NOZZLE

The system is in the following condition: GOOD

The point of diversion is located 1100' S & 260' W OF THE NE CORNER,
SECTION 5, T118N, R59W

The works are capable of diverting and conveying to the place of use 2.0 (900 GPM)cu. 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 5, T118N, R59W

SE ⁴ NW ⁴	5 AC	SW ⁴ NE ⁴	9 AC	SW ⁴ SE ⁴	22 AC
NE ⁴ SW ⁴	22 "	SE ⁴ NE ⁴	33 "	SE ⁴ SE ⁴	7 "
SE ⁴ SW ⁴	8 "	NW ⁴ SE ⁴	40 "		
NE ⁴ NE ⁴	3 "	NE ⁴ SE ⁴	15 "		

comprising a total of 164 acres of land.Date AUGUST 24, 1982

Denton Jones
(Signature)

WATER LICENSE NO. 2851-3

(1) WHEREAS, On the 9th day of July A. D. 19 76
Donald E. Huber

made Water Right Application No. 2851-3 for a permit to use 2.22 cubic feet per second of the waters of groundwater (one well)
County of Clark, State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 27th day of January A. D. 19 77

Permit No. 2851-3, with a date of priority of July 9, 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 27th day of January A. D. 1982 and for the application to beneficial use of said water on or before the 27th day of January A. D. 19 84

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 2.00 cubic feet per second of water for beneficial use and,

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

to irrigate the following land all in Section 5, T118N, R59W

SE¼NW¼	5 Acres	(BD)
NE¼SW¼	22 "	(CA)
SE¼SW¼	8 "	(CD)
NE¼NE¼	3 "	(AA)
SW¼NE¼	9 "	(AC)
SE¼NE¼	33 "	(AD)
NW¼SE¼	40 "	(DB)
NE¼SE¼	15 "	(DA)
SW¼SE¼	22 "	(DC)
SE¼SE¼	7 "	(DD)

(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 Donald E. Huber

_____ of RR#2, Box 78, Colome, South Dakota 57434

the holder _____ and owner _____ of said permit No. 2851-3 a water right, dating from July 9, 1976

_____ to use of 2.00 cubic feet per second of the waters

of groundwater (one well)

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

purposes hereinbelow mentioned, to be diverted at a point 1:00'S and 260'W of the NE Corner, Section 5,

T 118 N, R 59 W (AA)

and conducted to and upon portions of Section 5, T118N, R 59W more fully described

on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2851-3 and subject to the laws of the State of South Dakota.

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

this 28th day of February A. D.

Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 2851-3

Water Diversion No. 3 James River Water District
10160006

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Donald E. Huber

_____ the holder _____ of
Permit No. 2851-3, issued upon Application No. 2851-3, bearing date of priority of _____
July 9, 1976 authorizing the diversion of 2.22 cu. ft. per second of the waters of _____
groundwater (one well) County of Clark, State of South Dakota at _____
a point 1100'S and 260'W of the NE Corner, Section 5, T118N, R59W (AA)

_____, for Irrigation

_____ purposes, he S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0/ (900 gpm) cu. ft. per second of water.

Date February 28, 1983



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9088

PIERRE, December 30, 1982

RECEIVED OF Donald E. Huber, RR#2, Box 78, Conde. SD 57434
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. 2851-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2851-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
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 (MS)

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

March 2, 1983

Donald E. Huber
RR#2, Box 78
Conde, South Dakota 57434

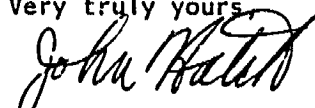
Dear Mr. Huber:

Enclosed herewith are, Water License No. 2851-3 and Certificate of Construction.

Water License No. 2851-3 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

April 4, 1983

Peckham Well Drilling
Clark
South Dakota 57225

Dear Sirs:

On March 14, 1983 you were contacted by telephone concerning a copy of a well log this office needed to complete a water right for Donald Huber of Conde. To date, we have not received the log you stated you would send.

The log needed is for an 81 foot deep well drilled in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (1100'S and 260'W of the NE corner) of Section 5, T118N, R59W. Please submit a copy of the log to this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

April 4, 1983

Peckham Well Drilling
Clark
South Dakota 57225

Dear Sirs:

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The log needed is for an 81 foot deep well drilled in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (1100'S and 260'W of the NE corner) of Section 5, T118N, R59W. Please submit a copy of the log to this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

4-6-83

Mr. Peckham called, said the 81 foot deep well was abandoned, and a new well drilled. 1000'S and 60'W of the NE corner Section 5. He is sending in log.

DON HUBER_ TEST HOLE NO. 3

NE $\frac{1}{4}$ of Sec. 5-118-59

c-1' top soil
1-8' tan and yellow clay
8-67' blue clay
67-78' fine sand
78-140' coarse sand.

IRRIGATION WELL

Total depth of 30" hole 126'
87' of 16" .250 wall steel pipe
40 ft. of 16" Johnson irrigator screen No. 100 slot
65' of 30" surface pipe
15 yds. of $\frac{1}{4}$ " x 5/16" pack

PUMPING RECORD

Static level 10'
water level at 27' at 1,200 gal. per min.
Pumped well approximately 8 hrs.

Peckham Well Co.
Clark, S.Dak.



 **Department of
Water & Natural Resources**

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

March 23, 1987

DONALD HUBER
RR #2 BOX 78
CONDE, SD 57434

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

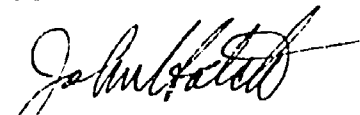
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2851-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre 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(s), the Water Management Board can:

1. Amend Permit No(s). 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

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



Department of Water & Natural Resources

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

April 13, 1987

2851-3

Donald Huber
c David Huber
RR #2 Box 79B
Conde, SD 57434

Dear Mr. Huber:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 2851-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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 6, 1989

2851-3

David Huber
RR #2 Box 79B
Conde, SD 57434

Dear Mr. Huber:

In response to your 1988 irrigation questionnaire, enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 2851-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



SOUTH DAKOTA Department of
Water & Natural Resources

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

February 17, 1989

Donald Huber
RR 2, Box 78
Conde, SD 57434

Dear Mr. Huber:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John W. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Feb 13, 1989

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

164 acres: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 5, T118N, R59W

formerly owned by Donald Huber

has been transferred to David Huber RR2 Box 79B Pierre SD 57434
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2851-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Clark) ss.

I, David Huber being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

David Huber
(Signed)

Subscribed and sworn to before me this 13th Day of Feb., 1989.

Terry J. Vogel
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411544

Pierre, February 23, 19 82

RECEIVED OF David Huber, RR #2, Box 79B, Conde, SD 57715-57434

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

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 Water Right Permit No. 2851-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch / mra
Chief Engineer



Department of Water & Natural Resources

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

March 16, 1989

David Huber
RR #2, Box 79B
Conde, Sd 57434

Dear Mr Huber:

Enclosed is Receipt No. 411644 in the amount of \$2.50 which you paid for transfer of Water Right No.2851-3.

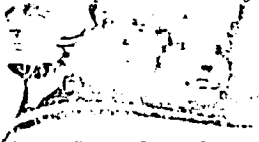
Our records now show you as the owner of this Water Right.

Sincerely,

A handwritten signature in cursive script that reads "Marie R. Arthur".

Marie R. Arthur
Secretary
Water Rights Division

South Dakota



GREAT FACES. GREAT PLACES.
February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

DAVID HUBER
RR 2, BOX 79B
CONDE, SD 57434

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 2851-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 2851-3. The request for the chemigation report(s) was dated January 4, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2851-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

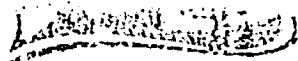
Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: David Huber RR 2, Box 79B Conde, SC 57434	4. Article Number 694 057 545 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>David Huber</i>	6. Addressee's Address (ONLY if required and fee paid)
6. Signature — Agent X <i>Lib. Harrison</i>	
7. Date of Delivery 2-2-91	

South Dakota


GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 19, 1991

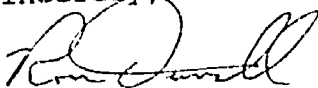
DAVID HUBER
RR 2, BOX 79B
CONDE, SD 57434

Dear Mr. HUBER:

I am writing to acknowledge receipt of your 1990 chemigation report for Water Right No.(s) 2851-3. You may disregard the February 1, 1991, Notice of failure to report chemical use for 1990. With receipt of the chemigation report, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,



Ron Duvall,
Natural Resources Engineer IV
Water Rights Division

2851-3



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

DAVID HUBER
RR #2 BOX 79B
CONDE SD 57434

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2851-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, 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) 2851-3 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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



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

DAVID HUBER
RR 2, BOX 79B
CONDE, SD 57434

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 2851-3

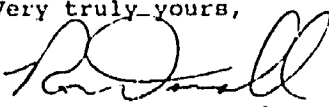
The first notice to file chemigation report(s) for Permit No(s) 2851-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 2851-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 2851-3 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.

Very truly yours,


RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



GREAT FACES. GREAT PLACES.

February 3, 1992

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

2851-3

David Huber
RR #2 Box 79B
Conde, SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 2851-3. You may disregard the January 27, 1992, Notice of Failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



GREAT LAKES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 1992

DAVID HUBER
RR 2, BOX 79B
CONDE, SD 57434

Dear Mr. HUBER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No.(s) 2851-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Frye".

DON FRYE, Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

DAVID HUBER
RR #2 BOX 79B
CONDE, SD 57434

4a. Article Number

P906557630

4b. Service Type

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

7. Date of Delivery

NOV 22 - 92

5. Signature (Addressee)

David Huber

6. Signature (Agent)

Do Hagen

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

PS Form 3811, November 1990 • U.S. GPO: 1991-237-065

DOMESTIC RETURN RECEIPT



2851-3

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

January 29, 1993

NOTICE**TO:** GAVIN HUBER
P.O. Box 79B
CONDE, SD 57434**FROM:** Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division**RE:** Failure to Report Chemical Use under Water Permit No(s) 2851-3

The first notice to file chemigation report(s) for Permit No(s) 2851-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 2851-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 2851-3 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. 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 chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed 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.

3. Article Addressed to:

David Huber
AA2, Box 79B
Conde SD 57434
David Huber

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

2851-3 P406 57.0 232

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ COD

☐ Return Receipt for Merchandise

7. Date of Delivery

1-30-92

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

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

2851-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1993

David Huber
RR 2 Box 79B
Conde, SD 57434

Dear Sir.

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry A. McLaury".

Barry A. McLaury
Natural Resources Analyst
Water Rights Division

2851-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DAVID HUBER
RR #2 BOX 79B
CONDE SD 57434

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 2851-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 2851-3 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 is received in this office on/or before March 3, 1995 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 completed 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):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 2851-3

DAVID HUBER
RR #2 BOX 79B
CONDE, SD 57434

4. Article Number: P 837 692 718

4b. Service Type

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

7. Date of Delivery

12-8-95

5. Signature (Addressee)

David Huber

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2851-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1995

2851-3

David Huber
RR #2 Box 79B
Conde, SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.**

The questionnaire was received in our office prior to the Water Management Board meeting and your name was 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
Environmental Scientist
Water Rights Division
(605) 773-3352



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: DAVID HUBER, RR #2 BOX 79B, CONDE, SD 57434

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2851-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2851-3 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 1, 1996 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.

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

DAVID HUBER
 RR #2 BOX 79B
 CONDE SD 57434

4a. Article Number

2 348 318 858

4b. Service Type

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

7. Date of Delivery

2-2-96

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X David Huber

2851-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 1996

2851-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

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

Is your RETURN ADDRESS completed on the reverse side?

Fold at line over top of envelope to

SENDER:

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

3. Article Addressed to:

2851-3

DAVID HUBER
RR 2 BOX 79B
CONDE SD 57434

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X David Huber

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

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

P 378 081 363

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ Return Receipt for Merchandise

☐ COD

7. Date of Delivery

2-6-97

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

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



2851-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2851-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

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

1. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



2851-3

**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: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 2851-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, 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.

2851-3

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>DAVID HUBER</u> B. Date of Delivery <u>2-4-2000</u>	
1. Article Addressed to: DAVID HUBER RR 2 BOX 79B CONDE SD 57434		C. Signature <u>x David Huber</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label)		<u>2 227 670 356</u>	

PS Form 3811, July 1999

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2000

2851-3

David Huber
RR 2 Box 79B
Conde, SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2851-3.

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



2851-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 2851-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 2851-3 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 8, 2002, 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.

2851-3

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1-17-02

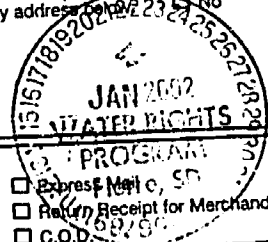
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X *David Huber*☐ Agent☐ Addressee

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 21, 2002

2851-3

David Huber
RR 2 Box 79B
Conde, SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 2851-3.

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



2851-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 2851-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 5, 2003, 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) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, 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.



2851-3

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www.state.sd.us/denr

January 23, 2003

2851-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 2851-3.

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



**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: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4955-3, 2851-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 2851-3 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) 4955-3 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 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. 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 27, 2004, 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.



2851-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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www.state.sd.us/denr

January 29, 2004

2851-3
4955-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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



2851-3

**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 20, 2005

NOTICE

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2851-3 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) 4955-3 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 2, 2005 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 25, 2005, 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.



2851-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2005

2851-3
4955-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

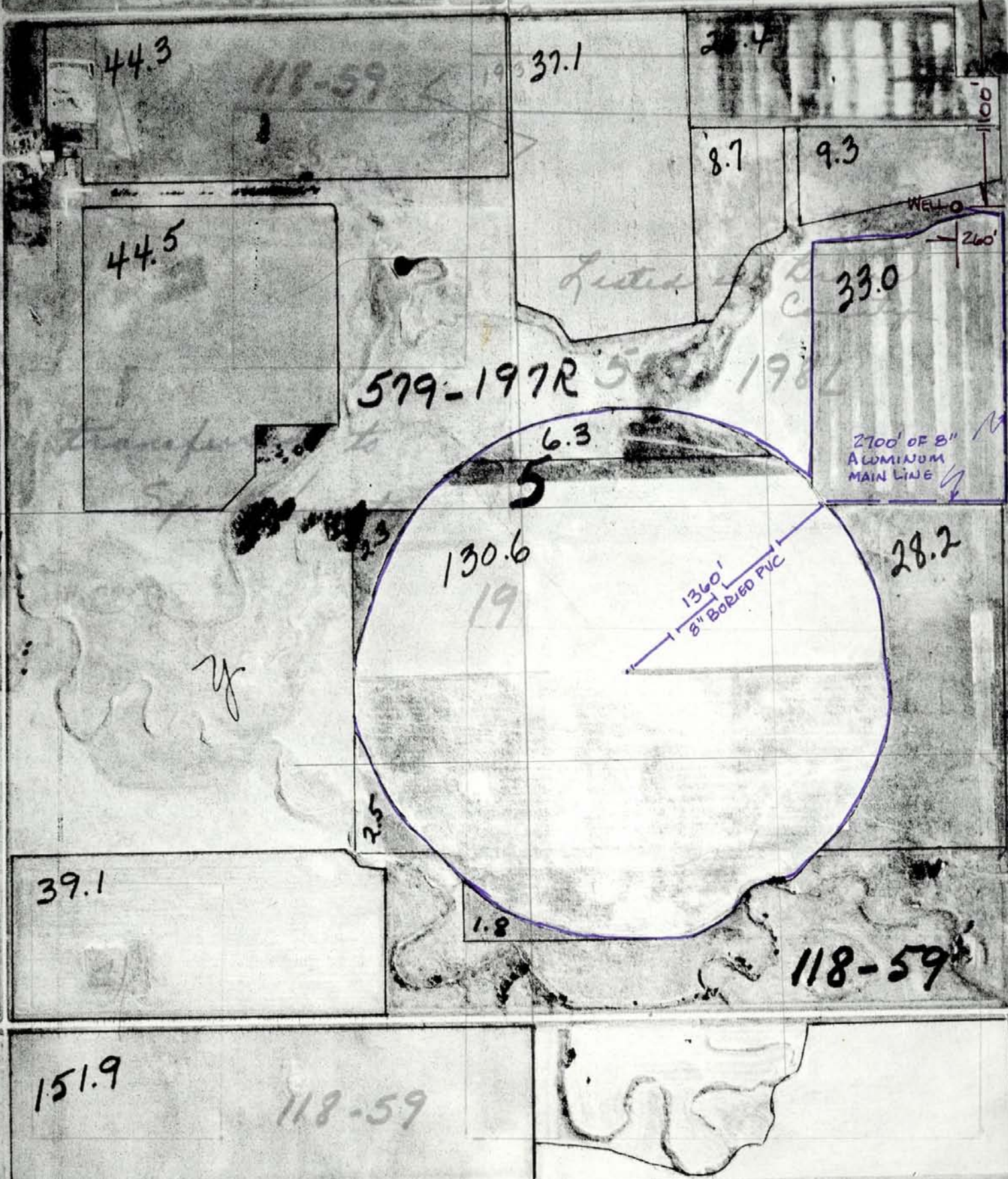
If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

WR 2851-3
MAY 1978





January 26, 2007

NOTICE

**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: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434
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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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.

2851-3

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www.state.sd.us/denr

February 1, 2007

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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. 2851-3 and 4955-3.

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



2851-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 2851-3 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) 4955-3 qualification:

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

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. 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 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.

2851-3

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DAVID HUBER
41350 160th ST
CONDE SD 57434

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**DEPARTMENT of ENVIRONMENT
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PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 11, 2008

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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



**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 23, 2009

NOTICE

TO: DAVID HUBER, OPERATOR, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 6, 2009**, 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/E0455V7-IQ.pdf>

c: C THOMAS HUBER, 15901 413th AVE, CONDE SD 57434

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.

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2303 2160 0000 0802 6203

DAVID HUBER, OPERATOR
41350 160th ST
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Waiver of Signature ☐ YES ☐ NO

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

March 2, 2009

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: DAVID HUBER, OPERATOR, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

cc: C THOMAS HUBER, 15901 413th AVE, CONDE SD 57434

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.

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- Out for Delivery or Available at PO Box, January 23, 2010, 9:31 am, CONDE, SD 57434
- Sorting Complete, January 23, 2010, 9:01 am, CONDE, SD 57434
- Arrival at Post Office, January 23, 2010, 8:10 am, CONDE, SD 57434

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9860DAVID HUBER, OPERATOR
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www.state.sd.us/denr

February 23, 2010

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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

c: C Thomas Huber



2851-3

**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 3, 2011

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

Enclosed are your 2010 irrigation questionnaires for Water Right Nos. 2851-3 and 4955-3.

I apologize for the delay in getting them to you. I did not realize I mailed them to the wrong person and address until they returned them to me with the notation indicating the error.

Please complete and return them to me by the end of the month. I have enclosed a postage paid envelope for your use in sending them back to me.

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

enclosures

2851-3



**DEPARTMENT of ENVIRONMENT
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February 22, 2011

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

On January 3rd, I mailed the 2010 irrigation questionnaires to you and have not received anything back from you (copy of letter attached).

Please take a few minutes to complete them and get them sent back in to us.

If you have any questions, please contact me.

Sincerely,

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

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



2851-3
DEPARTMENT of ENVIRONMENT
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January 24, 2012

NOTICE

TO: DAVID HUBER, OPERATOR, 41350 160th ST, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 2, 2012**, 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>

c: C THOMAS HUBER, 15901 413th AVE, CONDE SD 57434

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.



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February 10, 2012

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Right No. 4955-3 which authorizes irrigation of land in Sections 29 and 32, T119N, R59W is still listed in the name of C Thomas Huber. Should it still be in his name or do you now own the land? If you own the land, let me know and I can forward you a transfer form for use in filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

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



2851-3

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January 18, 2013

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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.



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www.denr.sd.gov

February 4, 2013

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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. 2851-3 and 4955-3. 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



2851-3

DEPARTMENT of ENVIRONMENT
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January 24, 2014

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 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.



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March 4, 2014

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. 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



2851-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 16, 2015

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 2851-3 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) 4955-3 qualification:

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

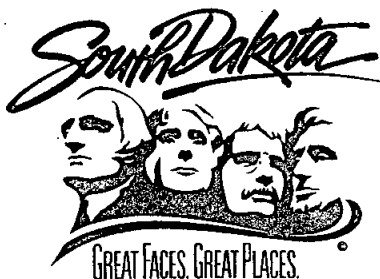
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 before the **March 4, 2015** 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
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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 5, 2015

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. 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



2851-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 7, 2018** 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: <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.

2851-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2018

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. 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



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: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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, 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 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: <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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70173380000059186697

Remove X

Your item was delivered to an individual at the address at 11:35 am on January 29, 2019 in CONDE, SD 57434.

✓ Delivered

January 29, 2019 at 11:35 am
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CONDE, SD 57434

Get Updates ✓**Text & Email Updates****Tracking History****Product Information**

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DAVID HUBER 41350 160th ST CONDE SD 57434	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Feedback

See Less ^**Can't find what you're looking for?**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION OF WATER RIGHTS

TO: David Huber, 41350 160th St, Conde SD 57434

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program *Jeanne Goodman*

SUBJECT: Amendment of Water Right No. 2851-3 and One Year Suspension of Water Right No. 4955-3

On March 6, 2019, the Water Management Board took the following actions on Water Right Nos. 2851-3 and 4955-3:

The Board amended Water Right No. 2851-3 to add the following qualification effective immediately:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The Board also ordered:

Effective April 6, 2019, Water Right No. 4955-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place. Please contact Genny McMath (605) 773-3352, if you have any questions.

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking>)

Track Another Package +

Tracking Number: 70180040000038017731

Remove X

Your item was delivered to an individual at the address at 12:41 pm on March 11, 2019 in CONDE, SD 57434.

✓ Delivered

March 11, 2019 at 12:41 pm
Delivered, Left with Individual
CONDE, SD 57434

Get Updates ✓

Text & Email Updates

Tracking History

Product Information

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☐ Certified Mail Restricted Delivery \$		
☐ Adult Signature Required \$	✓	
☐ Adult Signature Restricted Delivery \$		
Postage \$		
Total Postage and Fees \$	✓	
Sent To Dave Huber		✓
Street and Apt. No., or PO Box No. 41350 160th St		
City, State, ZIP+4® Conde SD 57434		
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions		

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Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.



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: DAVE A HUBER, MGR, 16010 413TH AVE, CONDE, SD 57434

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) 2851-3, 4292-3 & 4955-3. 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) 2851-3, 4292-3 & 4955-3 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) 2851-3, 4292-3 & 4955-3 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: QTFTEG**

c: NORTHFIELD ESTATES LLC, 2400 BLAISDELL AVE, STE 100, MINNEAPOLIS MN 55402,

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.



2851-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: David Huber, 16010 413th Ave., Conde SD 57434

FROM: Eric Gronlund, Chief Engineer
Water Rights Program *Eric Gronlund*

SUBJECT: One Year Suspension of Water Right Nos. 2851-3 & 4955-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right Nos. 2851-3 & 4955-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaires are received prior to April 4, 2022, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaires are submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2021 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

 Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

 Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

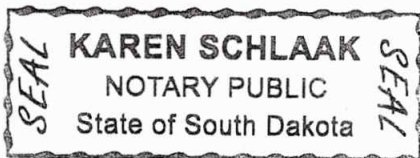
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





2851-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2022

2851-3
4955-3

Dave A Huber
16010 413th Ave
Conde SD 57434

Dear Mr. Huber:

On March 2, 2022, the Water Management Board ordered Water Right Nos. 2851-3 and 4955-3 suspended if the 2021 irrigation questionnaires were not received prior to April 4, 2022. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352



**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: David Huber, 16010 413th Ave., Conde SD 57434
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 Questionnaire(s) has not been submitted for Permit Nos 2851-3 & 4955-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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 Nos. 2851-3 & 4955-3 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 Nos. 2851-3 & 4955-3 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 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 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: ZNLFYS**

Note: Please contact the Water Rights Program, 523 E Capitol, Pierre SD 57501 (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 28, 2023

2851-3
4955-3

David Huber
16010 413th Ave
Conde SD 57434

Dear Mr. Huber:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 & 4955-3. 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