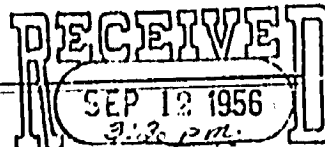


1. Considered Nov 13, 1956
2. Name of Applicant Hillard Shepard - 289-3
3. Post Office Address 1500 1st St. S. D. S. D.
4. Amount of water claimed 1.24 cfs
5. Source of water supply ground water
6. Water to be used for Irrigation
- Acres to be irrigated 800
7. Water to be diverted and used in Turner County about
.3 miles N of Turner
8. Proof of Publication Received ☒ incorrect accepted
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

Parker H. H. A. O

No. 289-3Water Division No. 3 Vermillion River
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Spifford & Leonard Banks Cattle Co. Inc.
 Postoffice address Shirley Spencer, County Turner, State South Dakota

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

private contract

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Spifford & Leonard Irrigation project #13. Amount of water claimed 6.14 cubic feet per second4. Source of water supply well5. Location of point of diversion 1/2 mile S. of Turner on bank County.

6. Annual period or periods during which water is to be used _____

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 80 acres.(b) Legal subdivisions to be irrigated E 1/2 N 1/2 Sec 14 - 98 - 53

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) none

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream. On property owned by others _____

Map No. 212-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures, \$-----

(b) Pumping plant, \$/5,11.62

(d) Canal-earth, \$-----

Rock, \$-----

Total, \$5,11.62

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----

material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----3-----years.

11. Time required for complete application of water to the proposed beneficial use-----2-----year.

12. Choice of newspaper for publication of notice of intention to appropriate-----

STATE OF SOUTH DAKOTA

County of-----

ss.

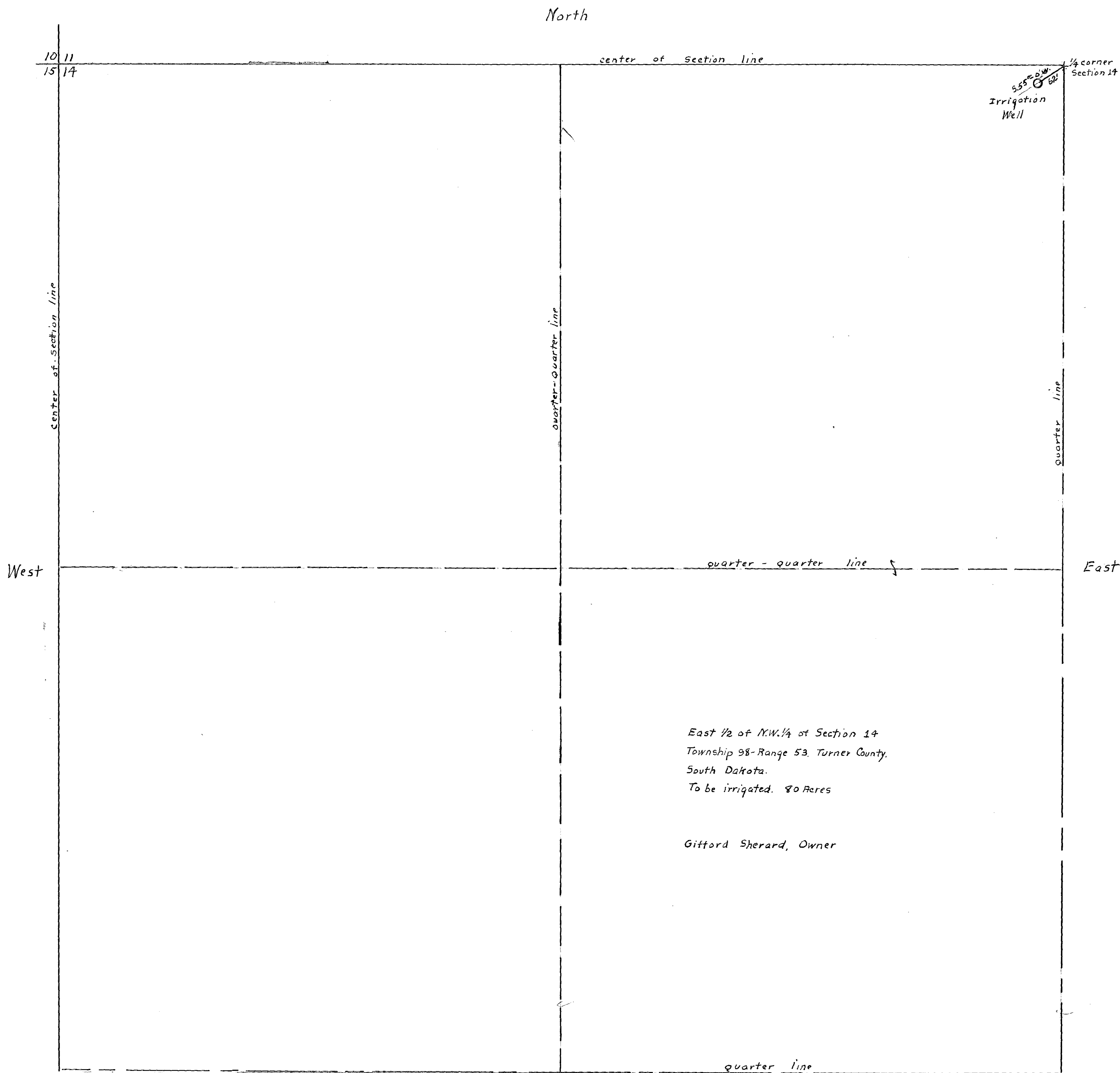
I, Gifford Sheard, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed X Gifford Sheard

Subscribed and sworn to before me this 11th day of Sept 1956

Ernest H. Brown
Notary Public (or other qualified officer.)

Each diversion must have a headgate or measuring device.



Gifford Sherard Irrigation Project # 1
East 1/2 of NW 1/4 of Section 14, Township
98-Range 53, Turner County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the East 1/2 of the
NW 1/4 of Section 14, Township 98-Range 53, Turner County
South Dakota and located a well, for irrigation purposes
as indicated on the above plat.
Dated at Sioux Falls, South Dakota, September 13, 1956.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss
County of Minnehaha

On this 13th day of September, 1956, before me the
undersigned officer personally appeared Ellis V. Nelson
Known to me or satisfactorily proven to be the person
whose name is subscribed to the within certificate and
acknowledged that he executed the same for the purpose
therein contained.

In witness whereof I hereunto set my hand and
official seal.

Notary Public
Notary Public

Ellis V. Nelson, Civil Engineer
Sioux Falls, South Dakota Sept-56

Map No. 212-3
15 1 N 100 W

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } 53.

Pierre, South Dakota, September 25, 1956

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock
P.m. upon the 12 day of September, 1956

State Water Resources Commission

By: J. H. Rimes
Chief Engineer, Executive Officer

Number of permit 289-3

Date of first receipt of application September 12, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 12, 1956

Approved February 4, 1957, Recorded in Book 3, Section 2, Page 29

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before August 4, 1958

2nd. The whole of said work is to be completed on or before February 4, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

February 4, 1962

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; and neither shall it exceed the capacity of the above described system of diversion works, nor the amount of water that experience may hereafter indicate as necessary for the production of crops in the best husbandry; and further, said appropriation must be limited to not more than one seventh of one cubic foot of water per second of time for each acre of land to which water is actually applied for irrigation on or before February 4, 1962, said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 20 day of March, 1957

State Water Resources Commission

By: J. H. Rimes
Chief Engineer, Executive Officer

Certificate of Construction Issued October 29, 1962

Water License Issued October 29, 1962

D. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30 inch, Depth 45'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 20", Thickness of casing 14 ga
 Length of casing 46' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Impeller mesh
 Size of perforated screen 20", 18'
 (diameter) (length)
 Thickness of gravel pack 5", length of gravel pack 24'

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials Coarse sand mixed with very large rocks

Thickness of water bearing material 33 ft

(d) Pump and Motor

Type of pump (centrifugal, propeller, mixed flow, etc.)
 Name of pump, size
 Kind of motor (gasoline, electric, diesel, etc.)
 Horsepower, Name of Motor

(e) Complete well

Capacity Not tested at drawdown of Estimated cost

(f) Owner of land upon which well is located

Name W. J. L. Shand
 Address Herby

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 20 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 289-3

WHEREAS, On the 12th day of September A. D. 1956

Gifford Shepard

of Hurley County of Turner and State of South Dakota duly made application (No. 289-3) to us for a permit to use 1.11 cubic feet per second of the waters of ground water County of Turner, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 20th day of March A. D. 1957

Permit No. 289-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 4th day of February A. D. 1960 and for the application to beneficial use of said water on or before the 4th day of February A. D. 1962 and,

WHEREAS, On the 4th day of October A. D. 1962

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.11 cubic feet per second of said waters, as evidenced by our Certificate No. 289-3 dated October 29, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.11 cubic feet per second of water, with date of priority of September 12, 1956 and,

WHEREAS, On the 4th day of October A. D. 1962

proof was duly made of the application to beneficial use of 1.11 cubic feet per second of said water; for irrigating the E 1/4 NW 1/4, Section 10, T 93N, R 53W.

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 Clifford Sherrard
of Hurley the holder and owner of said permit No. 289-3
a water right, dating from September 12, 1956 to the use of 1.14
cubic feet per second of the waters of ground water
in the County of Turner and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter stated, to be diverted at a point 62 feet, S 55° 0' W of
the N 1/4 Corner, Section 14, T 98N, R 53W
and conducted to and upon the E 1/4 NW 1/4, Section 14, T 98N, R 53W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 29th day of October A. D. Nineteen
Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J.W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 289-3Water Division No. 3 Vermillion Water District
River**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Gifford Sherardof Hurley, County of Turner, and State ofSouth Dakota, the holder of Permit No. 289-3, issued upon ApplicationNo. 289-3, bearing date of priority of September 12, 1956, authorizing the diversion of1.14 cu. ft. per second of the waters of ground waterCounty of Turner, State of South Dakota, at a point 62 feetS 55° 0' W. of the E 1/4 Corner, Section 14, T 98N, R 53Wfor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of

completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory

condition for diverting and conveying to the place of intended use 1.14 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: the E 1/4 NW 1/4, Section 14, T 98N, R 53W.Witness my hand this 29th day of October A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. GRIMES

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Turner } ss.

RECEIVED
 NOV 5 1956

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Earl J. Bormann being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

The New Era 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 Parker County of

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

Thursday, October 11, 1956

Thursday, October 18, 1956

Thursday, October 25, 1956

Thursday, November 1, 1956

in each and every issue of the full number thereof, the first publication being made on the 11th day of October

1956 and the last publication on the 1st day of

November 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was the printer and publisher X of the said newspaper.

Earl J. Bormann

Subscribed and sworn to before me this 1st day of November A. D. 1956

Wm. B. Turner
 Notary Public Turner County, S. D.

Notice of Intension to Appropriate
 Water
 APPROPRIATION OF WATER
 No. 259-3

Office of State Water Resources
 Commission, Pierre, S. Dak., Sept-
 ember 23, 1956.

Notice is hereby given that Clifford
 Sherard whose postoffice address is
 Hurley, S. Dak., has made an ap-
 plication in accordance with the pro-
 visions of the water laws of South
 Dakota for a permit for beneficial
 use 1.14 cubic feet of water per sec-
 ond of time from ground water
 through the Clifford Sherard Irriga-
 tion Project No. 1, the point of div-
 ersion of which is to be located in
 the NE 1/4 of the NW 1/4 of Section 13,
 Twp. 98N Range 53W. S. water to
 be used for the purpose of providing
 irrigation on the following described
 land:

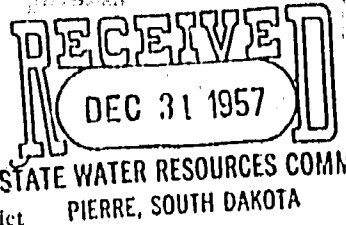
1/4 Sec. 10, T 98N, R 53 W.

This application will be taken up
 by the State Water Resources Com-
 mission at their offices at Pierre for
 consideration upon the 13th day of
 November, at 2:00 P.M. All interest-
 ed persons may appear and be heard.
 Appropriate action will be taken
 by the Water Resources Commission
 after suitable time has elapsed for
 the consideration of any or all in-
 formation presented.

State Water Resources Commission
 By: J. W. GRIMES, Chief Engineer,
 Executive Officer.

(4th-Oct. 11, 18, 25, & Nov. 1, 1956)

Ex-
 NW 1/4
 Sec 14

Permit No. 289-3Water Division No. 3Vermillion River

Water District

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Hurley, So Dak

(Date)

Nov 31, 1957

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.14
cu. ft. per second of the waters of the state from ground water
through the Gifford Shured Irrigation Project #1
for irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Gifford Shured

2. The postoffice address of such person or the place of business of such corporation is Hurley
County of Turner State of So Dak

3. The number of such permit is 289-3 and the date set for the completion of such work is

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.14 cubic feet per second.

6. The amount of land for which said water is available is 80 acres,
particularly described as follows: E 1/2, NW 1/4, 14-98-53

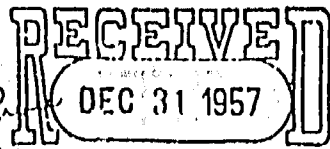
I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Gifford Shured

Permit No. 289-3Water Division No. 3Vermillion

Water District



STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

Vermillion, S. Dak

(Date)

Dec. 31, 1957

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____

19____, at _____ County of _____ State of South Dakota,

before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)of 1.14 cubic feet per second of the waters of Ground Water_____ in accordance with the terms and conditions of Permit No. 289-3

heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Gifford Howard Vermillion, S. Dak

2. The use to which said water has been applied is _____

Irrigation

3. The amount applied to beneficial use is _____

80 acres - 1.14 CFS

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) _____

E 1/2, NW 1/4, 14-98-53

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

6. The right to take the water from such works is based upon permit No. 289-3

7. The source of supply from which such water is diverted is _____

Ground Water

8. The date of priority which said user is prepared to establish is _____

Sept. 12, 1956

(Sign)

Gifford Howard

Permit No. 289-3Water Division No. 3 Vermillion R. Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by _____

Giffard Sherrard, of _____Turner County, South Dakota, holder of Permit No. 289-3, issuedupon Application No. 289-3, bearing date of priority of Sept. 12, 1956, authorizing thediversion of 1.14 cu. ft. per second of the waters of Ground Water for Irrigation

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

The diversion works comprise: One well, 46' deep w/46' of 20" casing.
Bot. 18' is perforated. 24' of gravel pack. Layne 6" Turbine pump,
35148K @ 500 G.P.M., Run by a C.F. motor, 40 H.P.,
220/440 volts, 3 phase, Mod # 5K1404 FYLS.
1200' of 6" mainline, 1200' of 5" mainline & 2600' of 4" sprinkler pipe.
64 Rainbird sprinklers 1/8 x 3/16 Nozzle size.

and the system is in the following condition: _____

GoodThe point of diversion is located 62' S 55° 0' W of the N 1/4 Cor. ofSec. 14 T98N R53W.The works are capable of diverting and conveying to the place of use 1.14 cu. ft. per second of water,
which is to be used for IrrigationThe legal sub-divisions to be irrigated are: E 1/2, NW 1/4Sec. 14 T98N R53W_____ comprising a total of 80 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 1 day of October, A. D. 1962

—SEAL—

William H. Miller
 Examining Engineer.

This piece
of land was
bought from
Roy Eckert
and is a part
of 162-3 lands
but is a new permit

Overlap 20/
Overlap on
162-3,

Did not straighten
this out due to
time element in
completely other work.

will OK this during
Inspection

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: March 21, 1978

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

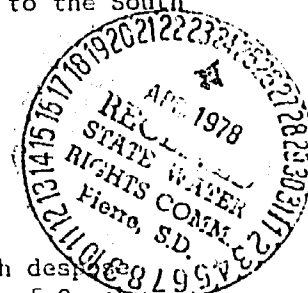
80 acres in portions of Section 14, T98N, R53W as described on permit No.289-3formerly owned by Gifford Sherard, Hurley, SDhas been transferred to Robert W. Kirk - 1004 W 11th St. - Spencer, Iowa 51301

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 289-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF Iowa)
~~SOUTH DAKOTA~~) SS.
County of Clay)



I, ROBERT W. KIRK being first duly sworn on my oath do hereby
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.

(Signed)

Subscribed and sworn to before me this 19 day of April19 78.

[Signature]
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6922

PIERRE, May 21, 1979

RECEIVED OF Bar K Cattle Co., Inc. Spencer, IA 51301
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. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>transfer of water right No. 289-3</u>		2 50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 97

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: _____

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

80 acres, E½ NW¼, Section 14, T98N, R53W, Turner County

_____ West
formerly owned by Robert W. Kirk, 1004/11th Street, Spencer, IA
has been transferred to Bar K. Cattle Co. Inc., 1004 West 11th, Spencer, IA 51301
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 289-3 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 Office of Water Rights Commission 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 Turner) ss.

I, Mervin J. Beaman being first duly sworn on my oath depose 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.

Robert W. Kirk
(Signed)

Subscribed and sworn to before me this 18th Day of May, 19 79.

Mervin J. Beaman
(Notary Public)

**South Dakota Department of
Water & Natural Resources**

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

Water Resources Engineer
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

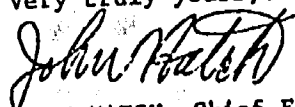
"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer

121-3A
289-3
2234-3
2506-3
3411-3
3944-3
3945-3
4736-3
4572-3

April 2, 1984

Larry Hansen
Bar K Cattle Co., Inc.
RR#1, Box 5
Hurley, South Dakota 57036

Dear Mr. Hansen:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit Nos. 4736-3 and 4572-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board Action to amend Water Permit Nos. 121-3A, 289-3, 2234-3, 2506-3, 3411-3, 3944-3 and 3945-3 if the questionnaires were not received. Our records now show that you have returned your 1983 Irrigation Questionnaires and are no longer in violation of your permits.

Please disregard the notices sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these Hearings.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms

Equal Opportunity Employer

289-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PAUL PETERSEN, 45610 282ND ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XTHTSS**

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 2, 2021

Paul Petersen Farms
45610 282nd St
Hurley SD 57036

RE: Water Permit or Right Nos. 121-3A, 164-3, 199-3, 289-3, 1773-3, 2053-3, 2852-3, 3411-3, 3632-3, 3633-3, 3648-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3

Dear Mr. Petersen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. 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, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us