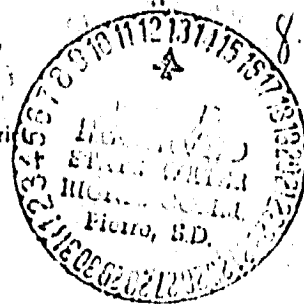


Water Right Number 2943-3

1. Considered 9-29, 19 76
2. Name of Applicant IRVIN ROGERS
3. Post Office Address LEOLA
4. Amount of water claimed .77
5. Source of water supply 15' DUGOUT
6. Water to be used for IRRIGATION
- Acres to be irrigated 54
7. Water to be diverted and used in McPHERSON County
about 4E, 9N Miles of LEOLA
8. Proof of Publication Received 9-17-76
Not received
9. Application Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 2943-3
Map No. 2275-3 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)

- Name of Applicant Irvin Rogers
Postoffice address Leola, State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
- Name of diversion work Dugout
- Amount of water claimed (cubic feet per second) .77 2.5 cu. ft./sec. MAXIMUM ALLOWABLE
- Source of water supply dugout
- Location of point of diversion 600 yds west 500 yds south of the
Northwest corner of section 5-127-67
County McPherson
- Annual period or periods during which water is to be used May through Sept
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use, Total number of acres to be irrigated 54

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.
<u>NE 1/4 Sec. 5-127-67</u>	<u>15</u>		
<u>SE 1/4 Sec. 5-127-67</u>	<u>39</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Northwest Blade
- Principal Features of the Proposed Water Supply System.
 - Works proposed to divert water from its natural source. pump
 - Works proposed to transport water to place of use. pipe line
 - Works proposed to apply water to beneficial use. Big Gun System

Estimated Total Cost \$ 10,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of McPherson

I, Irvin Rogers, 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 Irvin Rogers

Subscribed and sworn to before me this 12 day of May, 1976

Ed Hall
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2943-3.
IRVIN ROGERS LEOLA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57456 With the following modifications:
 (State)

Date of first receipt of application MAY 13, 1976
 Date of return to applicant for correction, amendments or changes required —
 Date of receipt of corrected application SEPTEMBER 30, 1976
 Approved SEPTEMBER 30, 1976, Recorded in Book 16 Page 64

WATER RIGHT PERMIT NO. 2943-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2943-3 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 SEPTEMBER 7, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 30, 1977
3. The whole of said work is to be completed on or before SEPTEMBER 30, 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 1981
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 .77 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 SEPTEMBER 30, 1981; said water to be used during the following described annual period: MAY THRU OCTOBER

Witness my hand this 29TH day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions 14'0" x 20', Depth 15'

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 COARSE GRAVELS

Depth to top of water bearing material 3'

Depth to bottom of water bearing material no known

Thickness of water bearing material 12' plus

Depth to water (ground surface to water level) 3'

- (2) Distance to nearest existing household or livestock watering well:

On same owner's property N/A rds. On property owned by others 1.20 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.

Irvin Rogers
Signature of Applicant

CONSERVATION
COMMISSION
FORM WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME

Erwin Rogers

ADDRESS

1016

COUNTY

McPherson

LEGAL DESCRIPTION

1. WELL LOCATION:

N. 1/4 Sec. 5-127-67

2. LOCATION OF AREA TO BE IRRIGATED

E. 1/4 N.E. 1/4 Sec. 5-127-67

TYPE OF IRRIGATION

3. GRAVITY

☒

TOWLINE

CENTER PIVOT

GUN

4. CROPS TO BE IRRIGATED

Flax alfalfa

WATER QUALITY

5. SAMPLE NUMBER

76-400

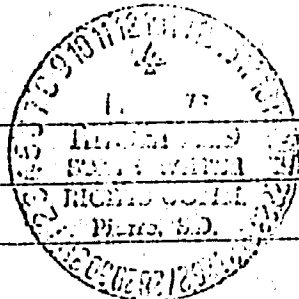
6. SALINITY (EC X 10⁶)

7. SODIUM (SAR)

0.49

8. RESIDUAL SODIUM CARBONATE (meq/l.)

00.0



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 *McPherson* 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.

APPLICANT'S SIGNATURE

Erwin Rogers

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF _____ 19 ____.

(TITLE OR SEAL)

APPROVED/DISAPPROVED

Allen J. Felt

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Timothy J. Smith
 Address: 413, 1st St. S.
Brookings, SD 57006

Date Rec'd: 11/19/1976
 Sample No. 76-400
 Identification Water
for irrigation

WATER ANALYSIS

Calcium (Ca)	33	ppm*	1.90	me/l**
Magnesium (Mg)	33	ppm	2.71	me/l
Sodium (Na)	17	ppm	0.74	me/l
Potassium (K)	8	ppm	0.20	me/l
Sulfate (SO ₄)	39	ppm	0.81	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.14	me/l
Bicarbonate (HCO ₃)	24.4	ppm	4.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	200	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	461	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.49			
Sodium	13.35	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.25			
Others:				

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

COMMENTS: Total cations 5.54 me/l
 Total anions 4.95 me/l

By: Shirley L. Van

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-400

Amount Enclosed \$

Signed



August 26, 1976

Dr. Larry Fine
SOUTH DAKOTA STATE UNIVERSITY
Brookings, S.D. 57006

Dear Dr. Fine:

We are in need of a letter from you to Mr. Irvin Rogers from
Iola, S.D. concerning the water analysis. We do have a copy
of the water analysis report.

I am sending you a copy of our WI-1 form to help you find the
information needed.

Thank you for your assistance.

Sincerely,

Carol Enright
Carol Enright
Admin. Secretary I
Division of Conservation

CLE/

Form 6 - Notice of Intent to Appropriate Water

Publish first publication, on or before September 17, 1974

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 9, 1974

Notice is hereby given that Irvin Rogers
whose post office address is Leola, S.D., 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
27 cubic feet of water per second of time from the ground water (dugout) through the
Leola, the point of diversion of which is to be located in the NE 1/4 NE 1/4

of Section 5, Twp. 127N, Range 67W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, Section 5, T127N, R67W

This application No. 2943-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of September, 1974 at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Irvin Rogers, Leola, S. D. 57456

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2912-3

1976

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McPherson) ss.

I, Arlo C. Mohlhaff, hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Northwest Blade

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

Northwest Blade of Eureka, South Dakota

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

Sept. 16, 1976

Sept. 23, 1976

Arlo C. Mohlhaff
(Signature)

Publisher
(Title)

Sept. 16, 1976
(Date Signed)



NOTICE OF INTENT
TO APPROPRIATE WATER

Pierre, South Dakota 57501
September 8, 1976

Notice is hereby given that
Irvin Rogers whose post office
address is Leola, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use .77 cubic feet of
water per second of time from
ground water (dugout) through
the Rogers No. 1, the point of
diversion of which is to be locat-
ed in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section
5, Twp. 127N, Range 67W.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec-
tion 5, 1127N, R67W.

This application No. 2943-3
will be considered by the Water
Rights Commission at their off-
ice 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
9 - 16-23 - 76

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

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

March 23, 1987

IRVIN ROGERS
403 S KLINE
ABERDEEN, SD 57401

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

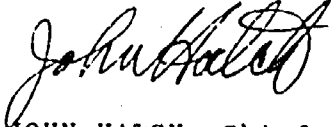
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2943-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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). 2943-3 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.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1987

2943-3

Irvin Rogers
3660 S 50th
Aberdeen, SD 57401

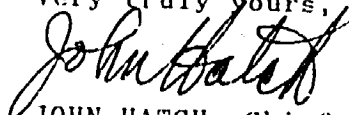
Dear Mr. Rogers:

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. 2943-3 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,



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



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

IRVIN ROGERS
3660 S 50TH
ABERDEEN SD 57401

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) 2943-3. 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) 2943-3 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

February 5, 1992

2943-3

Irvin Rogers
3660 S 50th
Aberdeen, SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 2943-3. 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,

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

Genny McMath
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:

IRVIN ROGERS
3660 S 50TH
ABERDEEN, SD 57401

4a. Article Number

P906 557 663

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery JAN 29 1992

5. Signature (Addressee)

Irvin Rogers

6. Signature (Agent)

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

Permit No. 2943-3
Water District: James River

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

I have this day made a thorough examination of the water use system constructed by Irvin Rogers holder of Permit No. 2943-3, bearing the priority of September 7, 1976, authorizing the diversion of 0.77 cu. ft. per second of groundwater for irrigation purposes, in McPherson County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A 65 HP L.A. Case gasoline tractor powering a Hale pump rated at 450 GPM, Model No. 59XXR550, Serial No. 65957 which pumps water from a spring fed dugout measuring 140' by 70'.

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

60' of 6" PVC pipe is used to transport water from the dugout to the first of nine outlets spaced 90 yards apart from North to South on the irrigated land. There are 30' of 6" PVC pipe from the bottom of the dugout to the pump.

C. Works used to apply water to beneficial use:

Six outlets spaced 90 yards apart that use 4" PVC to connect to a Nelson traveling big gun Model P200, Serial No. CC1026.

The system is in the following condition fair. The point of diversion is located 990' West and 825' South of the NE corner Section 5, T127N, R67W.

The works are capable of diverting and conveying to the place of use 1.0 cu. ft. per second of water which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows:

NE1/4 NE1/4 Section 5, T127N, R67W - 16 acres

SE1/4 NE1/4 Section 5, T127N, R67W - 38 acres

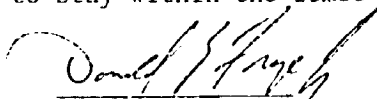
comprising a total of 54 acres of land and should be issued for 0.77 cfs.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None

Date Inspected: 11/14/91

Licensee should limit the period of irrigation to stay within the limit of 0.77 cfs.


DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 2943-3

1. Legal location of ^{dugout} wells: 990' West and 825' South of the NE corner NE1/4 Sec 5,
T127N, R67W

dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes___ No___ No. of Wells_____ Depth_____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Hale Motor a) make L.A. Case tractor

b) model 50xxR550 b) model No. unknown

c) ~~size~~ SN 65957 c) horsepower rating 65

d) capacity 450 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____ Spring fed dugout 140' by 70' and 15' deep

3. Distribution lines or canals

a) size 6"

b) type PVC

c) length 90'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ i) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make Nelson P200 _____
- 2) nozzle size _____
- 3) capacity (GPM) 450 _____
- 4) hose size 4" _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline.

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 23, 1992

2943-3

Irvin Rogers
3660 S. 5th
Aberdeen, SD 57401

Dear Mr. Rogers:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2943-3, 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 1, 1957

RECEIVED OF Terrie Rogers 5660 S. 19th St., Aberdeen, SD 57401

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. <u>2945-5</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2943-3

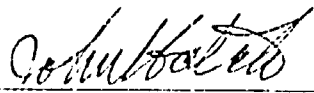
(1) Irvin Rogers of 3660 S. 50th St., Aberdeen, SD 57401-8737 made Application No. 2943-3, May 13, 1976 for a water permit to appropriate 0.77 cubic feet of water per second from groundwater (dugout), McPherson County, South Dakota for irrigation purposes. Permit No. 2943-3 with a priority date of September 7, 1976 was approved September 30, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 30, 1978 and for the application to beneficial use of said water on or before September 30, 1981.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.77 cubic feet of water per second for beneficial use. The location of the diversion point is: 990'W and 825'S of the NE corner of Section 5, T127N, R67W (NE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T127N, R67W Section 5	NE 1/4 NE 1/4	16 Acres
	SE 1/4 NE 1/4	38 Acres
	Total-----	54 Acres

(4) Pursuant to Section 46-5-30.1 Irvin Rogers of 3660 S. 50th, Aberdeen, SD 57401-8737 the holder(s) and/or owner(s) of Water Permit No. 2943-3 is issued a license to appropriate water, the right to use 0.77 cubic feet of water per second from groundwater (dugout) with a priority date of September 7, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2943-3 and subject to South Dakota State Law.


AUG 7 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 7 1992

2943-3

Irvin Rogers
3660 S. 50th Street
Aberdeen, SD 57401-8737

Dear Mr. Rogers:

Enclosed is Water License No. 2943-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 413278 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

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

enclosures

2943-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: IRVIN ROGERS, 13575 383RD AVENUE, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, 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) 2943-3 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 20, 1998, 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.

Is your RETURN ADDRESS completed on the reverse side?

INSTRUCTIONS:

- 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:

2943-3

IRVIN ROGERS
13575 383RD AVENUE
ABERDEEN SD 57401

4a. Article Number

2119141145

4b. Service Type

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

7. Date of Delivery

1-20-98

8. Received By: (Print Name)

Linda Jensen

8. Signature: (Addressee or Agent)

X LINDA JENSEN

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

Thank you for using Return Receipt Service.

2943-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

2943-3

Irvin Rogers
13575 383rd Ave
Aberdeen, SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 2943-3.

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) 775-3352



2943-5

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

January 22, 1999

NOTICE**TO:** IRVIN ROGERS, 13575 383RD AVENUE, ABERDEEN, SD 57401**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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 9:45 am, March 3, 1999, 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) 2943-3 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, 1999, 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.

2943-3

Is your RETURN ADDRESS completed on the reverse side?

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:

IRVIN ROGERS
13575 383RD AVENUE
ABERDEEN SD 57401

4a. Article Number

P 378 080 692

4b. Service Type

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

7. Date of Delivery

JAN 25 1994

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

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

Thank you for using Return Receipt Service.



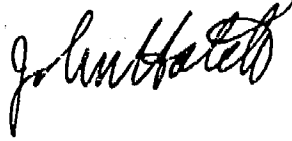
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 1999

NOTICE OF AMENDMENT OF WATER RIGHT

TO: IRVIN ROGERS, 13575 383RD AVE, ABERDEEN, SD 57401

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352 

SUBJECT: Amendment to Water Right No. 2943-3

Pursuant to the provisions of the notice dated January 22, 1999, and following the hearing March 3, 1999, the Water Management Board has amended Water Right No. 2943-3 to add the following qualification:

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

This action was taken for failure to return the 1998 irrigation questionnaire. The addition of this qualification to your Water Right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

ح- 2943

CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding Amendments, One Year and Three Year Suspensions of Water Rights/Permits shown below, addressed as stated below:

The following are Amendments to Water Rights:

- W.R. #402-1: Calvin/Jana Meyers, HC 69, Box 22, Belle Fourche, SD 57717-9302.
W.R. #100-3: Harold Weismantel, 1425 15th Ave. SE Apt. 223, Aberdeen, SD 57401-7780.
W.R. #'s 398-3, 962-3, 1203-3 & 1923-3: Monte Neitzel, 1102 S. Main, Redfield, SD 57469.
W.R. #1231-3: Lynn Christopherson, Mgr., P.O. Box 217, Howard, SD 57349-0217.
W.R. #2943-3: Irvin Rogers, 13575 383rd Ave., Aberdeen, SD 57401.
W.R. #3026-3: George Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.

The following are One Year Suspensions of Water Rights/Permits:

- W.R. #418-1: Dennis Lien, RR 1, Box 8B, Vale, SD 57788.
W.R. #1222A-1 & W.P. #1524-1: John Ismay, DVM, P.O. Box 395, Sturgis, SD 57785-0396.
W.R. #954-2: Kimberly Kaye Sealine, 24300 173rd Ave., Caputa, SD 57725.
W.R. #849-3: Florence Demers, RR 2, Box 248, Elk Point, SD 57025-9757.
W.R. #1172-3: Jesse Wright, 10 Bittersweet Ln., Atkinson, NH 03811.
W.R. #2534-3: Barry Inslan, RR 2, Box 26, Conde, SD 57434.
W.R. #3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.

The following are Three Year Suspensions of Water Rights:

- W.R. #1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

Amendment of Water Right No. 1192-1B and One Year Suspension of Water Right No. 1201-1:

George W. Jenter, 748 Park Sturgis, SD 57785.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of March, 1999

Karen Schlaak
Notary Public

KAREN SCHLAAK
NOTARY PUBLIC
SOUTH DAKOTA



2943-3
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: IRVIN ROGERS, 13575 383RD AVENUE, ABERDEEN, SD 57401

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(s) has not been submitted for Permit No(s) 2943-3. 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(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) 2943-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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. 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.

2943-3

SENDER, COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

IRVIN ROGERS
13575 383RD AVENUE
ABERDEEN SD 57401

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
1-15-00
 C. Signature *Linda Jensen* ☐ Agent
 X LINDA JENSEN ☐ 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)

Z 227 670 217

PS Form 3811, July 1999

Domestic Return Receipt

102595 59-M-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2000

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen, SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of information for the 1999 irrigation questionnaire for Water Right No. 2943-3, listed in the name of Irvin Rogers. During your conversation with Ron Duvall, you indicated the land was not irrigated during 1999 due to extreme wet conditions. I completed a questionnaire for you based on your discussion with Ron.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2943-3. 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



2943-3
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: DUANE ROGERS, ADMINISTRATOR, 13575 383RD AVENUE, ABERDEEN, SD 57401

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(s) has not been submitted for Permit No(s) 2943-3. 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(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) 2943-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2943-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

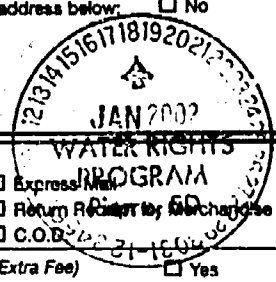
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, 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 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.

2943-3

SENDER, COMPLETE THIS SECTION ■ 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.		RECIPIENT, COMPLETE THIS SECTION A. Received by (Please Print Clearly) <u>Duane Rogers</u> B. Date of Delivery <u>1-17</u> C. Signature <u>[Signature]</u> ☐ Agent ☒ Addressee D. Is delivery address different from Item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: DUANE ROGERS, ADMINISTRATOR 13575 383RD AVENUE ABERDEEN SD 57401		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	



2. 7001 2510 0004 4747 3923

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2002

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen, SD 57401

Dear Mr. Rogers:

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. 2943-3.

I completed a questionnaire for you based on our March 7th telephone conversation. The form reflects that you did not irrigate in 2001 due to the "wet conditions". The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



2943-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: DUANE ROGERS, ADMINISTRATOR, 13575 383RD AVE, ABERDEEN, SD 57401
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(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) 2943-3 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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



2943-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9555

Your item was delivered at 2:34 pm on January 16, 2004 in ABERDEEN, SD 57401. The item was signed for by D ROGERS.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9555

DUANE ROGERS, ADMINISTRATOR
13575 383RD AVE
ABERDEEN SD 57401

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



**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 26, 2004

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on our February 26th telephone conversation. Enclosed is a copy of the report.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 2943-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



2943-3

**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: DUANE ROGERS, ADMINISTRATOR, 13575 383RD AVE, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2943-3 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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



2943-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0773

Your item was delivered at 2:29 pm on January 24, 2005 in ABERDEEN, SD 57401. The item was signed for by D ROGERS.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0773

DUANE ROGERS, ADMINISTRATOR
13575 383RD AVE
ABERDEEN SD 57401

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

February 22, 2005

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 2943-3.

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.

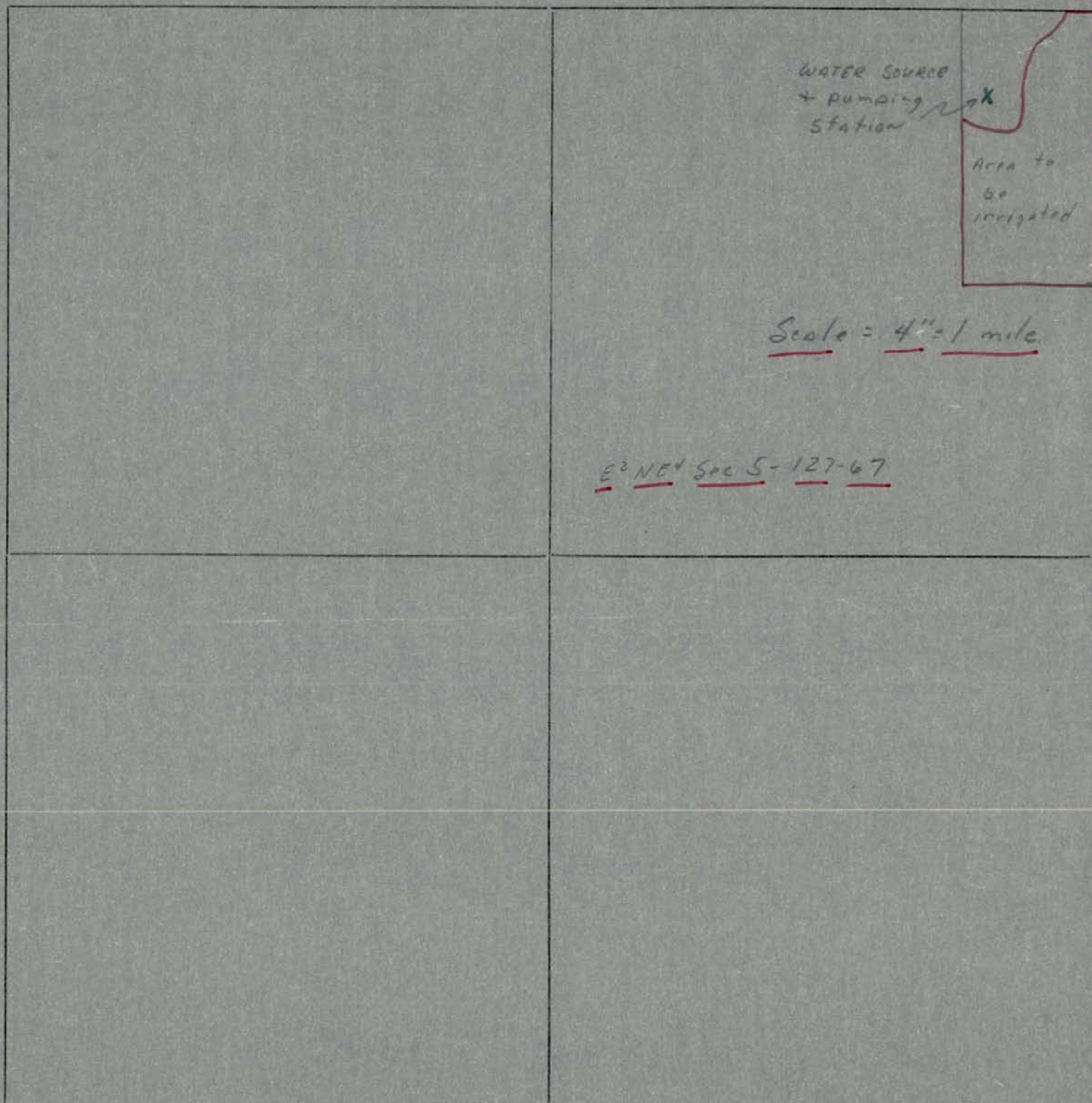
Sincerely,

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

McPherson County

Year _____ Photo No. _____ Farm Number _____
 Owner Irvia Rogers. Address _____
 Operator _____ Address _____
 Acres in Farm _____, Cropland _____, NCOP _____
 Legal Description _____

NORTH



SOUTH

Form No. 1

BOOSTER PUB. CO., MARTIN, S. DAK.

MAP NO 2275-3 APPL NO 2943-3

EAST

WEST

NOT TO SCALE

T594

278-53L
T4

990'

825'

DUGOUT

57.3

16 ACRES

5

38 ACRES

0.7 to
Brown 1978

T573 84.0

10 127.67

T624

Prepared by:
Don Frye
DON FRYE
NATURAL RESOURCES ANALYST
WATER RIGHTS DIVISION
DENR
12/03/91

T573

294333

T4



2943-3

**DEPARTMENT of ENVIRONMENT
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January 24, 2006

NOTICE

TO: DUANE ROGERS, ADMINISTRATOR, 13575 383RD AVE, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2943-3 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 2, 2006 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 24, 2006, 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 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.



2943-3

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Current Status

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5364

DUANE ROGERS, ADMINISTRATOR
13575 383RD AVE
ABERDEEN SD 57401

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

March 6, 2006

2943-3

Duane Rogers, Administrator
13575 383rd Ave
Aberdeen SD 57401

Dear Mr. Rogers:

On March 2nd, the Water Management Board ordered Water Right No. 2943-3 be suspended if the 2005 irrigation questionnaire was not received prior to April 3, 2006. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You are hereby authorized to irrigate during the 2006 irrigation season.

The water right is still in the name of Irvin Rogers. If the Estate has been settled and the water right is ready to be transferred, please let us know.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



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

January 23, 2009

NOTICE

TO: DUANE ROGERS, ADMINISTRATOR, 13575 383RD AVE, ABERDEEN, SD 57401
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 2943-3 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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/efrms/secure/efrms/E0455V7-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.

2943-3

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Label/Receipt Number: 2303 2160 0000 0802 7309
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Your item was delivered at 2:03 PM on January 24, 2009 in ABERDEEN, SD 57401. The item was signed for by S ROGERS.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7309	
DUANE ROGERS, ADMINISTRATOR 13575 383RD AVE ABERDEEN SD 57401	
Waiver of Signature ☐ YES ☐ NO	
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March 12, 2009

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Duane Rogers, Administrator, 13575 383rd Ave, Aberdeen SD 57401

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

SUBJECT: One Year Suspension of Water Right No. 2943-3

On March 11, 2009, the Water Management Board ordered:

That effective April 11, 2009, Water Right No. 2943-3 be suspended for the 2009 irrigation season for failure to submit the 2008 irrigation questionnaire.

If the 2008 irrigation questionnaire is received prior to April 11, 2009 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2009 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2009 unless the irrigation questionnaire is submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2009 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May, 2009 in Pierre, SD. The letter should include your reasons for not completing the 2008 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The water right is still listed in the name of Irvin Rogers. If the estate has been settled and if you intend to try and maintain the water right, the water right should be transferred to reflect current ownership. Our records show the land has not been irrigated since 1996. If irrigation has been abandoned, please contact our office.

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

CERTIFICATION

I hereby certify that on March 12, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2009 regarding cancellation, suspension and amendments of Water Rights addressed as stated below:

Cancelled

Thomas Corrio, 33551 480th Ave., Jefferson SD 57038 5313-3

Gary R Larson, PO Box 337, Bison SD 57620 984-1

3 year suspension

Edward Patrick Henry, PO Box 11, White Clay NE 672-2

1 year suspension

Mike Slocum, Lakes Golf Course, 19 Golf Dr., Wentworth SD 57075 6055-3

Brad Kronz, McCook Country Club, PO Box 129, Salem SD 57058 5222-3 & 6874-3

Donald T & Katherine A Miller, 13217 Wilson Cemetery Rd., Newell SD 57760 1653-1

Duane Rogers, Adminstrator, 13575 383rd Ave., Aberdeen SD 57401 2943-3

Amendment to Water Right

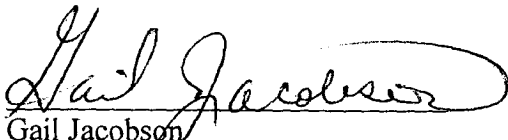
Steven Ching, 46577 188th St., Castlewood SD 57223 3224-3

Emily Stadheim Revocable Trust, 504 11th Ave N, Hettinger ND 58639 1055-1

Kent Wientjes, River Bottom Cattle Co., LLC, PO Box 96, Mobridge SD 57601 1012-1

Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd., Wasta SD 57791 618-2

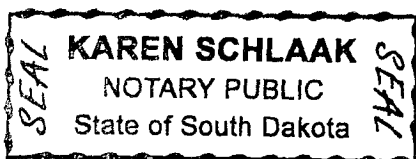
Fred Wientjes, PO Box 127, Mobridge SD 57601 1067-1


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 17, 2009

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401

Dear Mr. Rogers:

I am contacting you in regard to Water Right No. 2943-3 currently listed in the name of Irvin Rogers. Enclosed is a copy for your review.

The purpose of my letter is to find out if you own the land or has it been sold? If you own the land and wish to try and maintain the water right, it should be transferred to your name. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Our records show the land has not been irrigated for many years however we realize that in a majority of the years; there was either too much water or not enough water to irrigate with. In order to rely on legal excuse for non-use of water, a system must be in place and ready to be used if conditions warrant irrigation.

If you do not wish to maintain the water right or if the estate was settled and someone else now owns the land, please contact me.

Sincerely,

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

enclosures

RECEIVED

NOV 20 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2943-3

Date: 11-17-09

I/We request that Water Right No. 2943-3

formerly owned by: Irvin Rogers

be transferred to: (name & address) Duane Rogers

13575 383rd Av.

Aberdeen S.D. 57401

Telephone No. 605-225-4283

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

54 acres - E 1/2 NE 1/4 Section 5, T127N, R67W

I/We understand that the validity of Water Right No. 2943-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Duane Rogers, the new owner, certify that the above information is true and correct.

Duane Rogers

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 11/20, 20 09

RECEIVED OF Duane Rogers 13575 383rd Ave Aberdeen SD 57401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2943-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	50	00

No. **04247**

By *[Signature]*
Chief Engineer



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

November 24, 2009

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 2943-3.

The transfer has been completed. The water right, formerly held by Irvin Rogers is now listed in your name.

Enclosed is your Receipt No. 04247 in the amount of \$50.00. You may keep this for your records.

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

enclosure



2943-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: DUANE ROGERS, 13575 383RD AVE, ABERDEEN, SD 57401 8737
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2943-3 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 9, 2011** 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on a past violation, staff will be recommending to the Board that Water Right No. 2943-3 be suspended for a period of 3 years.**
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 4, 2011**, 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.

2943-3

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Label/Receipt Number: **2303 2160 0000 0802 0546**Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:54 pm on January 22, 2011 in ABERDEEN, SD 57401. The item was signed for by L JENSON.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 22, 2011, 2:54 pm, ABERDEEN, SD 57401
- Out for Delivery, January 22, 2011, 7:16 am, ABERDEEN, SD 57401
- Sorting Complete, January 22, 2011, 7:06 am, ABERDEEN, SD 57401
- Arrival at Post Office, January 22, 2011, 2:14 am, ABERDEEN, SD 57401

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FOIA

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0546

DUANE ROGERS
13575 383RD AVE
ABERDEEN SD 57401 8737

Waiver of Signature ☐ YES ☐ NO

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

March 8, 2011

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401 8737

Dear Mr. Rogers:

I am writing to acknowledge receipt of the information for your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 2943-3. 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



2943-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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January 24, 2013

NOTICE

TO: DUANE ROGERS, 13575 383RD AVE, ABERDEEN, SD 57401 8737

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2943-3 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12; **based on a past violation, Water Rights Staff will be recommending to the Board that Water Right No. 2943-3 be suspended for a period of three years.**
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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

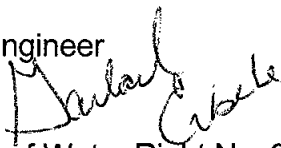
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 8, 2013

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: DUANE ROGERS, 13575 383RD AVE, ABERDEEN, SD 57401 8737

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Three Year Suspension of Water Right No. 2943-3

On March 7, 2013, the Water Management Board ordered:

Effective April 7, 2013, Water Right No. 2943-3 is suspended for the 2013, 2014 and 2015 irrigation seasons for failure to submit the 2012 irrigation questionnaire.

If the 2012 irrigation questionnaire is received prior to April 7, 2013, the suspension will not take effect.

Suspension means water may not be pumped during the 2013, 2014 and 2015 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2012 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 1 and 2, 2013, in Pierre, SD. The letter should include your reasons for not completing the irrigation questionnaire in a timely manner. 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 at (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 8, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2013 regarding cancellations addressed as stated below:

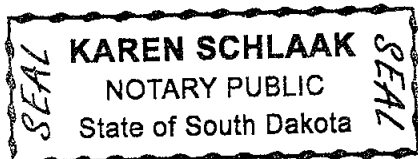
Edward Patrick Henry, PO Box 11, White Clay NE 69365 #672-2
Richard Will, 1104 Vista Dr, Milbank SD 57252 #4084A-3
Lane Tekrony, 47840 180th St, Clear Lake SD 57226 #2954-3
Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 # 508A-1
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536 #6168-3
Cabbage Patch Ranch, Pete Reinert, 19153 Vista Pl, Howes SD 57748 #'s 1921-1 & 1922-1
Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231 #3937-3
Duane Rogers, 13575 383rd Ave, Aberdeen SD 57401 #2943-3
Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278 #'s 2696-3A & 4414-3
Bruce Weyrich, 20080 145th Ave, Sturgis SD 57785 #996-1
Burnell & Helen Gaskins, 821 Fox Run Rd, #124, Rapid City SD 57701 #953-1
Samuel & Angela Fousek, 29972 396th Ave, Wagner SD 57380 #2323A-3
Brink Bros, Todd Brink, 5825 7th Ave SW, Watertown SD 57201 #2717-3A

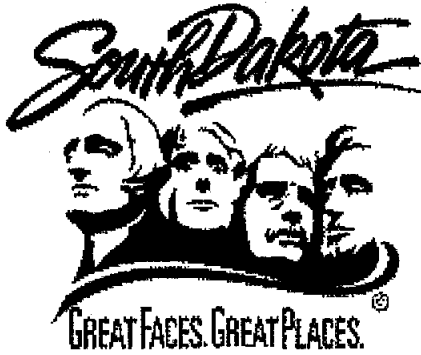

Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 8th day of March, 2013.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 28, 2013

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401 8737

Dear Mr. Rogers:

On March 7th, the Water Management Board ordered a three year suspension of Water Right No. 2943-3 if the 2012 irrigation questionnaire was not received prior to April 7, 2013. The irrigation questionnaire has now been received.

Since the irrigation questionnaire is now on file, no violation has occurred and no suspension will take place. You may irrigate during the 2013 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



2943-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DUANE ROGERS, 13575 383RD AVE, ABERDEEN, SD 57401 8737

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2943-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2943-3 qualification:

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

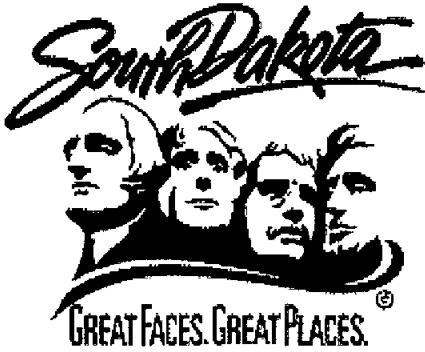
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 2943-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will be recommending to the Board that the water right be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 11, 2014

2943-3

Duane Rogers
13575 383rd Ave
Aberdeen SD 57401 8737

Dear Mr. Rogers:

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

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 2943-3. 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