

306A-3

RECEIVED

MAY 01 2018

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 306-3

Date: Apr 16-2018

I/We request that Water Right/Permit No. 306-3 formerly owned by:

JJ Curry & Sons

be transferred to:

New Owner Name:

Thomas W. Curry (20 acreage = 120 acres)

Address:

32386 472 Ave.

Scott Hanson, EA-OPERATOR

City, State, Zip

Elk Point, S.D. 57025

Telephone No. 605-675-2646

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

Sec 08-T091N-R49W, W 1/2 SW 1/4 - 80 acres

Sec. 17-T091N-R49W, NW 1/4 NW 1/4 - 40 acres

☒ I understand that the validity of Water Right/Permit No. 306-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

I believe this is already a valid permit.
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 included to cover the filing fee as required by SDCL 46-2-13.

I, Thomas W. Curry, the new owner, certify that the above information is true and correct.

Thomas W. Curry
(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

RECEIVED OF Tom Curry 32306 477th Ave Elk Point, SD 57025 Date May 1, 20 18

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

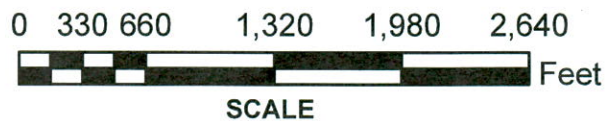
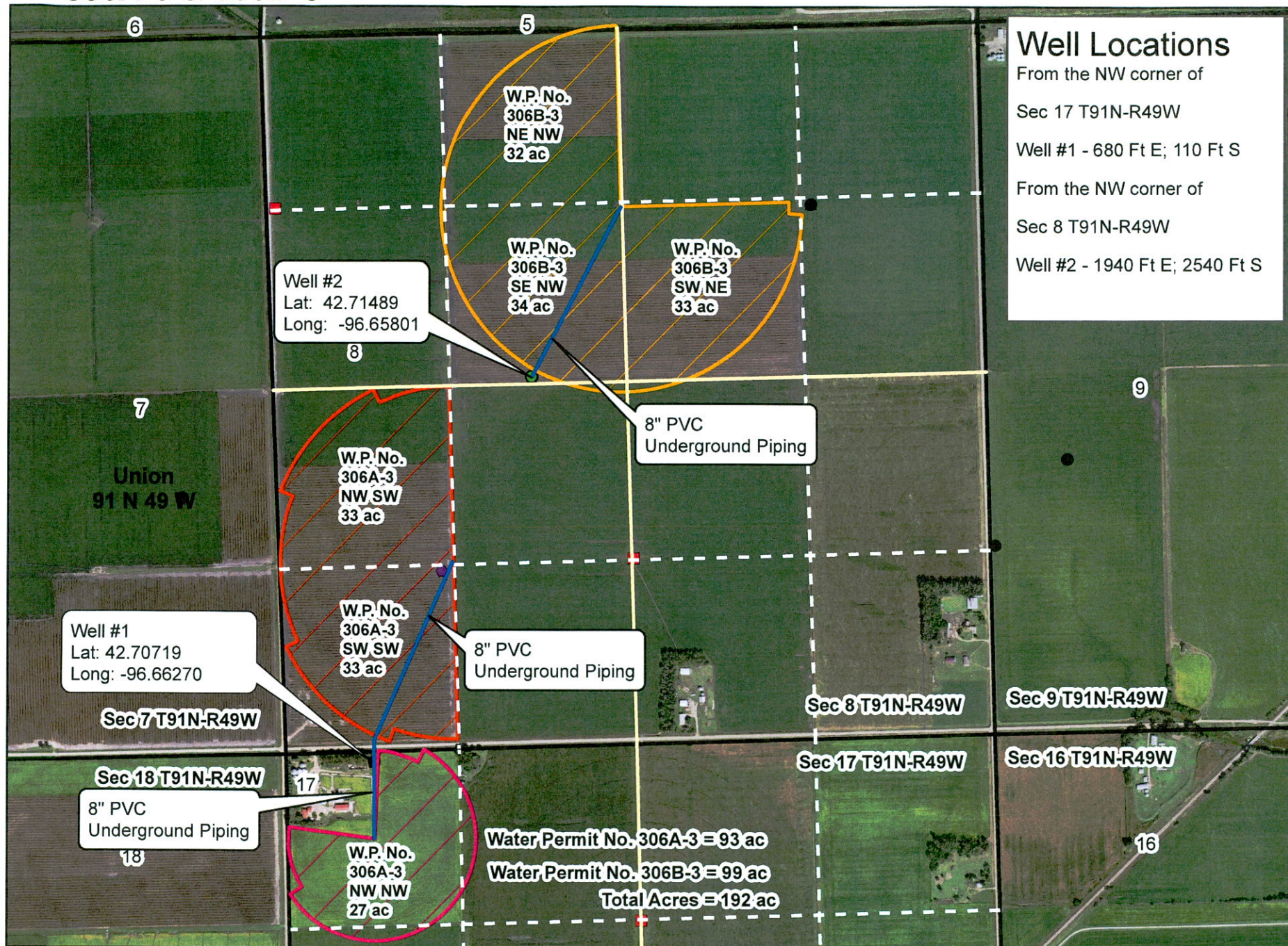
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 306-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 08665

By Jeanne Goodman
Chief Engineer

27m

306A-3 & 306B-3



Harold Holoch
 Harold Holoch, PE
 Staff Engineer
 July 19, 2018

2017 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2017**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 306-3

ED L CURRY David M. Curry Trust
GURRY SEED CO, OPERATOR Cloverleaf Farms, Inc
PO BOX 517 609 North Walnut Street
ELK POINT SD 57025 0517

Any address/ownership corrections?

Email

Phone 605 / 356 - 3370

1. Did you irrigate in 2017? *yes ☒ **no ☐

*If yes, number of acres irrigated? 240

**If no, check reason(s) for not irrigating acres covered by Permit No. 306-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2017? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

MAY 01 2018

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 306-3

(see above section map for help reading legal descriptions)

sec 08-T091N-R49W, E1/2NW1/4 - 80.00 acres

sec 08-T091N-R49W, SW1/4NE1/4 - 40.00 acres

sec 08-T091N-R49W, W1/2SW1/4 - 80.00 acres

sec 17-T091N-R49W, NW1/4NW1/4 - 40.00 acres

> David M. Curry Trust
> Thomas W. Curry

Please provide your 2017 water use to irrigate the above acreage on the REVERSE side of this form.

Type of system used: center pivot ☒ towline ☐ big gun ☐ flood ☐ sprinklers ☐ other _____
 (check all that apply) If center pivot, how many? 2 Please note, pivots need end gun stops to prevent overspray!

If more room is needed, copies of this page may be made or complete blank pages and attach to this form.

MONTH IRRIGATED	CROP TYPE	*NUMBER OF ACRES IRRIGATED	PUMP RATE IN GALLONS PER MINUTE	DAYS PER MONTH WATER WAS APPLIED	AVERAGE HOURS PER DAY
MARCH					
APRIL					
MAY					
JUNE	Corn	120	800	6.75	24
	Soybeans	120	800	2.25	24
JULY	Corn	120	800	4.5	24
	Soybeans	120	800	2.25	24
AUGUST	Corn	120	800	4.5	24
	Soybeans	120	800	2.25	24
SEPTEMBER					
OCTOBER					

*Total number of acres irrigated should be the same as your answer in question No. 1 on reverse side of this form.

Approval Change of Diversion Point and Additional Diversion Point

NAME: Curry & Sons

ADDRESS:

DATE: July 24, 2018

COUNTY: Union

TELEPHONE:

Water Right No. 306-3 appropriates 3.42 cubic feet of water per second from one well to be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 for irrigation of the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; all in T91N-R49W. Ownership of the land has occurred requiring splitting of Water Right No. 306-3.

- E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 is owned by David Curry and operated by Cloverleaf Farms (Bill Curry)
- W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 is owned by Tom Curry and operated by Scott Hanson

Harold Holoch, a water right inspector, was on-site and provided coordinates for each well. Mr. Holoch found two wells in place used to irrigate the parcels based on the current ownership. Based on discussion with Bill Curry it was learned that the well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8 was constructed in the mid to late 1980's. According to Mr. Curry this well was drilled as a replacement for the prior well. There is no well completion report on file. The southern well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 was drilled after the northern well was in place. A well completion report on file indicate it was drilled in December of 1988.

Mr. Holoch's investigation of the diversion rates based on the operator's recollection provides only an estimate of the pump rates from the wells. The best estimate of the north well's (David Curry) pump rate is 2.0 cfs and the southern well (Tom Curry) is likely 1.78 cfs. This would put the total diversion rate authority, if correct, at 3.78 cfs which is 0.36 cfs greater than the 3.42 cfs authorized by Water Right No. 306-3.

The pump rate associated with Water Right No. 306-3 of 3.42 cfs is based on the statutory limit for irrigation of 240 acres. Given Water Right No. 306-3 is to be split based on ownership, my suggestion is that the diversion rate be the proportionate share based on acres. Since the split is an equal 120 acres the accompanying pump rate will be 1.71 cfs (767 gpm).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The wells are location in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 and the additional well is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17; all in T91N-R49W.

The additional well was constructed in 1988 into the Missouri Elk Point aquifer which is the same aquifer that is authorized by Water Right No. 306-3. The well is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17-T91N-R49W. The water right upon being split into Nos. 306A-3 and 306B-3 based on ownership will need limited to the proportionate share based on acreage. In this case since each owner has 120 acres their respective pump rate should be 1.71 cfs.

- **If irrigation, no new land is irrigated**

No additional land is being irrigated

- **Review of Existing Diversions**

This is an area of extensive irrigation. Drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells. There is observation wells in the area. UN-77M is located approximately 1miles south, UN-87H is located about one mile to the north and UN-87I is a little over one mile to the northeast of the additional well site. These observation wells show normal seasonal and climatic fluctuation.

The additional well has been in place for 30 years without complaints regarding impairment.

RECOMMENDED ACTION

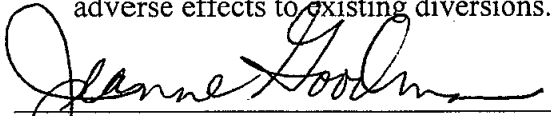
Based on the above criteria, it is recommended that the change of diversion point and additional diversion point be licensed as developed.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point and additional diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 11 2018

306A-3

Thomas W Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

Enclosed is Reissued Water License No. 306A-3.

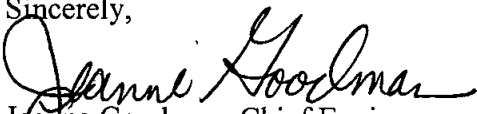
Based on the ownership changes filed, Water Right No. 306-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 306A-3: Thomas W Curry, 32306 477th Ave., Elk Point SD 57025** authorizing diversion of water from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 to irrigate 120 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, all in T91N, R49W;
- **No. 306B-3: David M Curry Trust, 609 N Walnut, Elk Point SD 57025** authorizing diversion of water from a well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 to irrigate 120 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, all in T91N, R49W.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

You receipt paid for filing the ownership change is enclosed along with a map of the area. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 306A-3

(DIVISION OF WATER LICENSE NO. 306-3 INTO NOS. 306A-3 & 306B-3)

(1) Curry Brothers, Elk Point SD were issued Water License No. 306-3, January 28, 1958 for a right to divert 3.42 cubic feet of water per second (cfs) from ground water, one well (Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Water Right No. 306-3, with a priority date of September 24, 1956, authorizes irrigation of 240 acres located in the E ½ NW ¼, SW ¼ NE ¼, W ½ SW ¼ Section 8 and NW ¼ NW ¼ Section 17, all in T91N, R49W.

Since the initial licensing in 1958, the original well was replaced and an additional well was drilled to supplement the irrigation system. The replacement well is located in the SE ¼ NW ¼ Section 8 and the additional well is located in the NW ¼ NW ¼ Section 17, T91N, R49W. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding the change in diversion point and the additional diversion point did not increase the potential for adverse effects to existing diversions.

On May 1, 2018, ownership changes were filed for the land described in the water right. Based on the ownership changes, Water Right No. 306-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 306A-3: Thomas W Curry, 32306 477th Ave., Elk Point SD 57025** authorizing diversion of 1.71 cfs from the well located in the NW ¼ NW ¼ Section 17 to irrigate 120 acres located in the W ½ SW ¼ Section 8 and NW ¼ NW ¼ Section 17, all in T91N, R49W;
- **No. 306B-3: David M Curry Trust, 609 N Walnut, Elk Point SD 57025** authorizing diversion of 1.71 cfs from the well located in the SE ¼ NW ¼ Section 8 to irrigate 120 acres located in the E ½ NW ¼ and SW ¼ NE ¼ Section 8, all in T91N, R49W.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 1.71 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 680'E and 110'S of the NW corner of Section 17, T91N, R49W (NW ¼ NW ¼ Sec 17)
Latitude 42.70719, Longitude -96.66270

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

T91N, R49W	Section 8	W ½ SW ¼	80 acres
	Section 17	NW ¼ NW ¼	40 acres
		Total	120 acres

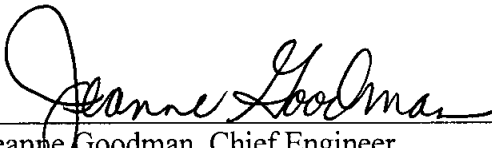
continued

Reissued Water License No. 306A-3

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thomas W Curry, 32306 477th Ave., Elk Point SD 57025 the holder and/or owner of Water Right No. 306A-3 is issued a license to appropriate water, the right to use 1.71 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of September 24, 1956 from the location specified in (2) of this license for irrigation purposes.

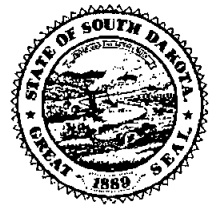
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 306-3.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 11 2018

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2019

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3 & 6878-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3 & 6878-3. 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

c: Thomas W Curry, 32306 477th Ave, Elk Point SD 57025



306A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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 **February 26, 2020** 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: XPZLKY**

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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.

306A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right/Permit Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

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

c: Tom Curry



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: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3, 8364-3 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) 6878-3, 8364-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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: HCHCEY**

C; TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2021

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3

Dear Mr. Hanson:

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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) 6878-3, 8364-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6878-3, 8364-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XNXFOM**

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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.

306A-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 1, 2022

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3 & 8364-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3 & 8364-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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