

Water Right Number 3125-3

1. Considered 11-17, 19 76
2. Name of Applicant GLEN GARRETT
3. Post Office Address PIERRE
4. Amount of water claimed 9.1
5. Source of water supply MISSOURI RIVER
6. Water to be used for ~~22W, 55~~ IRRIGATION
Acres to be irrigated 640
7. Water to be diverted and used in SULLY County
about 22W, 55 Miles 1 of PIERRE
3. Proof of Publication
Received 11-9-76
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 3125-3Map No. 1418-3 Water Division No. 3 MISSOURI RIVER District 1
(Returns to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Glen Garrett
 Postoffice address Part A., Pierre State South Dakota
 If a corporation, show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Garrett #2
 Amount of water claimed (cubic feet per second) 9.1
4. Source of water supply Missouri River
5. Location of point of diversion between points 4420 ft. East of the NE Corner and 1750 ft. East of the SE Corner, both in Section 5, T113N, R80W
 County Sully
6. Annual period or periods during which water is to be used April thru October
7. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
8. For irrigation use, Total number of acres to be irrigated 640

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.
All of Section 31, T114N, R80W	640		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Capitol Journal, Pierre, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Pumps and Motor

Water pumped to dam and repumped

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

Mainline

C. Works proposed to apply water to beneficial use.

Center pivot sprinklers

Estimated Total Cost \$

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)
 Hughes)
 County of _____)

I Glen Garrett 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 Glen C. GarrettSubscribed and sworn to before me this 25th day of October 19 76

Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3125-3

GLEN GARRETT
(Applicant)

PART A, PIERRE
(Post Office Address)

SOUTH DAKOTA 57501 With the following modifications:
(State)

Date of first receipt of application OCTOBER 25, 19 76

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved NOVEMBER 17, 19 76, Recorded in Book 16 Page 215

WATER RIGHT PERMIT NO: 3125-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3125-3 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 OCTOBER 25, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 17, 19 79
3. The whole of said work is to be completed on or before NOVEMBER 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 19 85
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 9.1 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 it 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 NOVEMBER 17, 19 85 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 21ST day of DECEMBER, 19 76

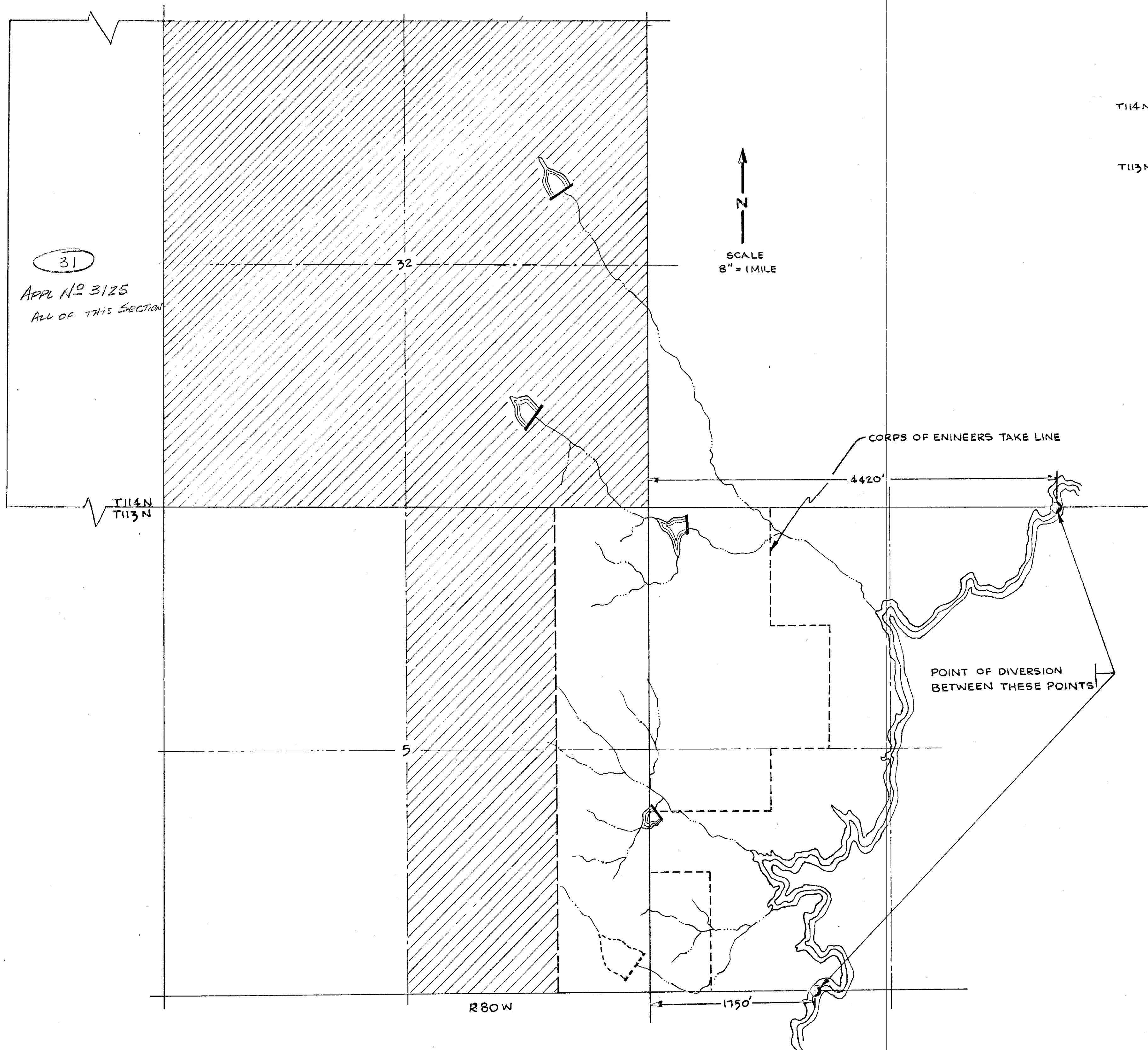
WATER RIGHTS COMMISSION

By:

John H. Stab
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____



LAND TO BE IRRIGATED			
T114N R80W	SECTION 32	NW ⁴	160 AC.
		SW ⁴	160 AC.
		NE ⁴	160 AC.
		SE ⁴	160 AC.
T113N R80W	SECTION 5	NE ⁴	100 AC.
		SE ⁴	100 AC.
TOTAL			840 AC.

31
APPL NO 3125
ALL OF THIS SECTION

GLEN GARRETT
IRRIGATION PROJECT
SULLY COUNTY

No. 3125-3

Publish first publication, on or before

November 4, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 27, 1975

Notice is hereby given that Glen Garrett

whose post office address is Pierre, 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 9.1 cubic feet of water per second of time from the Missouri River through the Garrett # 2, the point of diversion of which is to be located in the between points in the NE 1/4 NE 1/4 and in the SE 1/4 SW 1/4

of Section 1, Twp. 113N, Range 80W. Said water to be used for the purpose of providing irrigation on the following described land:
portions on

Section 31, T114N, R80W

This application No. 3125-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1975 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: Glen Garrett, Part A, Pierre, SD 57501

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

No. 3125-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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

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

October 29, 1976; and

November 5, 1976

John H. Hipple
(Signature)

Business Manager
(Title)

November 5, 1976
(Date Signed)

No. 3372 - 21 dly Oct. 29, Nov. 6
No. 3125-3

NOTICE OF INTENT
TO APPROPRIATE WATER

Notice is hereby given that
Glen Garrett, whose post office
address is Pierre, 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 9.1 cubic feet of
water per second of time from the
Missouri River through the Gar-
rett No. 2, the point of diversion of
which is to be located between
points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and in
the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Twp.
113N, Range 80W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
Section 21, T114N, R80W.

This application No. 3125-3 will
be considered by the Water
Rights Commission at the Marvin
Hughitt Hotel in Huron, South
Dakota upon the 17th day of
November, 1976 at 10:00 A.M. All
interested persons may appear
and be heard.
WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist



Division of Water Rights (605) 773-3352

2003-3
3125-3
3731-3

February 10, 1981

May, Adam, Cardez, & Thompson
Box 160
Pierre, SD 57501

ATTENTION: Tom Adam

Dear Tom:

Reference is made to your inquiry regarding permits held by Glen Garrett.

Permit No. 2003-3 was issued for 12.0 cfs to irrigate 840 acres in Section 5, T113N, R80W and in Section 32, T114N, R80W. Completion date for this project is September 12, 1982.

Permit No. 3125-3 was issued for 9.1 cfs to irrigate 640 acres in Section 31, T114N, R80W. Completion date on the project is November 17, 1985.

Permit No. 3731-3 was issued for 10.7 cfs to irrigate 750 acres in Section 28, 29 and 34, T114N, R80W. Completion date for this project is March 23, 1986.

I have enclosed a sketch of the acreage covered by these permits. All of the permits are considered active, valid water rights by this office.

If you have any further questions, or need additional information, feel free to contact this office.

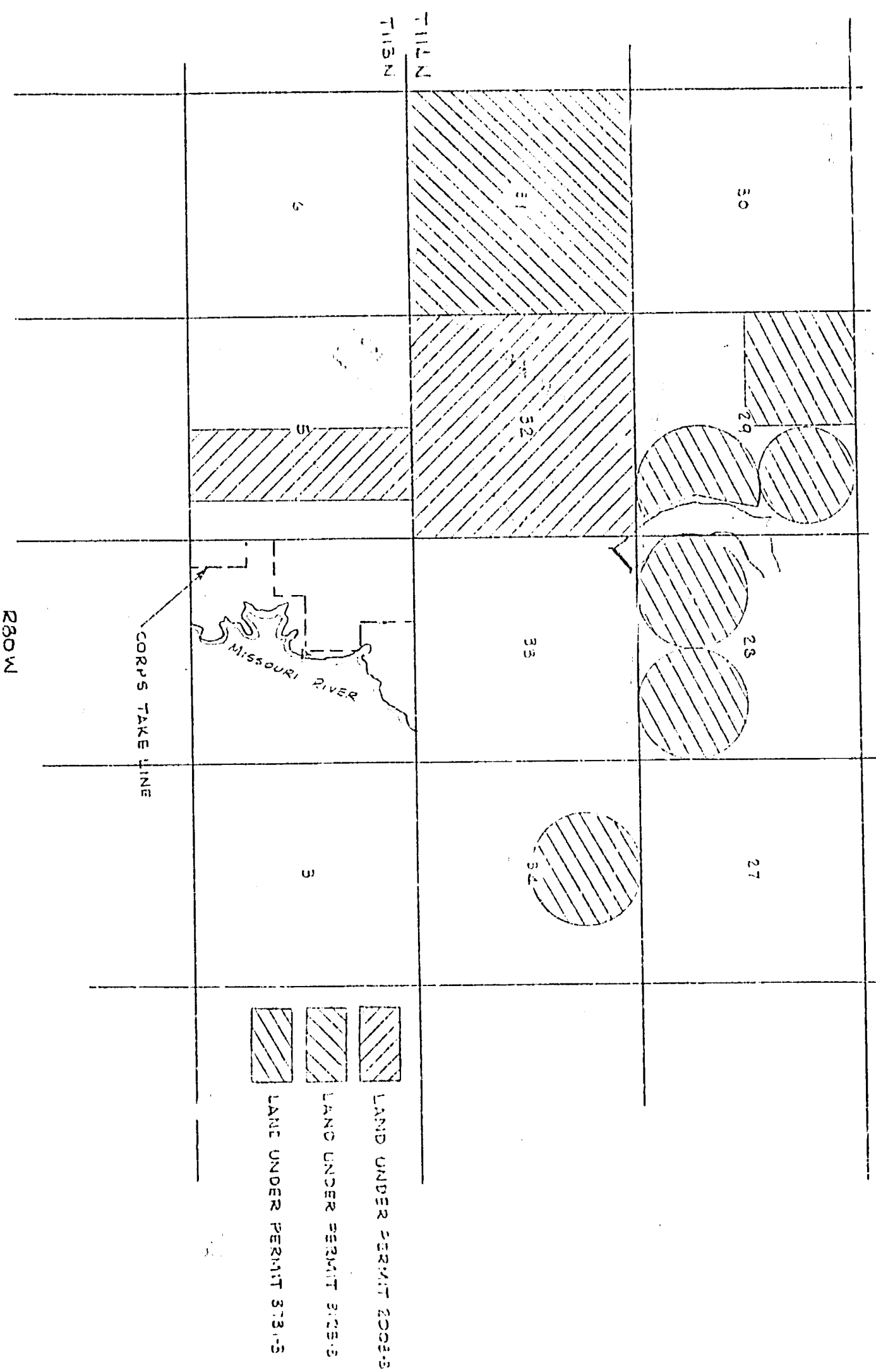
Sincerely,

BURTON F JONES
Water Rights Specialist

BFJ/ny

encl

SKETCH GLEN GARRETT IRRIGATION PROJECTS





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 25, 1986

2003-3
3125-3
3731-3

Tom Adam, Attorney
May, Adam, Gerdes & Thompson
Box 160
Pierre SD 57501

Dear Mr. Adam:

Enclosed as requested, are Notices of Transfer for Water Permit Nos. 2003-3, 3125-3 and 3731-3, listed in the name of Glen Garrett. The forms should be checked over, dated, signed and notarized before returning them to our office with a \$2.50 filing fee for each transfer.

For your information, I have enclosed a copy of a letter sent to Mr. Garrett January 3, 1985 to which no reply was received. The permits can not be licensed until a new application is submitted and approved for the additional acres.

Also enclosed is the 1985 irrigation questionnaires for Permit Nos. 2003-3, 3125-3 and 3731-3. The data was requested of Mr. Garrett in November, 1985 but was never received. If possible, and if any of the lands were irrigated in 1985, please forward these copies to whoever would have the irrigation records. I would appreciate any assistance you may be able to provide concerning this matter.

If you have any questions or need additional information, please contact our office.

Sincerely,

GENNY MC MATH
Natural Resource Analyst

GM:ks

enclosures

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 7, 1986

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

Section 31, T114N, R80W

formerly owned by Glen Garrett, Pierre SD

has been transferred to John Hancock Mutual Life Insurance Company, P. O. Box 3009, Sioux City, Iowa 51102. (please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3125-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

IOWA
STATE OF ~~SOUTH DAKOTA~~)
County of Woodbury) ss.

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

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY

Roger E. Johnson SPAC
(Signed) Roger E. Johnson, Senior
Agricultural Investment Officer

Subscribed and sworn to before me this 7th Day of April, 1986.

Jean Anthony
(Notary Public) Jean Anthony

My commission expires: 9-22-

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 11, 1951

RECEIVED OF John Hancock Mutual Life Ins. Co., PO Box 3009, Sioux City IA 51102
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>31</u> _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (105)



2003-3
3125-3
3731-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

April 15, 1986

Roger E. Johnson, Agricultural Investment Officer
John Hancock Mutual Life Insurance Company
P.O. Box 3009
Sioux City, Iowa 51102

RE: Transfer of Water Permits formerly owned by Glen Carrett

Dear Mr. Johnson:

Enclosed are receipt Nos 410404, 410405, and 410406 in the amounts of \$2.50 each which you paid for transfer of Water Permit Nos. 2003-3, 3125-3 and 3731-3.

Also enclosed per request of Jean Anthony dated April 9, 1986 are copies of the transfer notices. Water Permit Nos. 3003-3, 3125-3 and 3731-3 are now listed in the name of John Hancock Mutual Life Insurance Company.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:
Enc.

Equal Opportunity Employer



Department of Water & Natural Resources

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

May 5, 1988

2003-3
(3125-3)
3731-3

Larry Braun
Box 158
Warner SD 57479

Dear Mr. Braun:

Enclosed, as you requested, are copies of Water Permit Nos. 2003-3, 3125-3 and 3731-3. The permits are currently listed in the name of John Hancock Mutual Life Insurance Company.

Also, enclosed are Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (total \$7.50).

Upon receipt of the enclosed forms and the filing fees, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please contact us if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resource Analyst
605 773-3352

enclosures



NO. 3125-3

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Sept Aug 24, 1988

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

Section 31, T114N, R80W

formerly owned by John Hancock Mutual Life Insurance Company

has been transferred to Missouri River Investments, a limited partnership, Box 158
(please include complete mailing address) Warner, SD
together with any rights to the beneficial use of water thereon as evidenced by 57475

Water Right Permit No. 3125-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Brown) ss.

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

Larry Braun, General Partner
(Signed)

Subscribed and sworn to before me this 24th Day of August, 1988.

Shari Braun
(Notary Public)

EX-10-20-95

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411375

Pierre, August 25, 1978

RECEIVED OF ~~MISSOURI~~ Missouri River Investments, A Limited Partnership, Box 158, Warner, SD 57479
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form Permit No. 3125-3 _____	2 50
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____ (Any Other Work Provided by Law)	
Total	2 50

By John Hatch
Chief Engineer JOHN HATCHES



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

2003-3
3731-3
3125-3

August 26, 1988

Missouri River Investments
A Limited Partnership
Box 158
Warner, South Dakota 57479

Dear Sir:

Enclosed are receipt Nos. 411373, 411374, and 411375 in the amount of \$2.50 each, which you paid for transfer of Water Right Nos. 2003-3, 3731-3 and 3125-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.3



2003-3
3125-3
3731-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Missouri River Investments
Box 158
Warner, SD 57479

Dear Sirs:

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

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

The new standards include:

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

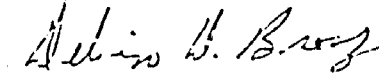


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

3125-3

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

October 11, 1989

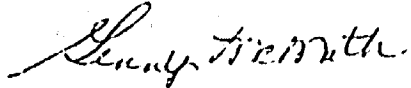
Dallas Moon
Real Estate Project Office
Federal Building
PO Box 670
Pierre, SD 57501

Dear Mr. Moon:

Enclosed are copies of "Notice of Transfer" forms filed with Water Permit Nos. 2003-3, 3125-3 and 3731-3. The forms, filed August 25, 1988, transferred ownership of these permits from John Hancock Mutual Life Insurance Company to Missouri River Investments, a limited partnership, Box 158, Warner, SD.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





3125 5

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

MISSOURI RIVER INVESTMENTS LARRY BRAUN
BOX 158
WARNER SD 57479

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) 2003-3, 3125-3 & 3731-3. 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) 2003-3, 3125-3 & 3731-3 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

MISSOURI RIVER INVESTMENTS
BOX 158
WARNER SD 57479

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 2003-3; (3125-3) & 3731-3

The first notice to file chemigation report(s) for Permit No(s) 2003-3; 3125-3; & 3731-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 2003-3; 3125-3; & 3731-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2003-3; 3125-3; & 3731-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

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

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



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

February 27, 1992

2003-3
(3125-3)
3731-3

Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

Dear Mr. Braun:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 2003-3, 3125-3 and 3731-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



5/12 5:38

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 1992

LARRY BRAUN
MISSOURI RIVER INVESTMENTS
BOX 158
WARNER SD 57479

Dear Mr. BRAUN:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No (s). 2003-3; (3125-3) & 3731-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report(s), your name has been Deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



January 29, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: LARRY BRAUN
 MISSOURI RIVER INVESTMENTS
 BOX 158
 WARNER, SD 57479

FROM: Ron Duvall, Natural Resources Engineer IV
 for JOHN HATCH, Chief Engineer
 Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 3125-3

The first notice to file chemigation report(s) for Permit No(s) 2003-3; 3125-3; & 3731-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 3125-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3125-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

3125-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1993

No. 3125-3

Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire for permit No. 3125-3 with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

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

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division



3125-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 4 1994

5778-3

Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

Dear Mr. Braun:

Enclosed are Water Permit and Water License No. 5778-3. Water License No. 5778-3 is the final document which completes the process of obtaining a water right.

On May 4, 1993, you submitted a \$150 filing fee for Permit No. 5778-3. It was later determined the filing fee for the permit should have been \$50. The license fee is an additional \$50; therefore, the remaining \$50 will be refunded to you. You should receive this refund in a couple of weeks.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of 2003-3, 3125-3 and 3731-3 are incorporated into 5778-3.