

Recorded  
10-14-77

10-7

10" DEPTH 500 10" FEET  
BROAD RATE 800

$\frac{1}{2}$  W. 1120

$\frac{30}{170}$

NATIONAL 10" PUMP (WEBBOK, TX)

POWERED BY GE 75 HP ELECTRIC MOTOR

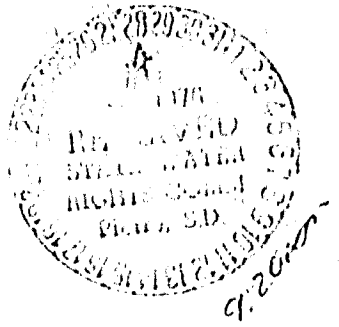
170' OF 10" MAINTAIN - ALUMINUM

VALVE ELECTRIC DRIVE CENTER PUMP - END GUN

Water Right Number 3136-2

1. Considered 11-17, 1976
2. Name of Applicant CHARLOTTE NORTON BAIRD
3. Post Office Address REDFIELD
4. Amount of water claimed 2.22
5. Source of water supply 95' DEEP WELL
6. Water to be used for IRRIGATION  
Acres to be irrigated 160
7. Water to be diverted and used in SPINK County  
about 2N, 4W Miles        of HITCHCOCK
8. Proof of Publication  
Received 11-15-76  
Not received         
Approved         
Subject to         
Not approved         
Action deferred
9. Application
10. Remarks:

Map No. 2468-3 Water Division No. 3 JAMES RIVER District  
(Blanks to be filled by the Engineer for the W. & 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 Charlotte Norton Baird  
 Postoffice address 505 6th St E, Rapid State South Dakota 57469  
 If a corporation show date and place of incorporation NO  
 2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor  
 3. Name of diversion work Charlotte Baird  
 4. Amount of water claimed (cubic feet per second) 2.3 (1000 gallons per minute)  
 5. Source of water supply Well  
 6. Location of point of diversion SW 1/4 13-114-64

7. Annual period or periods during which water is to be used May 1 to Nov 1  
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation  
 9. For irrigation use, Total number of acres to be irrigated 160

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>NW 1/4 13-114-64</u> | <u>160</u>     |                  |                |
|                         |                |                  |                |
|                         |                |                  |                |
|                         |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 3 years  
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid Press  
 12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 50,100

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 Spink

I, Charlotte N. Baird 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 Charlotte N. Baird

Subscribed and sworn to before me this 27 day of September 1976

Charlotte N. Baird  
Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3126-3  
Phonias D. Gilbreel  
CHARLOTTE NORION BAIRD 505 6th Ave., LEEDFIELD  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57469 With the following modifications:  
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application SEPTEMBER 28, 1976  
 Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19\_\_\_\_  
 Date of receipt of corrected application OCTOBER 27, 1976  
 Approved NOVEMBER 17, 1976, Recorded in Book 16 Page 216

## WATER RIGHT PERMIT NO. 3126-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3126-3 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 28, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 17, 1977
3. The whole of said work is to be completed on or before NOVEMBER 17, 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 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 2.22 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use 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 NOVEMBER 17, 1981; said water to be used during the following described annual period: MAY 1 TO NOVEMBER

Witness my hand this 21st day of December, 1976

WATER RIGHTS COMMISSION

By:

John Hatch  
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 4, 1979  
 Water License Issued APRIL 4, 1979

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 4", Depth 95'  
(2) Casing, Type Plastic, Diameter 4", Thickness 1/4"  
(3) Perforated Screen, Type Plastic, Diameter 4", Length 85'  
(4) Gravel Pack, Thickness 65', Length of gravel pack 65'

E. Dugout Information or Estimates

(1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 85 feet and more

Depth to top of water bearing material 15 ft

Depth to bottom of water bearing material 95 ft

Thickness of water bearing material 80 ft

Depth to water (ground surface to water level) 30 ft

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

On same owner's property 25 rds. On property owned by others 400 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.

Charlotte N. Basil  
Signature of Applicant

Form 15

Permit No. 3126-3

Water Diversion No. 3 James River Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Thomas D. Gilbert

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 3126-3, issued upon Application No. 3126-3, bearing date of priority of September 28, 1976  
authorizing the diversion of 2.22 cu. ft. per second of the waters of ground water  
County of Spink, State of South Dakota at a point 500'E of the W $\frac{1}{2}$  corner, Section 13, T:14N, R:64W

\_\_\_\_\_, for Irrigation

\_\_\_\_\_ has S complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date April 4, 1979

John Hatch  
JOHN HATCH, Chief Engineer  
Water Rights Commission

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 3126-3

(1) WHEREAS, On the 28th day of September A. D. 19 76  
Charlotte Horton Baird

made Water Right Application No. 3126-3 for a permit to use 2.22 cubic feet per second of the waters of ground water  
 County of Spink State of South Dakota, for Irrigation

\_\_\_\_\_ purposes; and  
 (2) WHEREAS, On the 21st day of December A. D. 19 76  
 Permit No. 3126-3 with a date of priority of September 28, 1976  
 was issued to said applicant \_\_\_\_\_ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 17th day of November A. D. 19 78 and for the application to beneficial use of said water on or before the 17th day of November A. D. 19 78

and,  
 WHEREAS, on the 4th day of April, 1978, the Permit was transferred to Thomas D. Gilbert,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use and,

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

for irrigating a 136 acre circle in the NW¼, Section 13, T114N, R64W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Thomas D. Gilbert

\_\_\_\_\_ of Hitchcock

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 3126-3 a water right, dating from September 28, 1976

\_\_\_\_\_ to use of 1.78 cubic feet per second of the waters of ground water

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 500' E of the W 1/2 corner, Section 13,

T114N, R64W

and conduct to and upon a 136 acre circle in the NW 1/4, Section 13, T114N, R64W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3126-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 4th day of April A. D.  
Nineteen Hundred and seventy-nine

WATER RIGHTS COMMISSION

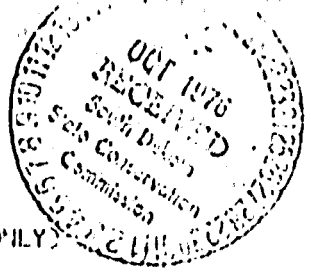
By:

John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

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

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Charlotte M. Bird  
ADDRESS 505 1st St. E. Rapid, S.D. 57469  
COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 13-114-64  
2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 13-114-64

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT X GUN \_\_\_\_\_  
4. CROPS TO BE IRRIGATED \_\_\_\_\_

WATER QUALITY

5. SAMPLE NUMBER 76-1508  
6. SALINITY (EC X 10<sup>6</sup>) 967 (Moderately high)  
7. SODIUM (SAR) 1.35 (Low)  
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.16

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

Charlotte M. Bird  
APPLICANT'S SIGNATURE

Approval does not imply that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.

Albert J. [Signature]  
APPROVED/DISAPPROVED

SUBSCRIBED AND SWORN BEFORE ME THIS  
27 DAY OF September 1976.

[Signature]  
(TITLE OR SEAL)

My Commission Expires Jan. 13, 1978

(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: Charlotte Norton Eaird  
 Address: 505 6th St. E.  
Redfield, SD 57469

Date Rec'd September 30, 1976

Sample No. 76-1508

Identification Well

S&A, Sec. 13, T. 114N, R. 64E

**WATER ANALYSIS**

|                                       |       |                             |      |           |
|---------------------------------------|-------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 116   | ppm*                        | 5.80 | me/l**    |
| Magnesium (Mg)                        | 21    | ppm                         | 1.72 | me/l      |
| Sodium (Na)                           | 60    | ppm                         | 2.61 | me/l      |
| Potassium (K)                         | 12    | ppm                         | 0.31 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 176   | ppm                         | 3.66 | me/l      |
| Nitrate (as N)                        |       | ppm                         |      | me/l      |
| Chloride (Cl)                         | 14    | ppm                         | 0.39 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 468   | ppm                         | 7.68 | me/l      |
| Carbonate (CO <sub>3</sub> )          |       | ppm                         |      | me/l      |
| Iron (Fe)                             |       | ppm                         |      | me/l      |
| Fluoride (F)                          |       | ppm                         |      | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                         |      | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 384   | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0     | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 969   | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | 1.35  |                             |      |           |
| Sodium                                | 25.00 | % of cations                |      |           |
| Residual sodium carbonate             | 0.16  | me/l                        |      |           |
| pH                                    | 7.57  |                             |      |           |
| Others:                               |       |                             |      |           |

\*ppm=parts per million

\*\*me/l=millequivalents per liter

\*\*\*g.p.g.=grains per gallon

COMMENTS: Total cations 10.44 me/l  
 Total anions 11.73 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1508

Amount Enclosed \$.....

Signed.....

October 15, 1976

Charlotte Norton Baird  
505 6th St. E.  
Redfield, SD 57469

Dear Ms. Baird:

Your water sample (Lab. No. 76-1508) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

*L. O. Fine*  
L. O. Fine  
Water Quality Lab

LOF:ckb  
Enclosures  
cc: State Conservation Commission



No. 3125-3

Publish first publication, on or before

November 1, 1976

## NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 27, 1976

Notice is hereby given that Charlotte Norton Baird

whose post office address is Reefield, 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 0.22 cubic feet of water per

second of time from the ground water through the

Baird #1, the point of diversion of which is to

be located in the NE 1/4 SW 1/4

of Section 12, Twp. 13N, Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

1/4, Section 12, T13N, R64W

This application No. 3125-3 will be considered by the Water Rights

Commission at the Marvin Inglett Hotel in Euron, 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

Charlotte Norton Baird, 305 6th St. E., Reefield, SD 57469

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

No. 3126-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Spear ) ss.

I, Harold D Jones hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Redfield Press

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

County of Spear at Redfield

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

November 4, November 11

Harold D Jones  
(Signature)

Editor  
(Title)

November 11, 1976  
(Date Signed)

No. 76

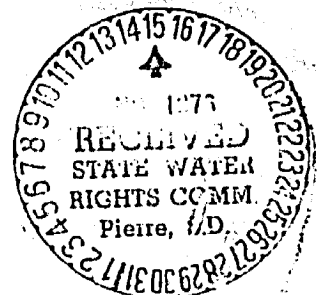
No. 3126-3  
Publish first publication,  
on or before  
November 4, 1976

NOTICE  
OF INTENT TO APPROPRIATE WATER  
Pierre, South Dakota 57501  
October 27, 1976  
Notice is hereby given that  
Charlotte Norton Baird, whose  
post office address is Redfield,  
South Dakota, has made an  
application in accordance with  
the provisions of the water laws  
of South Dakota for a permit to  
appropriate for beneficial use  
2.22 cubic feet of water per  
second of time from ground  
water through the Baird No. 1  
the point of diversion of which is  
to be located in the NE 1/4 SW 1/4 of  
Section 13, Twp. 114N, Range  
64W. Said water to be used for the  
purpose of providing irrigation on  
the following described land:  
NW 1/4, Section 13, T114N, R64W.  
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 ap-  
pear and be heard.

WATER RIGHTS  
COMMISSION

By: BURTON F. JONES,  
Water Rights  
Specialist

BFJ-bw  
cc: Charlotte Norton Baird, 505  
6th St. E., Redfield, SD 57469  
(November 4, 11)



# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6415

PIERRE, April 4, 1978

RECEIVED OF Mrs. E. B. Baird, 513 6th Street, E., Redfield, SD 57469  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                    |          |           |
|--------------------------------------------------------------------------------------------------------------------|----------|-----------|
| Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) ..... |          |           |
| Fee for inspecting Construction, and Issuing Cert. of Construction No. ....                                        |          |           |
| Fee for inspecting Beneficial Use, and Issuing Water License No. ....                                              |          |           |
| Fee for Issuing Location Certificate-Dry Draw, No. ....                                                            |          |           |
| Fee for filing transfer of Water Right Permit No. 3126-3 .....                                                     | 2        | 50        |
| Fee for certified copy of .....                                                                                    |          |           |
| Fee for Print copy of map .....                                                                                    |          |           |
| Fee for Certifying .....                                                                                           |          |           |
| Fee for (any other work as provided by law) .....                                                                  |          |           |
| <b>TOTAL</b> .....                                                                                                 | <b>2</b> | <b>50</b> |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH 1978

By

513 Sixth Street East  
Redfield, S. D. 57452  
April 3, 1978

Water Rights Commission  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Sirs:

In November of 1976, I was issued WATER RIGHT PERMIT NO. 3126-3.

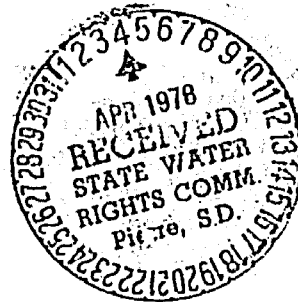
Since that date, I have sold the land to Thomas D. Gilbert of Hitchcock, South Dakota 57348, so would you please transfer the permit to Mr. Gilbert. Check for \$2.50 for transfer fee is enclosed.

Mr. Gilbert will be ready to apply water this year and he will complete and send in the required papers.

Yours very truly,

Charlotte Norton Baird

Enclosure: Check #3767



Form 10.

No. 3126-3

*SPIN*

NOTICE OF COMPLETION OF WORKS AND/OR  
APPLICATION OF WATER TO BENEFICIAL USE



Post Office Hitchcock

Date June 21, 1978

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. \_\_\_\_\_.

Water Right Permit No. 3126-3 states that the diversion system is to be constructed by Nov. 17, 19 78 and that the water is to be put to beneficial use by Nov. 17, 19 81.

The diversion system was completed on Dec. 1, 19 77.  
Applying the water to beneficial use was completed on Aug. 1,  
19 78.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Tom Gilbert  
(Signature)

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6772

PIERRE, February 12, 1972

RECEIVED OF Tom Gilbert, RR #1, Hitchcock, SD 57348

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

|                                                                                                                     |    |    |
|---------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____ |    |    |
| Fee for inspecting Construction, and issuing Cert. of Construction No. 3126-2                                       | 50 | 00 |
| Fee for inspecting Beneficial Use, and issuing Water License No. 3126-2                                             |    |    |
| Fee for issuing Location Certificate-Dry Draw, No. _____                                                            |    |    |
| Fee for filing _____                                                                                                |    |    |
| Fee for certified copy of _____                                                                                     |    |    |
| Fee for Print copy of map _____                                                                                     |    |    |
| Fee for Certifying _____                                                                                            |    |    |
| Fee for _____<br>(any other work as provided by law)                                                                |    |    |
| TOTAL                                                                                                               | 50 | 00 |

WATER RIGHTS COMMISSION

By John H. H. H.  
Chief Engineer, Executive Officer  
JOHN H. H. H.  
ADMINISTRATOR

Permit No. 3126.3  
 Water Division 3 JAMES RIVER Water District

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

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by THOMAS D. GILBERT of HITCHCOCK holder of permit No. 3126.3, bearing date of priority of SEPTEMBER 28, 1976 authorizing the diversion of 2.22 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in SPINK County.

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

The Water Use System consists of,

A. Works used to divert the water:

85' DEEP WELL W/ 16" FIBREGLAS CASING  
NATIONAL 10" PUMP (LUBBOCK, TX) POWERED BY  
15HP GE ELECTRIC MOTOR

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

1740' 10" ALUMINUM MAINLINE

C. Works used to apply water to beneficial use.

VALLEY ELECTRIC DRIVEN CENTER PIVOT SYSTEM  
W/ END GUN

The system is in the following condition: EXCELLENT

The point of diversion is located 500' E OF THE W 1/4 CORNER, SECTION 13,  
T114N, R64W

The works are capable of diverting and conveying to the place of use 1.78 (800 GPM)  
 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:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE  
NW 1/4, SECTION 13, T114N, R64W

comprising a total of 136 acres of land.

DATE OCTOBER 18, 1978  
[Signature]  
 (Signature)  
 WATER RIGHT SPECIALIST

 **Department of  
Water & Natural Resources**

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

February 17, 1989

Thomas D. Gibert  
RR 1, Box 15  
Hitchcock, SD 57348

Dear Mr. Gibert:

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;

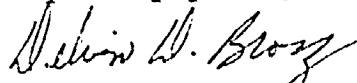


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

*South Dakota*

GREAT FACES. GREAT PLACES.

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

February 1, 1991

THOMAS D. GILBERT  
RR #1 BOX 15  
HITCHCOCK SD 57348

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3126-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

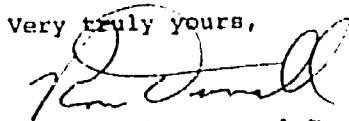
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 3126-3 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



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

*South Dakota*

GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

THOMAS D. GILBERT  
RR 1, BOX 15  
HITCHCOCK, SD 57348

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 3126-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 3126-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

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

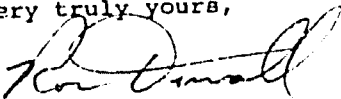
The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 3126-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,



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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SENDER.</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being mailed to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and rates for additional service(s) requested.</p> <p>1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address.      2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>3. Article Addressed to:</p> <p><b>THOMAS D. GILBERT</b><br/> <b>RR #1 BOX 15</b><br/> <b>HITCHCOCK SD 57348</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>4. Article Number</p> <p><b>P 694-057 317</b></p> <p>Type of Service.</p> <p><input type="checkbox"/> Registered      <input type="checkbox"/> Insured<br/> <input checked="" type="checkbox"/> Certified      <input type="checkbox"/> COD<br/> <input type="checkbox"/> Express Mail      <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee Agent and <b>DATE DELIVERED.</b></p> |
| <p>5. Signature - Addressee</p> <p><b>X</b> <i>[Signature]</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>8. Addressee's Address (ONLY if requested and fee paid)</p>                                                                                                                                                                                                                                                                                                                                                                          |
| <p>6. Signature - Agent</p> <p><b>X</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>7. Date of Delivery</p> <p><i>[Date]</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                         |



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

February 6, 1991

3126-3

Thomas D Gilbert  
RR 1 box 15  
Hitchcock, SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire and chemical application use for Water Permit No. 3126-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division

3126-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 29, 1993

**NOTICE**

**TO:** THOMAS D. GILBERT  
RR #1 BOX 15  
HITCHCOCK SD 57348

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

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over the 'FROM' field.

**RE:** Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3126-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, 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 1-20. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3126-3 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. 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 questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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

3. Article Addressed to:

THOMAS D. GILBERT  
RR #1 BOX 15  
HITCHCOCK SD 57348

5. Signature (Addressee)

6. Signature (Agent)

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

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

Consult postmaster for fee.

4a. Article Number

3126-3 1 P906 560 016

4b. Service Type

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

7. Date of Delivery

11/30/93

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

PS Form 3811, December 1991 • U.S.G.P.O. : 1992-307-530

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.



3126-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 9, 1993

3126-3

Tom Gilbert  
RR #1 Box 15  
Hitchcock, SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 3126-3. You may disregard the January 29, 1993 Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaire 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  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352



January 9, 1998

3126-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOTICE

TO: THOMAS D. GILBERT, HC 75 BOX 15, HITCHCOCK, SD 57348

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) 3126-3. 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) 3126-3 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?

**CAUTION:**

- 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: 3126-3

THOMAS D. GILBERT  
HC 75 BOX 15  
HITCHCOCK SD 57345

4a. Article Number  
Z179 157 210

4b. Service Type

- |                                                         |                                               |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery  
1-10-98

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Thomas Gilbert

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102525-97-B-0179

Domestic Return Receipt



3126-7

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 9, 1998

3126-3

Thomas D Gilbert  
HC 75 Box 15  
Hitchcock, SD 57348

Dear Mr. Gilbert:

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. 3126-3.

I completed a questionnaire for you based on our February 9th telephone conversation. 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

3126-3

**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:

THOMAS D GILBERT  
18658 387TH AVE  
HITCHCOCK SD 57348

2. Article Number (Copy from service label)

7000 0600 0026 9814 3550

PS Form 3811, July 1999

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) Sharlene Gilbert B. Date of Delivery 1-20-01

C. Signature X Sharlene Gilbert ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-00-M-0952



3126-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 3126-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, 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. 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 25, 2001

3126-3

Thomas D Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock, SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 3126-3.

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

GARFIELD

T114N

R64W

S13



Robert & Sampson  
Spur Co. Agents  
Ridgely Ark

MAP No 24-68-3 App No 3120-3



January 26, 2007

**NOTICE**

3126-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 5, 2007

398-3  
1203-3  
1923-3  
3126-3

Thomas D Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 18, 2008

NOTICE

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:  
<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 28, 2008

398-3  
1203-3  
1923-3  
3126-3

Tom Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: TOM GILBERT, OPERATOR, 18658 387TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend to the Board these water rights be suspended for a period of three years.**
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

cc: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

**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  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 3, 2010

398-3  
1203-3  
1923-3  
3126-3

Tom Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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](mailto:genny.mcmath@state.sd.us)

c: Monte Neitzel



3126-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 25, 2019

NOTICE

TO: TOM GILBERT, OPERATOR, 18658 387TH AVE, HITCHCOCK, SD 57348

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) 3126-3 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) 398-3, 1203-3 & 1923-3 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend to the Board these water rights be suspended for a period of up to three years.**
2. Amend Permit No(s) 3126-3 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](mailto: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: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

**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.



3126-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 7, 2019

398-3  
1203-3  
1923-3  
3126-3

Tom Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

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. 398-3, 1203-3, 1923-3 and 3126-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As requested, the irrigation questionnaire for Water Right No. 1923-3 will be directed to Alan Neitzel beginning in the fall of this year. If you have any questions, please contact me.

Sincerely,

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

C: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476