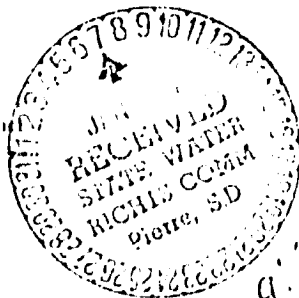


Water Right Number 3451-3

1. Considered 1-26, 19 77
2. Name of Applicant MARTIN BERTRAND
3. Post Office Address JEFFERSON
4. Amount of Water claimed 2.28
5. Source of Water supply 100' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in UNION County
about 15.1E miles of JEFFERSON
8. Proof of Publication
Received 1-21-77
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 3421-5
 Map No. 2731-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant Martin Bertrand
 Postoffice address R.R. 1, Box 27, Jefferson, State SD 57038
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Bertrand No. 1
 4. Amount of water claimed (cubic feet per second) 2.28 c.f.s.
 5. Source of water supply Well
 6. Location of point of diversion SE 1/4 SW 1/4 Sec. 20 T90N R48W

 _____ County Union
 7. Annual period or periods during which water is to be used April through October
 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.
EL 1/2 SW 1/4 Sec 20	80		
EL 1/2 SE 1/4 Sec 20	80		
All in T90N R48W			

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 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Elk Point Leader Courier
 12. Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source.
Well
 B. Works proposed to transport water to place of use.
Pipe
 C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 15,000.00

Gated Pipe

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 Union

I, MARTIN BERTRAND, 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 Martin BertrandSubscribed and sworn to before me this 5th day of JANUARY, 1971

Martin L. C. Bennett
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3451-3
MARTIN BERTRAND R.R. #1 Box 37 JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57038 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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JANUARY 7, 19 77
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application —, 19 —
 Approved JANUARY 27, 19 77, Recorded in Book 17 Page 177
 WATER RIGHT PERMIT NO. 3451-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3451-3 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 JANUARY 7, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 19 79
3. The whole of said work is to be completed on or before JANUARY 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 82
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 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 27, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 12, 19 80

Water License Issued MAY 13, 19 80

Aug. 1- 46

Well Log:

0'-3' gumbo
3'-10' yellow and gray clay
11'-20' yellow clay
20'-29' gray clay
29'-34' yellow and gray clay mixed
34'-50' gray clay
50'-100' gravel

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30, Depth 100
- (2) Casing, Type Plastic Diameter 16 Thickness 5/8"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type Sawed slotted plastic, Diameter 16, Length 40
- (4) Gravel Pack Thickness 14, Length of gravel pack 100

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 Copy attached

Depth to top of water bearing material 45'

Depth to bottom of water bearing material 100'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 19'

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

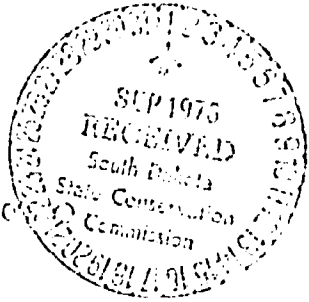
On same owner's property 100 rds. On property owned by others 100 rds.

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.

Martin Bechard
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME Martin Bertrand
ADDRESS Box 271 RR1 Jefferson SD 57038
COUNTY Chadron

LEGAL DESCRIPTION

1. WELL LOCATION 2660' west of 1380' North of SE Corner Sec 20
2. LOCATION OF AREA TO BE IRRIGATED E 2 1/4 & W 2 1/4 Section 20, T4N R45W

TYPE OF IRRIGATION

3. GRAVITY ☒ TOWLINE _____ CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Corn, wheat, Beans

WATER QUALITY

5. SAMPLE NUMBER 76-1079
6. SALINITY (EC x 10⁶) 246 (med)
7. SODIUM (SAR) 0.85 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.75

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.

Martin Bertrand
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS

11 DAY OF August 1976.

John L. L. L.

Natary
(TITLE OR SEAL)

Approved/Disapproved
APPROVED/DISAPPROVED

REPORT OF ANALYSIS

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

Submitted by: John L. Anderson
Address: Box 271
Brookings, S.D. 57033

Date Rec'd: 9/15/76
Sample No.: 1079
Identification: 1079

WATER ANALYSIS

Calcium (Ca)	70	ppm*	2.0	me/l**
Magnesium (Mg)	32	ppm	0.7	me/l
Sodium (Na)	36	ppm	1.7	me/l
Potassium (K)	12	ppm	0.1	me/l
Sulfate (SO ₄)	100	ppm	2.8	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.17	me/l
Bicarbonate (HCO ₃)	434	ppm	7.2	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	356	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	746	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.3			
Sodium	19.9	% of cations		
Residual sodium carbonate	0.7	me/l		
pH	7.30			
Notes:				

*ppm = parts per million

**me/l = millequivalents per liter

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

COMMENTS: Total cations 8.25 me/l
Total anions 8.54 me/l



By: John L. Anderson

Service Performed

Amount Due

Installation analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 26-1079

Amount Enclosed \$

Signed

Memo

Water Resources Institute
South Dakota State University
Brookings, S.D. 57006
605-688-4910

Looking for some good water resources
is not many available for navigation

O.K.



Permit No. 3451-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Martin Bertrand

_____ the holder _____ of
Permit No. 3451-3, issued upon Application No. 3451-3, bearing date of priority of
January 7, 1977 authorizing the diversion of 2.28 cu. ft. per second of the waters of
ground water (one well) County of Union, State of South Dakota at
a point 750' N of the S $\frac{1}{2}$ corner Section 20, T90N, R49W

_____, for Irrigation

purposes, has _____ 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 2.66 cu. ft. per second of water.

Date May 12, 1980


JOHN HATCH, Chief Engineer
Water Rights, WND

WATER LICENSE NO. 3451-3

(1) WHEREAS, On the 7th day of January A. D. 19 77
Martin Bertrand

made Water Right Application No. 3451-3 for a permit to use 2.28 cubic feet per second of the waters
of ground water (one well)

County of Union, State of South Dakota, for Irrigation

purpose; and
(2) WHEREAS, On the 27th day of January A. D. 19 77
Permit No. 3451-3, with a date of priority of January 7, 1977

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 27th day of January A. D. 19 82 and for the
application to beneficial use of said water on or before the 27th day of January A. D. 19 82

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 2.28 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 the following land in Section 30, T90N, R48W

E½ SW¼ 80 acres

W½ SE¼ 80 acres

TOTAL 160 acres

(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 Martin Bertrand

_____ of Jefferson, SD
the holder _____ and owner _____ of said permit No. 3451-3 a water right, dating from January 7, 1977
_____ to use of 2.28 cubic feet per second of the waters
of ground water (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 750' N of the S $\frac{1}{4}$ corner, Section 20.
T90N, R48W

_____ed portions of land in Section 20, T90N, R48W more fully described on the
and conduct to and upon _____
face of this License

_____ for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3451-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of May A. D.
Nineteen Hundred and Eighty

Board of Water Management

By:

John Hatch
Chief Engineer JOHN HATCH

No. 3451-3Publish first publication, on or before January 13, 19 77NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 7, 19 77Notice is hereby given that Martin Bertrandwhose post office address is Jefferson, 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 use2.20 cubic feet of water per second of time from the ground water through theBertrand # 1, the point of diversion of which is to be located in the _____SE 1/4 SW 1/4of Section 20, Twp. 90N, Range 48W. Said water to be used for the purpose of providing irrigation on portions of the following described land:E 1/2 SW 1/4 & W 1/2 SE 1/4, Section 20, T90N, R48W

This application No. 3451-3 will be considered by the Water Rights Commission at their office at Pierre upon the 26th day of January, 19 77, 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: Martin Bertrand, R.R. # 1, Box 27, Jefferson, SD 57036

No. 3451-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

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

Water was taken from the The Leader-Courier

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 Elk Point

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

January 13, 1977

January 20, 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

January 20, 1977
(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
January 7, 1977 1-20-77

Notice is hereby given that Mar-
tin Bertrand whose post office ad-
dress is Jefferson, South Dakota,
has made an application in accor-
dance with the provisions of the
water laws of South Dakota for a
permit to appropriate for benefi-
cial use 2.28 cubic feet of water
per second of time from ground
water through the Bertrand # 1,
the point of diversion of which is
to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of
Section 20, Twp. 90N, Range 48W.
Said water to be used for the
purpose of providing irrigation
on portions of the following des-
cribed land:

E $\frac{1}{4}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20,
T 90N, R 48W.

This application No. 3451-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 28th day
of January, 1977, at 10:00 a.m.
All interested persons may ap-
pear and be heard.

WATER RIGHTS COMMISSION

By Burton F. Jones

Water Rights Specialist

Pub. Jan 13, 20



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7436

April 7

80

PIERRE, 19

RECEIVED OF Marvin Bertrand, Rt. 1, Box 271, Jefferson SD 57038

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. 3451-3)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 3451-3)		
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 _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 3451-BWater Division 3 Big Sioux 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 MARTIN
BERTRAND of JEFFERSON holder
of Permit No. 3451-B, bearing date of priority of JANUARY 7, 1977
authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION 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:

102' DEEPWELL WITH 10" DIA PLASTIC CASING
LAYNE BOWLER WELL LINE PUMP - 3" #E1256K - SINGLE
STAGE 12" TH BOWLS
POWERED BY 40HP GE ELECTRIC MOTOR

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

C. Works used to apply water to beneficial use.

1500' OF 10" GATED PIPE WITH 20" SPACING ON
GATES

The system is in the following condition: GOOD

The point of diversion is located 750' N OF THE S¹/₄ CORNER,
SECTION 20, T90N, R48W

The works are capable of diverting and conveying to the place of use 2.66
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: ALL IN SECTION 20, T90N, R48W

E²SW⁴ 80 ACRES
W²SE⁴ 80 ACRES

comprising a total of 160 acres of land.

7/28/77 2:08

Date AUGUST 7, 1979
Bertrand
(Signature)



Department of Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

May 16, 1980

Maetlin Bertrand
RR #1, Box 27
Jefferson, SD 57038

Dear Mr. Bertrand:

Enclosed herewith are, Water License No. 3451-3 and Certificate of Construction.

Water License No. 3451-3 is the final water right document completing your process of obtaining a water right.

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

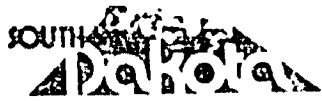
Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:gy

enclosures

Note: Your pump capacity is 2.66 c.f.s. (1194 gpm) and based upon the acreage actually irrigated, you are entitled to divert 2.28 c.f.s. (1024 gpm). Any diversion in excess of 2.88 c.f.s. would be a violation of your Water Right.



Department of Water & Natural Resources

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

March 31, 1986

Martin Bertrand
RR 1, Box 420
Jefferson, SD 57038

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 3451-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) 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). 3451-3 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.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(S)

To: Martin Bertrand
RR 1 Box 420
Jefferson SD 57038

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 3451-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 3451-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources
Jon Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Attachment to Water Permit No. 3451-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 3451-3 to add the following qualification:

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

Equal Opportunity Employer



3451-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 2003

3451-3

Martin Bertrand
48342 W Authier Rd
Jefferson SD 57038-6869

Dear Mr. Bertrand:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to 48348 331st St, Jefferson SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



3451-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: MARTIN BERTRAND, 48342 W AUTHIER RD, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3451-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3451-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

- 1 Suspend or cancel Permit No(s) 3451-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



3451-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7582

Your item was delivered at 3:56 pm on January 16, 2004 in JEFFERSON, SD 57038. The item was signed for by P BERTRAND.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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Preserving the Trust

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7582

MARTIN BERTRAND
48342 W AUTHIER RD
JEFFERSON SD 57038 6869

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Martin Bertrand, 48342 W Authier Rd, Jefferson SD 57038

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

SUBJECT: One Year Suspension of Water Right No. 3451-3

On March 3, 2004, the Water Management Board ordered:

That Water Right No. 3451-3 is suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaire.

Suspension of a water right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaire.

The water right authorizes diversion of ground water to irrigate 160 acres in portions of Section 20, T90N, R48W. Our records show the land has not been irrigated since 1990 and may be subject to cancellation due to abandonment and/or forfeiture. Please contact our office to discuss this issue and whether or not you have an intent to maintain the water right.

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

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2004

Martin Bertrand
48348 331st St
Jefferson SD 57038-6866

Dear Mr. Bertrand:

Enclosed is a "Notice of One Year Suspension of Water Right" mailed to you on March 8th.

The post office returned the letter to us with your new address. We will update our records accordingly.

If you have any questions, please contact us.

Sincerely,

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

enclosure

**VRIEZELAAR, TIGGES, EDGINGTON,
ROSSI, BOTTARO & BODEN, L.L.P.**

Attorneys at Law

KENT VRIEZELAAR +•
DALE C. TIGGES
RAY H. EDGINGTON •
M. ANTHONY ROSSI •
TIMOTHY S. BOTTARO
SUZAN E. BODEN +
RYAN C. ROSS +•
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421 Nebraska Street
P.O. Box 1557
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Telephone: (712) 252-3226

Fax: (712) 252-4873

+ Also Admitted in SD
• Also Admitted in NE

Email:
rross@siouxcitylawyers.net

March 23, 2004

Garland Erbele
Chief Engineer, Water Rights Program
Department of Environmental and Natural Resources
PMB 2020
Joe Foss Building
523 E. Capital
Pierre, SD 57510-3182

RE: Water Right Permit # 3451-3/Martin Bertrand

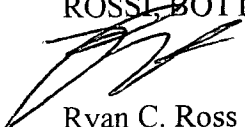
Dear Garland:

Our office represents the Estate of Martin R. Bertrand. Martin Bertrand passed away on April 24, 2003. Attached is a document authorizing myself and Robert B. Deck as attorneys for the Estate. By way of this letter, we are petitioning the Water Management Board to rescind the suspension of Martin's water right permit. We ask that you please provide a 2003 irrigation questionnaire as this letter was never received by the administrators of the Estate. I have enclosed a self-addressed, stamped envelope for your convenience.

Once I receive the questionnaire, I will complete it on behalf of the Estate and send it to the Water Management Board requesting time on the agenda.

Very truly yours,

VRIEZELAAR, TIGGES, EDGINGTON,
ROSSI, BOTTARO & BODEN, L.L.P.


Ryan C. Ross
For the Firm
RCR/ja
enc.

cc: Robert B. Deck

RECEIVED
MAR 25 2004
WATER RIGHTS
PROGRAM



March 25, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Ryan C Ross, VRIEZELAAR, TIGGES, EDGINGTON, ROSSI, BOTTARO &
BODEN, LLP, PO Box 1557, Sioux City, IA 51102-1557

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

SUBJECT: Water Right No. 3451-3, Martin Bertrand

On March 25th, we received your letter of explanation concerning the 2003 irrigation questionnaire. Your request to have the suspension of Water Right No. 3451-3 reconsidered by the Water Management Board has been scheduled for **10:00 am, May 12, 2004**, in the **Community Room, Chamber of Commerce, 800 W Dakota Ave., 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

It is up to you if you want to participate in the hearing. Under the circumstances, the staff can present your letter to the Board for their review. The original questionnaire was not directed to the person conducting irrigation on the property and therefore notice of the hearing to consider suspension of the water right was not received by the responsible party.

Enclosed as you requested is a "2003 irrigation questionnaire" for the land described in Water Right No. 3451-3. You indicated on the phone that the land was not irrigated. Please include any comments on the questionnaire that explain why the land was not irrigated.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for review and completion. A filing fee of \$2.50 needs to accompany the transfer of ownership. The check or money order for the fee can be made payable to the "Water Rights Program".

Page 2
March 25, 2004
Ryan C Ross

Something to keep in mind is that simply transferring ownership of a water right does not protect the water right from being subject to cancellation for abandonment and/or forfeiture.

A review of our database found there are numerous years of non-use. Our records indicate no irrigation took place from 1991 through the 2001 irrigation seasons. In South Dakota, water must be placed to beneficial use for the purpose it was appropriated at least once every three years, unless legal excuse exists, in order to maintain the water right. Enclosed is a page of excerpts from our water laws dealing with these issues.

If no legal excuse exists for the years of non-use, the water right may be subject to cancellation consideration by the Board. The Board is the entity who determines if a water right or permit has legal standing. I would encourage them to check into this issue before they decide to irrigate.

If you have any questions concerning the water right or the May 12th hearing before the Board, please contact Genny McMath with the Water Rights Program at (605) 773-3352.

enclosures

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 25, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 2004, regarding Notice of suspension of Water Right #3451-3, addressed:

Ryan C Ross
VRIEZELAAR TIGGES EDGINGTON ROSSI BOTTARO & BODEN LLP
PO Box 1557
Sioux City IA 51102-1557

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



Genny Mc Math
Environmental Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

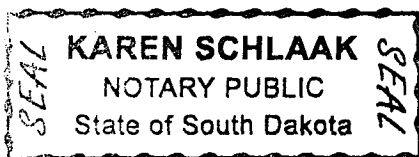
Sworn to, before me, this 26th day of March, 2004.



Karen Schlaak

Notary Public

My Commission expires April 1, 2007



**VRIEZELAAR, TIGGES, EDGINGTON,
ROSSI, BOTTARO & BODEN, L.L.P.**
Attorneys at Law

KENT VRIEZELAAR +•
DALE C. TIGGES
RAY H. EDGINGTON •
M. ANTHONY ROSSI •
TIMOTHY S. BOTTARO
SUZAN E. BODEN +
RYAN C. ROSS +•
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Telephone: (712) 252-3226

Fax: (712) 252-4873

+ Also Admitted in SD
• Also Admitted in NE

Email:
rross@siouxcitylawyers.net

April 22, 2004

Department of Environment and Natural Resources
Attn: Ron Duvall, Natural Resources Engineer
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED
APR 26 2004
WATER RIGHTS
PROGRAM

RE: Water Right No. 3451-3, Martin Bertrand

Dear Mr. Duvall:

Our office represents the Estate of Martin R. Bertrand. Martin Bertrand passed away in April 2003 and was, for obvious reasons, unable to complete the 2003 Irrigation Questionnaire. It appears that the letter may have been sent to Martin Bertrand's address, but the permit application never was received by the Administrators of the Estate. Therefore, enclosed is a completed 2003 Water Management Board Irrigation Questionnaire, Notice of Transfer of Ownership and accompanying documents that were previously sent to my office. It is my understanding that we will be on the Agenda for the Water Management Board Meeting, dated May 12, 2004 at 10:00 a.m., but that our personal presence will not be required.

Please contact me if you in need of any additional information or you require someone to appear personally for this meeting. I have also enclosed a fee of \$2.50 required to cover the filing fees as required under SDCL 46-2-13.

Thank you again for your consideration.

Very truly yours,

VRIEZELAAR, TIGGES, EDGINGTON,
ROSSI, BOTTARO & BODEN, L.L.P.



Ryan C. Ross
For the Firm
RCR/ja

enc.

cc: Phil Bertrand
Robert B. Deck

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

APR 26 2004

WATER RIGHTS
PROGRAM

No. 3451-3

Date: April 21 - 2004

I/We request that Water Right No. 3451-3

formerly owned by: Martin Bertrand

be transferred to: (name & address) Martin Bertrand Estate

48348 331st St

Jefferson, SD 57038

Telephone No. 605-966-5457

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

160 acres - E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 30, T90N, R48W

I/We understand that the validity of Water Right No. 3451-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Phillip D. Bertrand PR

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 26, 2004

RECEIVED OF Vriezelaar, Tigges Edgington Rossi Bottaro & Boden LLP, PO Box 1557, Sioux City IA

The following amount in fees for services rendered as provided for by law. (Martin Bertrand Estate)

51102-15

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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>3451-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

004205

By

Darland White
Chief Engineer
gm

**WATER RIGHT NO 3451-3
MARTIN BERTRAND (ESTATE)**

BRIEF DESCRIPTION:

Water Right No. 3451-3 – Martin Bertrand, Jefferson, SD. The water right authorizes diversion of ground water (one well – Missouri:Elk Point Aquifer) to irrigate 160 acres in the E ½ SW ¼ and W ½ SE ¼ Section 30, T90N, R48W, Union County.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1999	December 1, 1999	October 14, 1999	none
October 2000	December 1, 2000	October 25, 2000	none
October 2001	December 1, 2001	November 29, 2001	none
October, 2002	December 2, 2002	October 24, 2002	none
October, 2003	December 1, 2003	April 26, 2004	March 3, 2004

** The water right was amended to include the mandatory irrigation questionnaire qualification in May 14, 1986. This action was taken for failure to return the 1985 irrigation questionnaire.

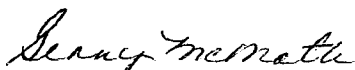
January 14, 2004: A notice was sent (with signature confirmation) to Martin Bertrand requesting the 2003 irrigation questionnaire be returned prior to the March 3, 2004, hearing date. The notice outlined what action the Board could take concerning the past due questionnaire. The signature confirmation card indicated the mail was signed for by P Bertrand on January 16th.

March 3, 2004: The Board suspended Water Right No. 3451-3 for one year for failure to submit the 2003 irrigation questionnaire.

March 23, 2004: Ryan C Ross with Vriezelaar, Tigges, Edgington, Rossi, Bottaro & Boden, LLP wrote to the Chief Engineer indicating his firm was handling the estate of Mr. Bertrand. He requested a 2003 irrigation questionnaire to complete and also requested the issue of the suspended water right be brought back to the Water Management Board for consideration (letter attached).

March 25, 2004: A notice was mailed to Mr. Ross scheduling the matter for hearing. The notice included a 2003 irrigation questionnaire and a "Notice of Transfer of Ownership" form.

April 26, 2004: The 2003 irrigation questionnaire, a "Notice of Transfer of Ownership" and a letter of explanation were submitted by Ryan Ross, attorney for the Estate (letter attached).



Genny McMath
Water Rights Program
April 28, 2004



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 29, 2004

Ryan C Ross
VRIEZELAAR, TIGGES, EDGINGTON,
ROSSI, BOTTARO & BODEN, LLP
PO Box 1557
Sioux City IA 51102-1557

RE: Water Right No. 3451-3, Martin Bertrand Estate

Dear Mr. Ross:

I am writing to acknowledge receipt of the 2003 irrigation questionnaire for Water Right No. 3451-3 and the "Notice of Transfer of Ownership" and filing fee. The ownership change has been completed and the water right formerly held by Martin Bertrand is now listed in the name of "Martin Bertrand Estate", in care of Phillip Bertrand. Enclosed is Receipt No. 001295 in the amount of \$2.50. You may keep this for your records.

Your request to have the suspension of Water Right No. 3451-3 reconsidered by the Water Management Board is still on the agenda for **10:00 am, May 12, 2004**, in the **Community Room, Chamber of Commerce, 800 W Dakota Ave., Pierre, SD**. Your attendance at the hearing is optional. The staff can present your letters explaining the why the questionnaire was not submitted in a timely manner.

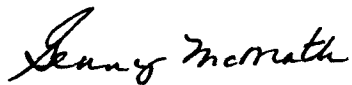
In our Notice to you dated March 25, 2004, excerpts were enclosed of our Water Management Board Rules and Water Laws dealing with abandonment and forfeiture. Past water use records show irrigation had not been done for 11 years. Under South Dakota water law, water must be put to beneficial use for the purpose it was appropriated at least once every three years. If not put to beneficial use, all or a portion of the water right may be subject to cancellation for nonuse. One or more years of nonuse may be waived if legal excuse exists for the years of non-irrigation. Please note that transferring ownership of the property and starting to irrigate does not cure the past years of nonuse.

There may be sufficient question concerning the water right that you want to ask the Water Management Board for a ruling on the legal status of the water right. If the board finds the right to be valid, the water right holder will be protected from future challenges concerning these years of nonuse. I encourage you (or the administrator of the estate) to check into the status of the water right prior to beginning irrigation on the land.

Page 2
April 29, 2004
Ryan C Ross, Attorney

The May 12th hearing is only to have the Board reconsider the suspension of the water right. Any petition or request to have the Board rule on the validity of the water right will need to be addressed at a separate hearing. If I can answer any questions for you, 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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 19, 2004

NOTICE

TO: Ryan C Ross, VRIEZELAAR, TIGGES, EDGINGTON, ROSSI, BOTTARO &
BODEN, LLP, PO Box 1557, Sioux City IA 51102-1557

Phillip Bertrand for Martin Bertrand Estate, 48348 331st St, Jefferson SD 57038

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

SUBJECT: Reinstatement of Water Right No. 3451-3

On May 12, 2004, the Water Management Board passed a motion to rescind the suspension of Water Right No. 3451-3.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program. The Board was also made aware that due to the change occurring from Martin Bertrand to his Estate, notices concerning the questionnaire and pending Board action were not received by the correct party.

In "Notices" dated March 25 and April 29, 2004, you were notified that past water use records show that although the land was irrigated in 2002 the previous 11 years show no irrigation took place. Excerpts were mailed to you outlining Water Laws and Water Management Board Rules dealing with abandonment and/or forfeiture.

The Water Management Board's action to lift the suspension does not cure past years of non-use. There may be sufficient question concerning the water right that you want to ask the Water Management Board for a ruling on the legal status of the water right. If the board finds the right to be valid, the water right holder will be protected from future challenges concerning these years of nonuse. I encourage you to check into the status of the water right prior to beginning irrigation on the land.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

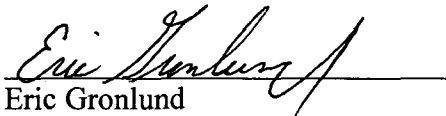
I hereby certify that on May 19, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 19, 2004 regarding Reinstatement of Water Right No. 3451-3 addressed as stated below:

3451-3
Ryan C Ross
Vriezelaar, Tigges, Edgington, Rossi, Bottaro & Boden LLP
PO Box 1557
Sioux City IA 51102-1557

Phillip Bertrand for Martin Bertrand Estate
48348 331st St
Jefferson SD 57038

A copy of the above described Notice was sent Inter-office to:

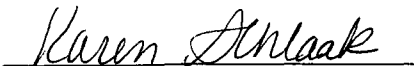
Diane Best, Assistant Attorney General, Capitol Building



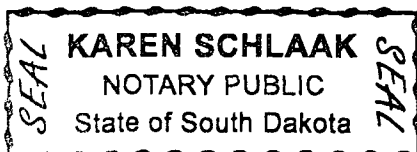
Eric Gronlund
Natural Resource Engineer
Water Rights

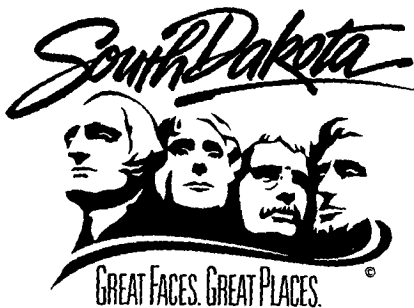
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of May, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





3451-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: MARTIN BERTRAND ESTATE, PHILLIP BERTRAND, 48348 331st ST, JEFFERSON, SD
57038 6866

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 3451-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 3451-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation*, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 3451-3 in accordance with applicable provisions of SDCL 46-1-12; ***Due to a past violation, Water Rights Staff will be recommending to the Board that your water permit be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire, 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.



3451-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0179

Your item was delivered at 2:29 pm on January 21, 2005 in
JEFFERSON, SD 57038. The item was signed for by P BERTRAND.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0179

MARTIN BERTRAND ESTATE
PHILLIP BERTRAND
48348 331st ST
JEFFERSON SD 57038 6866

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2005

3451-3

Phillip Bertrand
Martin Bertrand Estate
48348 331st St
Jefferson SD 57038-6866

Dear Mr. Bertrand:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 3451-3.

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

~~8-219~~

~~MAP No. 2737-3~~ APPN^o 3451-3

8.11.253

8-14-96

18M1991

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(8-11203)

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8-11253

We'll X

90-48

95.1
8-134

Prepared by
L. E. De Smet B. Sc.
1/5/77