

Water Right Number 3549-3

1. Considered 2.23, 1977
2. Name of Applicant Marcella Flanagan
3. Post Office Address Elk Point
4. Amount of Water claimed 3.43
5. Source of Water supply 100' deep well
6. Water to be used for irrigation
Acres to be irrigated 240
7. Water to be diverted and used in Union County
about 2N, 2W miles of Elk Point
8. Proof of Publication Received ~~2-22-77~~ 2-22-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application
10. Remarks:

No. 3547-3Map No. 2827-3 Water Division No. 3 Big Sioux River District _____
(Blank to be filled by the Engineer for the W. H. 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 Marcella FlanneryPostoffice address R.R. 2 Elk Point, State SD 57025

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Flannery No. 14. Amount of water claimed (cubic feet per second) 3.43 c.f.s.5. Source of water supply center of the SW 1/4 Sec 15 T91N R50W

6. Location of point of diversion _____

County Union7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 2.0

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.
SW 1/4 Sec 15 T91N R50W	160		
NE 1/4 NW 1/4 Sec 15 T91N R50W	80		

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 and pump

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

Pipe

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 50,000.00Attachments: 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) ss.I, MARCELLA FLANNERY, 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 Marcella FlannerySubscribed and sworn to before me this 5th day of January, 1927M. L. L. L. L.
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3549-3MARCELLA FLANNERY
(Applicant)R.R. #2 ELK POINT
(Post Office Address)SOUTH DAKOTA 57035
(State)

With the following modifications:

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 11, 19 77

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

Date of receipt of corrected application FEBRUARY 1, 19 77Approved FEBRUARY 24, 19 77, Recorded in Book 17 Page 245WATER RIGHT PERMIT NO. 3549-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3549-3 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 11, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 24, 19 79
3. The whole of said work is to be completed on or before FEBRUARY 24, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 24, 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 3.43 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 FEBRUARY 24, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 14TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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 Transite Diameter 16 Thickness 1 1/2"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Saved Slotted, Diameter 16, Length 30

(4) Gravel Pack, Thickness 14, Length of gravel pack 50

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 Will be sent later

Depth to top of water bearing material 35

Depth to bottom of water bearing material 100

Thickness of water bearing material 65

Depth to water (ground surface to water level) 16

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

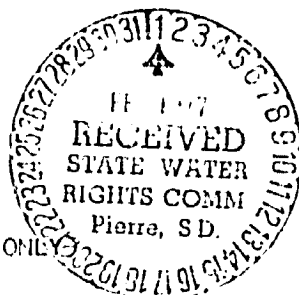
On same owner's property 80 rds. On property owned by others 100 rds.

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.

Marcella Flannery
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 ONLY)



NAME Marcella Flannery
ADDRESS RR2 Elk Point So. Dak 57025
COUNTY Union

LEGAL DESCRIPTION

1. WELL LOCATION SW $\frac{1}{4}$ Sec 15 T91N R50W
2. LOCATION OF AREA TO BE IRRIGATED SW $\frac{1}{4}$ Sec 15 T91N R50W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn beans small grain alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-015
6. SALINITY (EC X 10^6) 1117 (high)
7. SODIUM (SAR) 1.97 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) .09

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 Union 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.

Marcella Flannery
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
23 DAY OF December 1976.

Melvin L. Brunell
(TITLE OR SEAL)

Alfred J. Brunell
APPROVED/DISAPPROVED

(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: Marcella Flannery
Address: Rt. 2
Elk Point, SD 57025

Date Rec'd: January 4, 1977
Sample No. 77-015
Identification Well-
SW 1/4, Sec. 15, T 91N, R 50W

WATER ANALYSIS

Calcium (Ca)	107	ppm*	5.35	me/l**
Magnesium (Mg)	42	ppm	2.44	me/l
Sodium (Na)	95	ppm	4.23	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	202	ppm	4.21	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	14	ppm	0.38	me/l
Bicarbonate (HCO ₃)	542	ppm	8.88	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	444	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1117	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.97			
Sodium	31.21	% of cations		
Residual sodium carbonate	0.09	me/l		
pH	7.31			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 13.23 me/l
Total anions 13.47 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-015

Amount Enclosed \$ _____

Signed _____



January 24, 1977

Ms. Marcella Flannery
R.R. #2
Elk Point, SD 57025

Dear Ms. Flannery:

Your water sample (Lab. No. 77-015) 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.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

- (1) It will be used no more than 3 times (preferably less) in any growing season.
- (2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.
- (3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.
- (4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

IOF:ckb
Enclosures

cc: State Conservation Commission

P.S. This is a hazardous undertaking because of the bicarbonate content of the water. Bicarbonate ion increases the sodium effect by precipitating the calcium when the water enters the soil.

By all means, observe the above recommendations very carefully and be on the watch for signs of soil structure deterioration.

Advise your extension agent if soil changes occur.

Form 6 - Notice of Intent to Appropriate Water

No. 3549-3

Publish first publication, on or before February 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1977

Notice is hereby given that Marcella Flannery
whose post office address is Elk Point, 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
3.43 cubic feet of water per second of time from the xx ground water through the
Flannery #1, the point of diversion of which is to be located in the _____

Center of the SW $\frac{1}{4}$
of Section 15, Twp. 91N, Range 50W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW $\frac{1}{4}$, R $\frac{1}{2}$ NW $\frac{1}{4}$, Section 15, T90N, R50W

This application No. 3549-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of February, 1977 at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BEJ/bw
cc:

Marcella Flannery, R.R. 2, Elk Point, S.D. 57025

No. 3549-3

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:

February 10 - 1977

February 17 - 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

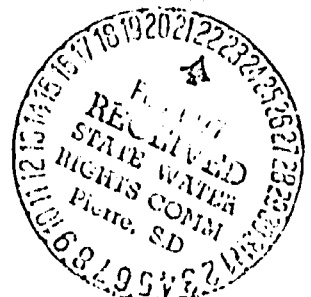
3-17-1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 3, 1977

Notice is hereby given that Mar-
cella Flannery whose post office
address is Elk Point, South Dakota,
has made an application in accord-
ance with the provisions of the wa-
ter laws of South Dakota for a per-
mit to appropriate for beneficial
use 3.43 cubic feet of water per sec-
ond of time from ground water
through the Flannery # 1, the
point of diversion of which is to
be located in the Center of the
SW $\frac{1}{4}$ of Section 15, Twp. 91N, R.
Range 50W. Said water to be used
for the purpose of providing irra-
igation on portions of the following
described land: SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
Section 15, T91N, R50W.

This application No. 3549-3
will be considered by the Water
Rights Commission at their office
at Pierre upon the 23rd day of
February, 1977, at 10:00 a.m.
All interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
by Burton F. Jones
Water Rights Specialist
Pub. Feb. 10, 1977



Conversation or File Documentation

NAME OF PERSON OR FILE: Marcella FlanneryADDRESS: Elk PointCOUNTY UNDATE: 5/25/84TELEPHONE 356-2553RE: IQ

COMMENTS:

Called to Marcella Flannery she said she had a
man operating farm & he took care of business.
gave me name & phone #. George M^c/Inerney
RR1 - Box 1, Elk Point 356-2575. Called and
talked to Mrs. M^c/Inerney she said it would be
difficult to catch him & to send an IQ and she
would see he filled it out & returned it before
end of next month

Received ques May 31, 1984

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Department of Water & Natural Resources

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

March 23, 1987

GEORGE MCINERNEY
RR #1 BOX 1
ELK POINT, SD 57025

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3551-3, 3549-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 3551-3, 3549-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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

SORRY - Need New
Report FARM. PLEASE
SEND OR ADVISE

George McInerney



SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 13, 1987

3551-3
(3549-3)

George McInerney
RR #1 Box 1
Elk Point, SD 57025

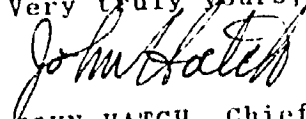
Dear McInerney:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 3551-3 and 3549-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

February 8, 1989

GEORGE MCINERNEY-OPERATOR
RR #1 BOX 1
ELK POINT, SD 57025

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3549-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Amend Permit No(s). 3549-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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

cc: Marcella Flannery
Elk Point SD 57025



South Dakota Department of
Water & Natural Resources

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

February 23, 1989

3549-3

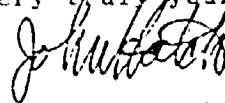
George McInerney, operator
RR #1 Box 1
Elk Point, SD 57025

Dear Mr. McInerney:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 3549-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

cc: Marcella Flannery, Elk Point, SD 57025

Permit No. 3549-3

Big Sioux River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Marcella Flannery of RR2 Elk Point, SD 57025 holder of Permit No. 3549-3, bearing the priority of January 11, 1977 authorizing the diversion of 3.43 cu. ft. per second of the waters of Missouri-Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well - 100' deep with 61' of Transite casing and 39' of saw slotted screen
Western Land Roller Pump - 3 stages, 1000 GPM @ 50-60 PSI; GE Motor, Model No.
5K6255XM502A, 75 HP

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

15' of 2" Steel Pipe

C. Works used to apply water to beneficial use:

Lindsey-Zinnatic Center Pivot, 10 towers, 1300' long with High Pressure End Gun and Rain
Bird Sprinklers; 900 GPM

The system is in the following condition good. The point of diversion is located 1320'N and 1320'E of the SW corner of Section 15-T91N-R50W, Union County, SD. The works are capable of diverting and conveying to the place of use 2.00 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 15-T91N-R50W:

NW1/4 SW1/4 = 33 acres

SW1/4 SW1/4 = 33 acres

NE1/4 SW1/4 = 33 acres

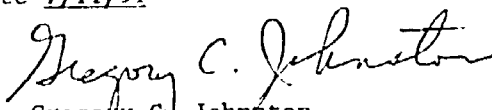
SE1/4 SW1/4 = 33 acres

comprising a total of 132 acres of land and the license should be issued for 1.32 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date 7/11/91

A handwritten signature in cursive script that reads "Gregory C. Johnston".

Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 3549-3

1. Legal location of wells: 1320'E and 1320'N of the SW corner of Section 15-T91N-R50W, Union County, SD

Dams and Structures N/A

2. Well Information: Well Drilling Firm Wetmore

Completion Report? Yes No X No. of Wells 1 Depth(s) 100 feet

Casing a) diameter 16 inches Screen a) type Saw-slotted

b) length 61 feet b) length 39 feet

c) type Transite Static Water Level N/A feet

Pump a) make Western Land Roller Motor a) make GE

b) model N/A b) model no. 5K6255XM502A

c) size N/A c) horsepower rating 15

d) capacity 1000 GPM d) serial no. Unknown

e) turbine pump - no. of stages 3

f) operating PSI 50-60

3. Distribution lines or canals

a) size 8 inches

b) type steel

c) length 15 feet

4. System Type a)gun:

b) center pivot:

1) make

1) make Lindsey-Zimatic

2) nozzle size

2) number of towers 10

3) capacity (GPM)

3) distance between towers

4) hose size inches

4) overall length 1300 feet

5) hose length feet

5) end gun (Y/N) Y

e) gated pipe:

1) length feet

2) diameter inches

3) spacing of gates inches

6) high or low pressure High

7) make and size of nozzles:

Rain Bird

8) capacity (GPM) 900

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

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

Yes No Check Items

X 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?

X 2. Special qualifications to permit being abided by?

X 3. All structures, wells and lands on map?

X 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?

X 5. Is chemigation used?

N/A 6. If yes, does equipment comply with chemigation rules?

REMARKS: Well completion information obtained from Form 2A, not from driller's Well

Completion Report.

Conversation or File Documentation

NAME OF PERSON OR FILE: Marcella Flannery c/o George McInerneyADDRESS: PR 2 Elk Point, SD COUNTY UnionDATE: 7/19/91 TELEPHONE 357-2575RE: Obtaining Well Completion Report

COMMENTS:

Called George McInerney and requested he contact
Watrous Drilling to obtain a copy of the Well Completion
Report on the well drilled at the center of the SW 1/4
Section 15, 91N, R. 50W, Union Co. Mr. McInerney
said he'd attempt to get the copy and ^{send it to} ~~notify me~~.

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

NAME: Mary Johnston



December 26, 1991

3549-3

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

James Wetmore Drilling
P.O. Box 577
Elk Point, SD 57025

Dear Mr. Wetmore:

I am writing in regards to some wells you drilled for three individuals in Union County. I need the well completion reports for wells you drilled for Marcella Flannery in Section 15-T91N-R50W, Joe and John Trudeau in Section 11-T89N-R49W and Richard Fennel in Section 30-T91N-R49W. Please send those in to me at your earliest convenience.

Thanks for your time and attention to this matter. Feel free to call me if you have any questions.

Sincerely,

Gregory C. Johnston
Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605) 773-3352

File No. 3549-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Marcella Flannery

ADDRESS: RR 2 Elk Point, SD COUNTY: Union

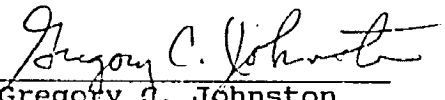
DATE: 3/20/92 TELEPHONE: 356-4775

RE: Obtaining Well Completion report

COMMENTS:

After three attempts to obtain the well completion report for Marcella Flannery, I have found that the report is not available. Wetmore Drilling has no record of the completion report in their files and, therefore, I will complete the license without this information.

The supplement to Form 2 does have a generally accurate description of the well casing, depth and screen according to Mr. McInerney (farm manager for Marcella Flannery) and I will use this information in the license and report of examination of works for Permit No. 3549-3.


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 23, 1992

3549-3

Marcella Flannery
RR 2
Elk Point, SD 57025

Dear Ms. Flannery:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 3549-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

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

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

Note: AM TENANT OF MR. FLANNERY
AND WE SHARE A VARIETY OF
EXPENSES
George McGinnis

RECEIPT

413368

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 12, 1992

RECEIVED OF George McInerney (Marcella Flannery) RR 1 Box 1, Elk Point, SD
the following amount in fees for services rendered as provided for by law: 57025

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3549-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3549-3

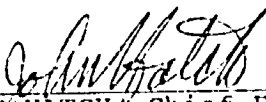
(1) Marcella Flannery of RR 2, Elk Point, SD 57025 made Application No. 3549-3, January 11, 1977 for a water permit to appropriate 3.43 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 3549-3 with a priority date of January 11, 1977 was approved February 24, 1977 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before February 24, 1982 and for the application to beneficial use of said water on or before February 24, 1982.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is: 1320'N and 1320'E of the SW corner of Section 15, T91N, R50W (center of the SW 1/4).

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

T91N, R50W Section 15	NW 1/4 SW 1/4	33 Acres
	SW 1/4 SW 1/4	33 Acres
	NE 1/4 SW 1/4	33 Acres
	SE 1/4 SW 1/4	33 Acres
	Total-----	132 Acres

(4) Pursuant to Section 46-5-30.1 Marcella Flannery of RR 2, Elk Point, SD 57025 the holder(s) and/or owner(s) of Water Permit No. 3549-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater (one well) with a priority date of January 11, 1977 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3549-3 and subject to South Dakota State Law.


AUG 18 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 18 1992

3549-3

Marcella Flannery
RR 2
Elk Point, SD 57025

Dear Ms. Flannery:

Enclosed is Water License No. 3549-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3549-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

cc: George McInerney, RR 1, Box 1, Elk Point, SD 57025

3549-3



January 30, 1996

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

NOTICE

TO: GEORGE MCINERNEY-OPERATOR, RR #1 BOX 1, ELK POINT, SD 57025

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 3549-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 am, March 6, 1996, 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) 3549-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 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.

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GEORGE MCINERNEY-OPERATOR
RR #1 BOX 1
ELK POINT SD 57025

4a. Article Number

2 348 318 874

4b. Service Type

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

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Betty McInerney

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

3549-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1996

3549-3

Jeff Massey
PO Box 64
Elk Point, SD 57025

Dear Mr. Massey:

Enclosed, as we discussed, is a 1995 irrigation questionnaire pertaining to Water Right No. 3549-3. The water right, currently listed in the name of Marcella Flannery, authorizes irrigation of 132 acres in the SW¼ Section 15, T91N, R50W. Please complete the form and return it to us in the enclosed postage paid envelope.

In our phone conversation, you indicated that Mr. McInerney passed away last year and that you are now renting the land. The "Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire" has been deleted from the Board agenda and will no longer be considered.

Thank you for calling about this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures



3549-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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) 3549-3. 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) 3549-3 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?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

3549-3

ARNOLD W MADSEN
4125 SHERWOOD T
SIOUX CITY IA 51106 4042

4a. Article Number

2179 157247

4b. Service Type

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

7. Date of Delivery

1-12

5. Received By: (Print Name)

8. Addressee's Address (Only if requested)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

3549-3

JEFF MASSEY, RENTER
PO BOX 64
ELK POINT SD 57025 0064

4a. Article Number

2179 157116

4b. Service Type

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

7. Date of Delivery

01-13-98

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X R Massey

Thank you for using Return Receipt Service.

3549-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1998

3549-3

Jeff Massey
PO Box 64
Elk Point, SD 57025-0064

Dear Mr. Massey:

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. 3549-3.

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



3549-3

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

January 22, 1999

NOTICE**TO:** JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 3549-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3549-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

35419-3

Fold at line over top of envelope

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: JEFF MASSEY, RENTER PO BOX 64 ELK POINT SD 57025 0064		4a. Article Number P 378 080 673	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 01-26-89	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X [Signature]			

PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1999

3549-3

Jeff Massey
PO Box 64
Elk Point, SD 57025-0064

Dear Mr. Massey:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 3549-3.

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



3549-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: JEFF MASSEY, PO BOX 64, ELK POINT, SD 57025 0064

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 3549-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3549-3 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 28, 2000, 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.

3549-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly)	B. Date of Delivery 1-24-00
1. Article Addressee to: JEFF MASSEY, RENTER PO BOX 64 ELK POINT SD 57025 0064		C. Signature X <i>R. Massey</i>	☐ 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.	
2. Article Number (Copy from service label)		4. Restricted Delivery? (Extra Fee) ☐ Yes	
		2 227 670 376	

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-11-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2000

3549-3

Jeff Massey
PO Box 64
Elk Point, SD 57025-0064

Dear Mr. Massey:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 3549-3.

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

February 16, 2000

No. 3549-3

Gerald Flannery, Trustee
47523 Burbank Rd
Elk Point SD 57025

Dear Mr. Flannery:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3549-3. The water right is currently listed in the name of Marcella Flannery.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3549-3



Date: 2-17-2000

I/We request that Water Right No. 3549-3

formerly owned by: Marcella Flannery

be transferred to: (name & address) MARCELLA FLANNERY ESTATE
47523 BARBANK ROAD, ELK POINT SD 57025 Telephone No. 605 356 3200

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

132 acres - SW 1/4 Section 15-T91N-R50W

I/We understand that the validity of Water Right No. 3549-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

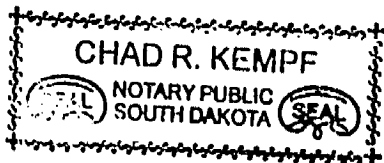
STATE OF SOUTH DAKOTA)

County of Union)

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

Gerald E. Flannery
(Signed)

Subscribed and sworn to before me this 17th day of February, 1900.



Chad R. Kempf
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

NC 416390

Pierre, February 22, 2000

RECEIVED OF Marcella Flannery Estate, 47523 Burbank Rd., Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 Water Right No. 3549-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Michael E. Smith
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2000

3549-3

Gerald Flannery
47523 Burbank Rd
Elk Point, SD 57025

RE: Marcella Flannery Estate

Dear Mr. Flannery:

Thank you for following up on the ownership change for Water Right No. 3549-3. The transfer has been completed and the water right is now listed in the name of "Marcella Flannery Estate".

Enclosed is a copy of the transfer of ownership form you submitted and Receipt No. 416390 in the amount of \$2.50. You may keep both of these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

3549-3

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:

Gerald F Flannery
47523 Burbank Rd
Elk Point SD 57025

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature ☐ Agent

X *Gerald F Flannery* ☐ Addressee

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3208

PS Form 3811, July 1999

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1. Article Addressed to:

JEFF MASSEY, RENTER
PO BOX 64
ELK POINT SD 57025 0064

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

R Jeff Massey 01-29-01

C. Signature ☐ Agent

X *R Jeff Massey* ☐ Addressee

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3215

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Domestic Return Receipt

102595-00-M-0952



3549-3
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: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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. 3549-3. 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. 3549-3 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.

c: GERALD F FLANNERY, 47523 BURBANK RD, ELK POINT, SD 57025

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2001

3549-3

Jeff Massey
PO Box 64
Elk Point, SD 57025-0064

Dear Mr. Massey:

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. 3549-3.

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

c: Gerald F Flannery



3549-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 3549-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3549-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

c: GERALD F FLANNERY, 47523 BURBANK RD, ELK POINT, SD 57025

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

3549-3

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1. Article Addressed to:

Gerald F Flannery
47523 Burbank Rd
Elk Point SD 57025

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Gerald F. Flannery B. Date of Delivery 1-17-02

C. Signature

X Gerald F. Flannery☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2.

7001 2510 0004 4797 6740

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1. Article Addressed to:

JEFF MASSEY, RENTER
PO BOX 64
ELK POINT SD 57025 0064

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) R Jeffrey Massey B. Date of Delivery 1/18/02

C. Signature

X R Jeffrey Massey☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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4. Restricted Delivery? (Extra Fee)

☐ Yes

2.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2002

3549-3

Jeff Massey
PO Box 64
Elk Point, SD 57025-0064

Dear Mr. Massey:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 3549-3.

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

c: Gerald Flannery, 47523 Burbank Rd, Elk Point, SD 57025



3549-3

**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: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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 has not been submitted for Permit No(s) 3549-3 & 4421-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3549-3 & 4421-3 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 27, 2004**, 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.

cc: GERALD F FLANNERY, 47523 BURBANK RD, ELK POINT, SD 57025

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



3549-3

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JEFF MASSEY, RENTER
PO BOX 64
ELK POINT SD 57025 0064

Waiver of Signature ☐ YES ☐ NO

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3549-3

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[Redacted]	
SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8515 9883	ore mailing.
	GERALD F FLANNERY 47523 BURBANK RD ELK POINT SD 57025
	Waiver of Signature ☐ YES ☐ NO
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3549-3

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

January 26, 2004

3549-3
4421-3

Jeff Massey
PO Box 64
Elk Point SD 57025-0064

Dear Mr. Massey:

I am writing to acknowledge receipt of the 2003 irrigation questionnaires for Marcella Flannery Estate and Missouri Valley Farms. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 3549-3 and 4421-3.

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

c: Gerald Flannery



3549-3

**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: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 3549-3 & 4421-3. 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 hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 3549-3 & 4421-3 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 questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

c: GERALD F FLANNERY, 47523 BURBANK RD, ELK POINT, SD 57025
MISSOURI VALLEY FARMS INC, MERTON TURNER, BOX 164, ELK POINT SD 57025

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



3549-3

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JEFF MASSEY, RENTER
PO BOX 64
ELK POINT SD 57025 0064

Waiver of Signature ☐ YES ☐ NO

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3549-3

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2050

GERALD FLANNERY
47523 BURBANK RD
ELK POINT SD 57025

waiver of Signature ☐ YES ☐ NO

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3549-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2005

3549-3
4421-3

Jeff Massey
PO Box 64
Elk Point SD 57025

Dear Mr. Massey:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 3549-3 and 4421-3.

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

c: Gerald Flannery
Merton Turner

NOT TO SCALE

33.4 44.7 78.2 (6-73) 78.6 (6-249) 78.1 (6-108)
(6M275) (1-38)

154.0 74.1 79.1 (6-M280)

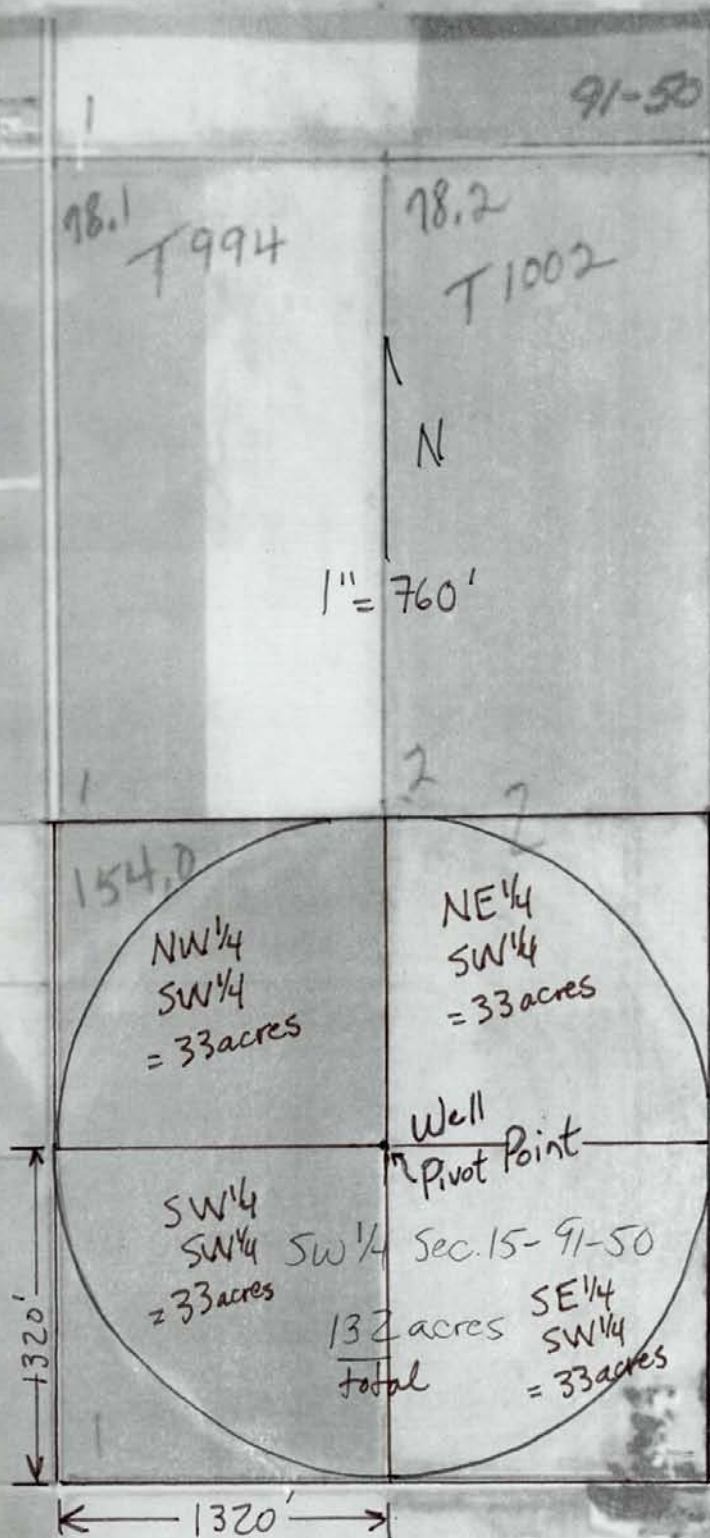
X Well

91-50

Prepared by
J E De smet Coxt
11/5/77

MAP N° 28293 APP N° 3549-3

NOT TO SCALE



3549-3 Marcella Flannery

Prepared by:

115 Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer
DENR

7/18/91

Total acres = 132

All in Section 15-91-N-R50W:

NW 1/4 SW 1/4 = 33 acres

SW 1/4 SW 1/4 = 33 acres

NE 1/4 SW 1/4 = 33 acres

SE 1/4 SW 1/4 = 33 acres

Total 132 acres

3549-3



3549-3

**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 24, 2006

NOTICE

TO: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 3549-3 & 4421-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3549-3 & 4421-3 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 24, 2006**, 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.

c: GERALD F FLANNERY, 47523 BURBANK RD, ELK POINT, SD 57025
MISSOURI VALLEY FARMS INC, MERTON TURNER, BOX 164, ELK POINT SD 57025

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

3549-3



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Your item was delivered at 1:29 pm on January 26, 2006 in ELK POINT, SD 57025. The item was signed for by R MASSEY.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4282

JEFF MASSEY, RENTER
PO BOX 64
ELK POINT SD 57025 0064

ling.

Waiver of Signature ☐ YES ☐ NO

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3549-3

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GERALD F FLANNERY
47523 BURBANK RD
ELK POINT SD 57025

Waiver of Signature ☐ YES ☐ NO

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

February 14, 2006

3549-3
4421-3

Jeff Massey
PO Box 64
Elk Point SD 57025

Dear Mr. Massey:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 3549-3 and 4421-3.

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

c: Gerald Flannery
Merton Turner, Missouri Valley Farms



**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 18, 2008

NOTICE

TO: JEFF MASSEY, RENTER, PO BOX 64, ELK POINT, SD 57025 0064

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 3549-3 & 4421-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3549-3 & 4421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

c: GERALD F FLANNERY, 47523 BURBANK RD, ELK POINT, SD 57025
MISSOURI VALLEY FARMS INC, MERTON TURNER, 508 E MAIN, ELK POINT SD 57025

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2008

3549-3
4421-3

Jeff Massey
PO Box 64
Elk Point SD 57025

Dear Mr. Massey:

I am writing to acknowledge receipt of the 2007 irrigation questionnaires for land you rent from Gerald Flannery and Missouri Valley Farms. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 3549-3 and 4421-3.

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

c: Gerald Flannery
Merton Turner, Missouri Valley Farms