

6-17-80

44' deep well

Arctic Same Well 8M 2 M

D 76222

6" PGE 3' in water

15' 1/2" line to

7' water height of 1' at end of 150' water

Buckley 4" Pump 16" in & outlet

Powered by Marathon 30 HP Electric Motor

to 3' Rain Nelson Big Run Under 1' 20'

660' 5" Ruffa Run

1.3 1/2 1/2 1/2

80 Nods 6" Manhole

550-100

3805-3 M.K. RUNDALL
J.M. PARKER, S.D. 57053

Water Right Number 3805-3

1. Considered 5.25, 19 77
2. Name of Applicant M.K. RUNDELL
3. Post Office Address PARKER
4. Amount of water claimed 4.15
5. Source of water supply 44' WELL & GRAVEL P.T
6. Water to be used for IRRIGATION
Acres to be irrigated 291
7. Water to be diverted and used in TURNER County
about 3N Miles of HURLEY
8. Proof of Publication
Received 4.13-77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3805-3

MR. RUNDLELL
(Applicant)

PARKER
(Post Office Address)

SOUTH DAKOTA 57053
(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 MARCH 23, 1977

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

Date of receipt of corrected application , 19

Approved MAY 25, 1977, Recorded in Book 18 Page 217

WATER RIGHT PERMIT NO. 3805-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3805-3 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 MARCH 23, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25, 1977
3. The whole of said work is to be completed on or before MAY 25, 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 1979
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 4.15 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 MAY 25, 1979; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 9th day of JUNE, 19 77

WATER RIGHTS COMMISSION

By:

John A. Galan
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 18", Depth 44' 44'
(2) Casing, Type Steel Diameter 14" Thickness 1/4"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type Stainless Steel, Diameter 14", Length 15'
(4) Gravel Pack, Thickness 2", Length of gravel pack 40'

E. Dugout Information or Estimates

- (1) Surface dimensions n/a, Depth n/a

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 One foot topsoil, and water bearing sand
and gravel to 44'.

Depth to top of water bearing material One foot
Depth to bottom of water bearing material 44'
43'
Thickness of water bearing material _____
Depth to water (ground surface to water level) 17ft.

- (2) Distance to nearest existing household or livestock watering wells.
240 rods from well 150 rods from well
On same owner's property 360 rods from rd. On property owned by others 90 rods from rd. G, Pit

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.

n/a

Note:

This application includes all area to be irrigated ; Rundell Permit #191-3 land is included. A new well was constructed as shown on Water Rights Map, and water will be used from the Gravel Pit shown.
Form WI-1 and water sample was submitted in 1974 and results on file in Pierre.

W. K. Rundell
Signature of Applicant

Conservation
Commission
Form No. 41

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE
Irrigation System: ☒
Water Quality: ☒
Soils Capability: ☒
Approved: <u>8/10/74</u> <u>Boyd Schepers</u>
Disapproved: _____

NAME: Maurice K. Rundell

ADDRESS: Parker, S. Dak. 57053

COUNTY: Turner

LEGAL DESCRIPTION

1. WELL LOCATION: SE 1/4 SE 1/4 3-98-53
2. AREA TO BE IRRIGATED: _____

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Big gun
4. CROPS TO BE IRRIGATED: Pasture - Hay

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: One Percent or less
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Shallow soils with 10-20" of dark loamy material over sand and gravel on nearly level (0-2%) slopes. They have limited water storage capacity and rooting zone. Capability Unit III(s)

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-160
8. SALINITY: EC = 751 (Medium)
9. SODIUM: SAR = 0.16 (Low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

J. W. Rerek, District Conservationist, Soil Conservation Service
Parker, S. Dak. 57055

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Maurice K. Runkel

Subscribed and sworn before me this

1st day of April 1974.

Notary Public

Sheriff of Brookings Co.

(Title) Comm. expires April 11-1982

REPORT OF ANALY

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

Submitted by: Maurice E. Lundell
Address: Parker, South Dakota
57053

Date Rec'd: April 11, 1974
Sample No. 74-160
Identification Discut
SPR, Sec. 3, T 93N, R 53E

WATER ANALYSIS

Calcium (Ca)	74	ppm*	3.70	me/l**
Magnesium (Mg)	47	ppm	3.35	me/l
Sodium (Na)	7	ppm	0.31	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	192	ppm	4.00	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.18	me/l
Bicarbonate (HCO ₃)	285	ppm	4.68	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)	234	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	751	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.16			
Sodium	3.87	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.91			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 7.99 me/l
Total anions 8.86 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-160

Amount Enclosed \$

Signed

WATER LICENSE NO. 3803-3

(1) WHEREAS, On the 23rd day of March A. D. 19 77

M.K. Rundell

made Water Right Application No. 3805-3 for a permit to use 4.15 cubic feet per second of the waters of groundwater (two wells and a dugout) County of Turner, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 25th day of May A. D. 19 77

Permit No. 3805-3, with a date of priority of March 23, 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 25th day of May A. D. 19 79 and for the application to beneficial use of said water on or before the 25th day of May A. D. 19 79

WHEREAS, on September 19, 1980 the applicable portions of Water License No. 191-3 have been incorporated into this License No. 3805-3. The Priority dates are 1.14 cfs from May 4, 1956 and 1.86 cfs from March 23, 1977,

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 3.0 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,

to irrigate lands in Section 3, T90N, R53W

	Acres
<u>SW 1/4 NW 1/4</u>	<u>25</u>
<u>SE 1/4 NW 1/4</u>	<u>39</u>
<u>SW 1/4 NE 1/4</u>	<u>39</u>
<u>SE 1/4 NE 1/4</u>	<u>35</u>
<u>NE 1/4 SW 1/4</u>	<u>36</u>
<u>NW 1/4 SE 1/4</u>	<u>40</u>
<u>NE 1/4 SE 1/4</u>	<u>30</u>
<u>SE 1/4 SE 1/4</u>	<u>35</u>
<u>TOTAL</u>	<u>283 acres</u>

(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 M.K. Rundell

_____ of Farker SD

the holder _____ and owner _____ of said permit No. 3805-3 a water right, dating from May 4, 1956 and

March 23, 1977 to use of 3.0 cubic feet per second of the waters

of groundwater (two wells and a dugout)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1 - a point 1473 feet, north 63° 25 feet West

from the Ek corner; Well #2 - N30° 135 rods and dugout, N12° 1/2, 50 rods from SE corner all in Section 3, T98N, R53W

and conducted to and upon portions of land all in Section 3, T98N, R53W more fully described on the fact of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3805-3 and subject to the laws of the State of South Dakota.

WITNESS My hand and seal of our office at Pierre, South Dakota

this 19th day of September A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 3805-3

Water Diversion No. 3 Vernillion River Water District
10170102

CERTIFICATE OF CONSTRUCTION

This is to Certify, That M. K. Rundell

the holder of
Permit No. 3805-3, issued upon Application No. 3805-3, bearing date of priority of March 23,
1977 & May 4, 1956 authorizing the diversion of 4.15 cu. ft. per second of the waters of
groundwater (two wells) and a dugout County of Turner, State of South Dakota at
Well #1 - a point 1473 feet; north 63° 25' West from the E¹ corner; Well #2 -
N 30°W 185 rods and dugout, N 12°W, 50 rods from SE corner all in Section 3,
T98N, R53W, for irrigation

purpose 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 4 cu. ft. per second of water.

* Pivot System 1.78 cfs
Gun system 1.22 cfs

Date September 19, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

No. _____

Publish first publication, on or before _____, 19__

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

_____, 19__

Notice is hereby given that M. K. Rundell
whose post office address is Pierre, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
_____ cubic feet of water per second of time from the _____ through the
M. K. Rundell, the point of diversion of which is to be located in the _____

_____ (Government) _____
of Section _____, Twp. _____, Range _____. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

This application No. 3805- will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 19__ at 10:00 A. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

**JAMES KIMMERTON
Water Rights Specialist**

BEJ/LW

cc: M. K. Rundell, Pierre, South Dakota 57013

No. 3805-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County TURNER) ss.

I, EARL J. BORLANN hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the GROUND WATER

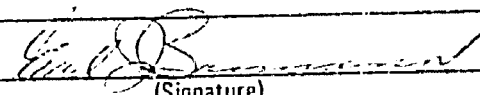
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the NEW ERA

of Parker, S. Dakota

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

THURSDAY, APRIL 7th, 1977

THURSDAY, APRIL 14th, 1977


(Signature)

owner

(Title)

Wednesday, April 6th, 1977

(Date Signed)

No. 3805-3
NOTICE OF INTENT
TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 5, 1977

Notice is hereby given that
M. K. Rundell, whose post office
address is Parker, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 4.15 cubic feet of
water per second of time from
ground water through the M. K.
Rundell No. 1, the points of
diversion of which are to be
located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gravel
Pit) and Center of E $\frac{1}{2}$ of Section
3, Twp. 98N. Range 53W. Said
water to be used for the purpose
of providing irrigation on the
following described land:

S $\frac{1}{2}$ N $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section
3-T9N-R53W.

This application No. 3805-2
will be considered by the Water
Rights Commission at their office
at Pierre upon the 25th day of
May, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.

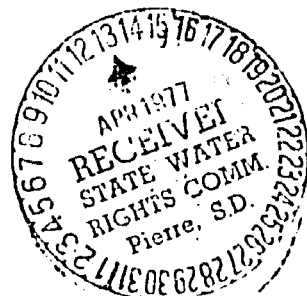
WATER RIGHTS COMMISSION

By: JAMES WINTERTON
Water Rights Specialist

BFJ/bw

c: M. K. Rundell, Parker, South
Dakota. 57053.

(2tc2-April 7 & 14, 1977)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7694

PIERRE, September 17, 1980

RECEIVED OF M.K. or Ruth Rundell, RR1, Box 24, Parker, SD 57053

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. 3805-3	50.00	
Fee for inspecting Beneficial Use, and issuing Water License No. 3805-3		
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 (W.K. Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / CH

Permit No. 3805-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by M.K.RUNDELL of PARKER holder MAY 4 1956 *
of Permit No. 3805-3, bearing date of priority of MARCH 23, 1977authorizing the diversion of 4.15 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in TURNER 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:

WELL #1 - 51' DEEP WITH 20" CORRUGATED STEEL CASING. WESTERN LAND
ROLLER 6" PUMP - MODEL 6 030. US ELECTRIC 40HP MOTOR TYPE OFV.
WELL #2 - 44' DEEP WITH WESTERN LAND ROLLER 8" PUMP TYPE 8MDM,
SERIAL # D76222. POWERED BY 60HP GE ELECTRIC MOTOR.
DUGOUT - (ABANDONED GRAVEL PIT) BERKELEY 4" PUMP WITH 6" INLET &
6" DISCHARGE. POWERED BY 40 HP MARATHON ELECTRIC MOTOR.

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

WELL #2 15' OF 8" LINE TO CENTER OF PIVOT
WELL #1 & DUGOUT - 1600' OF 6" ALUMINUM MAIN LINE

C. Works used to apply water to beneficial use.

WELL #2 - 7 TOWER HYDROMATIC CENTER PIVOT WITH #150 END GUN
WELL #1 & DUGOUT - EZ RAIN TRAVELLING GUN SPRINKLER WITH
NELSON BIG GUN - MODEL P-200 WITH 1.3" NOZZLE. 660' OF 5" FLEXIBLE
RUBBER HOSEThe system is in the following condition: GOODThe point of diversion is located WELL #1 - N63° - 1473' FROM THE E 1/4 CORNER; WELL #2,
N30°W, 185 RODS; DUGOUT, N12°W, 50 RODS FROM SE CORNER ALL IN SEC 3, T98N, R53W
PIVOT SYSTEM 1.78 CFS (800 GPM) *The works are capable of diverting and conveying to the place of use GUN SYSTEM 1.22 CFS (550 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 3, T98N, R53W.

SW ⁴ NW ⁴ 25 AC	NE ⁴ SW ⁴ 36 AC
SE ⁴ NW ⁴ 39 AC	NW ⁴ SE ⁴ 40 AC
SW ⁴ NE ⁴ 39 AC	NE ⁴ SE ⁴ 39 AC
SE ⁴ NE ⁴ 35 AC	SE ⁴ SE ⁴ 30 AC

comprising a total of 283 acres of land.* THE APPLICABLE PORTIONS OF PERMIT NO 191-3 HAVE
BEEN INCORPORATED INTO THIS LICENSE.Date JUNE 16, 1980Dustin Zou
(Signature)

Parker, S. Dak.
Dec. 8, 1982

Water Management Board
Pierre, S. Dak
57501

Dear Sirs,

Just a note to let
you know I am no longer
operating the irrigation. I
sent the form to my tenant
Jay Parsons of Hurling, S. Dak.
who will have the information
you wanted.

Sincerely,
M. R. Randall





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

December 19, 1988

3805-3

Richard Horton
RR #1 Box 160
Hurley, SD 57036

Dear Mr. Horton:

Enclosed, as we discussed, is the 1988 irrigation questionnaire pertaining to Water Right No. 3805-3. Please complete the questionnaire and return it to our office by December 31, 1988.

Also enclosed is the following:

- 1) a copy of Water Right No. 3805-3, listed in the name of M K Rundell;
- 2) summary of the SD Water Laws;
- 3) a set of water permit application forms and an instruction sheet;
- 4) a postage paid envelope for returning the irrigation questionnaire.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RICHARD HORTON, OPERATOR
RR 1 BOX 160
HURLEY SD 57036

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 3805-3

The first notice to file chemigation report(s) for Permit No(s) 3805-3 was dated January 17, 1992. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 3805-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

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

1. Suspend or cancel Permit No(s). 3805-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

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

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



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

February 26, 1992

RICHARD HORTON
RR 1 BOX 160
HURLEY SD 57036

Dear Mr. HORTON:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No (s) 3805-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report(s), your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

3805-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: RICHARD HORTON-OPERATOR
RR #1 BOX 160
HURLEY SD 57036

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3805-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3805-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

cc: M K Pundell, Parker, SD 57053

L



January 29, 1993

3805-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: RICHARD HORTON
RR 1 BOX 160
HURLEY, SD 57036

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3805-3

The first notice to file chemigation report(s) for Permit No(s) 3805-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 3805-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

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

1. Suspend or cancel Permit No(s). 3805-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

Richard Horton
RR#1 Box 160

Hurley SD 57036
Rich Horton

5. Signature (Addressee)

6. Signature (Agent)

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P906 560 217

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

1/30/93

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		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: M. K. Rundell Parker SD 57053		4a. Article Number P906 560 218	
4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise		7. Date of Delivery 2-5-99	
5. Signature (Addressee) [Signature]		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent) [Signature]			

Thank you for using Return Receipt Service.

3805-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 1993

3805-3

(15)
Richard Horton
RR #1 Box 160
Hurley, SD 57036

Dear Mr. Horton:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire and chemigation form. The forms were completed with the information you supplied during our February 4, 1993 telephone conversation.

You may disregard the January 29, 1993 Notices for Failure to Report Chemical Use and Violation of the Requirement to Submit the 1992 Irrigation Questionnaire. Since the forms were in our office prior to the March Water Management Board Meeting, your name has been deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: M K Rundell, Parker, SD 57053

3805-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

RICHARD HORTON-OPERATOR
RR #1 BOX 160
HURLEY SD 57036

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 3805-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 3805-3 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 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

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

CC: M K RUNDELL, RR #1, PARKER, SD 57053



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

NOTICE

TO: RICHARD HORTON
RR 1 BOX 160
HURLEY, SD 57036

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3805-3

The first notice to file chemigation report(s) for Permit No(s) 3805-3 was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 3805-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3805-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		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: 3805-3		4a. Article Number P 837 692 713	
RICHARD HORTON-OPERATOR RR #1 BOX 160 HURLEY, SD 57036		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee) x Richard Horton		7. Date of Delivery 2/11/95	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

3805-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1995

3805-3

Richard Horton
RR #1 Box 160
Hurley, SD 57036

Dear Mr. Horton:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire and chemigation report. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use under Water Permit No. 3805-3.**

The questionnaire and chemigation report were received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

Water Permit No. 3805-3 is currently listed in the name of M K Rundell. The notice sent to Mr. Rundell was returned to us by the post office marked "deceased". Do you now own the land? If so, please contact me and I will send you a "Notice of Transfer of Ownership" form. If you do not own the land, please forward me the name and mailing address of the current owner so that I may get in touch with them regarding ownership. Your assistance in this matter would be greatly appreciated.

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 Division
(605) 773-3352

3805-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Richard Horton

ADDRESS: RR #1 Box 160, Hurley, SD 57036

COUNTY: Turner

DATE: October 11, 1995

TELEPHONE: (605) 238-5891

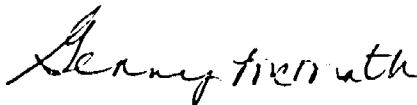
RE: ownership of Water Right No. 3805-3

COMMENTS:

The post office returned mail addressed to M K Rundell marked "deceased". I directed a letter to the operator (Richard Horton) March 13, 1995, inquiring about ownership of the land, and received no response.

On October 11, 1995, I telephoned Mr. Horton to inquire about ownership of the land. He stated he only operated the land, he did not own it. He stated that Ruth Rundell (wife of M K Rundell) now owns the land. He stated that Mrs. Rundell was in a nursing home in St Louis.

Mr. Horton indicated we should send any correspondence concerning the water right to his attention.



Genny McMath
Environmental Scientist



3805-3

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

January 9, 1998

NOTICE**TO: RICHARD HORTON, 45446 285TH ST, HURLEY SD 57036****FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program****RE: Requirement to Report 1997 Chemical Use**

The first notice to file chemigation report(s) for Permit No(s) 3805-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3805-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



January 9, 1998

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

NOTICE

TO: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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) 3805-3. 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) 3805-3 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:

3805-3

RICHARD HORTON
45446 285TH ST
HURLEY SD 57036

4a. Article Number

2179157229

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X. *Rich Horton*

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

Thank you for using Return Receipt Service.



3805-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1998

3805-3

Richard Horton
45446 285th St
Hurley, SD 57036

Dear Mr. Horton:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and chemical reporting form. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit No. 3805-3.

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



3805-3
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: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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) 3805-3. 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) 3805-3 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.

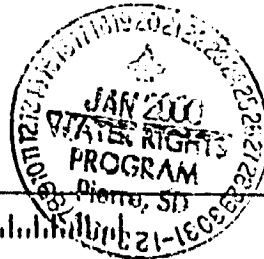
3805-3

SIOUX FALLS SD 571 19 47 11 13 #2
UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPT/ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE, SD 57501





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191
www.state.sd.us/denr

February 7, 2000

3805-3

Richard Horton
45446 285th St
Hurley, SD 57036

Dear Mr. Horton:

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. 3805-3.

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

3805-3

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) <u>Richard Horton</u> B. Date of Delivery <u>2-6-2001</u>	
1. Article Addressed to: RICHARD HORTON 45446 285TH ST HURLEY SD 57036		C. Signature ☒ <u>Richard Horton</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) <u>7000 0600 0026 9814 3406</u>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00 M-0252



3805-3
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: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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. 3805-3. 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. 3805-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2001

3805-3

Richard Horton
45446 285th St
Hurley, SD 57036

Dear Mr. Horton:

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. 3805-3.

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



3805-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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) 3805-3. 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) 3805-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

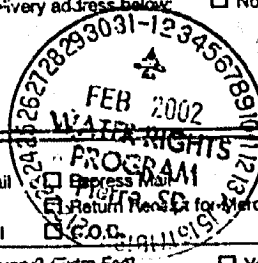
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

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.

3805-3

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■ 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) <u>Richard Horton</u> B. Date of Delivery <u>1-30-02</u> C. Signature <u>X Richard Horton</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: RICHARD HORTON 45446 285TH ST HURLEY SD 57035		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ P.O.C.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	



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**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

February 28, 2002

3805-3

Richard Horton
45446 285th St
Hurley, SD 57036

Dear Mr. Horton:

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. 3805-3.

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



3805-3
DEPARTMENT of ENVIRONMENT
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January 17, 2003

NOTICE

TO: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 3805-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 5, 2003, 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) 3805-3 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, 2003, 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.



3805-3

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January 28, 2003

3805-3

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 3805-3.

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



3805-3

DEPARTMENT of ENVIRONMENT
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January 14, 2004

NOTICE

TO: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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) 3805-3. 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) 3805-3 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.

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.



3805-3

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Current Status

You entered 2301 3460 0000 8515 8480

Your item was delivered at 3:35 pm on January 15, 2004 in HURLEY, SD 57036. The item was signed for by J HORTON.

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RICHARD HORTON
45446 285TH ST
HURLEY SD 57036

Waiver of Signature ☐ YES ☐ NO

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February 2, 2004

3805-3

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 3805-3.

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



3805-3

DEPARTMENT of ENVIRONMENT
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January 20, 2005

NOTICE

TO: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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. 3805-3. 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 No. 3805-3 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 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 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.



3805-3

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Your item was delivered at 2:37 pm on January 21, 2005 in HURLEY, SD 57036. The item was signed for by R HORTON.

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RICHARD HORTON
45446 285TH ST
HURLEY SD 57036

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February 10, 2005

3805-3

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

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. 3805-3.

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

5.1

67.7

16.0

M. K. RUNDELL IRRIGATION SYSTEM #1 (amended to include new lands and water sources)
 Owner: M.K. Rundell, Parker, S. Dak. 57053

R. 53 W.

9.4

20.3

61.4

14.9

76.3

Lands To Be Irrigated: (Includes area covered by Permit #191-3)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3-98-53 - 40 ac.

That part of the

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3-98-53

lying E. of RR - 21 ac.

S $\frac{1}{4}$ NE $\frac{1}{4}$ 3-98-53 - 80 ac.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-98-53 - 40 ac.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3-98-53 - 40 ac.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 3-98-53 - 40 ac. Irrigation Well
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3-98-53 - 30 ac. #1 (old well)

Total 291 ac.

T. 98 N.

4.4

14.2

24.5

52.9

19.0

135.7

Irrigation Well #2

18.5

68.1

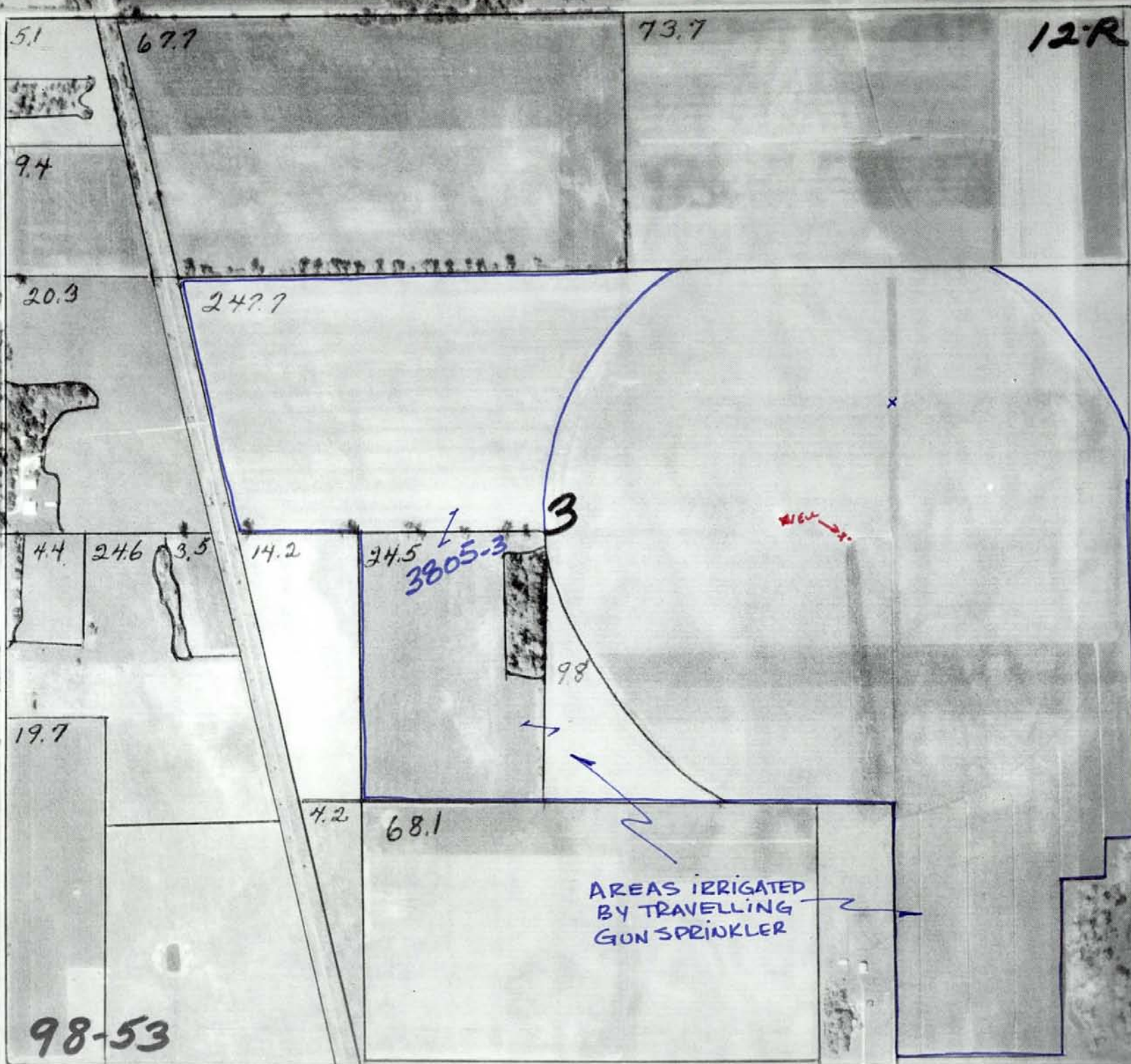
9.8

98.53

Gravel Pit
 50 Rods N.
 12° W.

MAP NO. 3070-3 APP. NO. 3805-3

NOT TO SCALE





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January 22, 2010

NOTICE

TO: RICHARD HORTON, 45446 285TH ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 3805-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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 10, 2010**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3805-3 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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.

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Label/Receipt Number: **2303 2160 0000 0802 8016**Service(s): **Signature Confirmation™**Status: **Delivered**

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- Out for Delivery or Available at PO Box, January 23, 2010, 9:18 am, HURLEY, SD 57036
- Sorting Complete, January 23, 2010, 8:48 am, HURLEY, SD 57036
- Arrival at Post Office, January 23, 2010, 8:22 am, HURLEY, SD 57036

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SIGNATURE CONFIRMATION NUMBER:
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RICHARD HORTON
45446 285TH ST
HURLEY SD 57036

Waiver of Signature ☐ YES ☐ NO

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denr.sd.gov

March 11, 2010

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Richard Horton, 45446 285th St, Hurley SD 57036

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Amendment to Water Right No. 3805-3

On March 10, 2010, the Water Management Board amended Water Right No. 3805-3 to add the following qualification:

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

This action was taken for failure to return the 2009 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

3805-3

One Year Suspension:

Three Year Suspension:

Cancellation:

Amendment:

Gail Jacobson

[illegible]

Karen Schmaak

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 3805-3

July 18, 2016

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

The Department of Environment and Natural Resources (DENR) has received information alleging that the irrigation system located in the SE 1/4 Section 3-T98N-R53W had irrigation water from the end gun overspraying on the road. This irrigation system is covered by Water Right No. 3805-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

NOTE: Also, our records show Water Right No. 3805-3 is listed in the name of M K Rundell. In 1995, you indicated Mr. Rundell was deceased, Ruth Rundell (wife) owned the land, and you were the renter/operator. Please let us know the current land owner so the permit can be transferred accordingly.

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, July 18, 2016 10:19 AM
To: Schlaak, Karen
Subject: FW: july 2016 water overspray

-----Original Message-----

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]
Sent: Monday, July 18, 2016 10:18 AM
To: Gronlund, Eric
Subject: RE: july 2016 water overspray

3805-3 Richard Horton

It is the one that is just north of 280 st and right west of the old gravel pit that is on hwy 19. It is the one that is in the SE corner.

On 2016-07-18 08:19, Gronlund, Eric wrote:

> Mr. Knittel:

>

> On the last legal description in the SE 1/4 Section 3, which pivot are
> you referring to? There are actually three pivots that this could be
> in reference to between two different landowners. DENR does not want
> to be sending notification to the wrong person.

>

> Eric Gronlund

>

> -----Original Message-----

> **From:** kknittel@gwtc.net [mailto:kknittel@gwtc.net]
> **Sent:** Sunday, July 17, 2016 10:28 PM
> **To:** Gronlund, Eric; Duvall, Ron
> **Subject:** july 2016 water overspray

>

> On July 12th at 8:30 am there were 2 center pivots spraying water
> on the road.

> T98N R53W sec 11 NW1/4 this is the 2nd time I reported this one this
> season

> the other one is T98N R53W sec 5 SW1/4 & W1/2 of SE1/4 at 8:30 am.

> Then on July 16 at 12:30am T98N R53W sec 3 SE1/4 this one was just
> replaced with a new unit last week and now it is spraying water on the
> road.

>

>

> Kelly Knittel
> 605 925 4388 home
> 605 929 6340 cell
> Freeman SD

181-3 James Bondesen

4736-3 5506-3 > James Davis



3805-3
DEPARTMENT of ENVIRONMENT
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January 20, 2017

NOTICE

TO: RICHARD HORTON, MGR, 45446 285TH ST, HURLEY, SD 57036
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3805-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 3805-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3805-3 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



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denr.sd.gov

February 8, 2017

3805-3

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 3805-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The irrigation questionnaire has been sent to you as "manager or operator" for several years. I note from the file that the water right is still listed in the name of "M K or Ruth Rundell". The water right should be transferred to reflect current ownership. Please take a few minutes to give me a call and let me know if you or someone else now owns the land.

Thank you in advance for your help in updating the water right.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
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January 17, 2019

3805-3

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

Thank you for submitting the 2018 irrigation questionnaire for Water Right No. 3805-3.

In reviewing the file, I see that the ownership was never changed out of MK or Ruth Rundell. The last correspondence I had with you concerning ownership was in the mid 90's.

We need to update ownership records for the water right. Please give me a call or send a quick letter to our program with the name/address of the current owner(s) of the property. If you have a phone number for them, that would be great as well. I need to get in touch with them to transfer the ownership.

My contact information is listed below or if you prefer, you can jot the information on this letter and return it to me in the enclosed postage paid envelope. Any assistance you could provide would be appreciated. Thank you in advance.

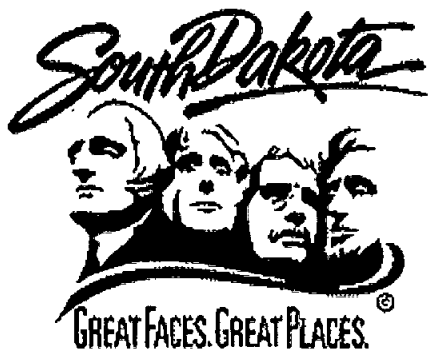
Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure: postage paid envelope

3805-3



RECEIVED

FEB 04 2019

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2019

3805-3

Richard Horton
45446 285th St
Hurley SD 57036

Dear Mr. Horton:

Thank you for submitting the 2018 irrigation questionnaire for Water Right No. 3805-3.

In reviewing the file, I see that the ownership was never changed out of MK or Ruth Rundell. The last correspondence I had with you concerning ownership was in the mid 90's.

We need to update ownership records for the water right. Please give me a call or send a quick letter to our program with the name/address of the current owner(s) of the property. If you have a phone number for them, that would be great as well. I need to get in touch with them to transfer the ownership.

My contact information is listed below or if you prefer, you can jot the information on this letter and return it to me in the enclosed postage paid envelope. Any assistance you could provide would be appreciated. Thank you in advance.

Sincerely,

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

enclosure: postage paid envelope

Mary Demorest
7190 Sedgebrook Dr. W.
Stanley, NC 28164

Ph. 641-777-6433

3805-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2019

3805-3

Mary Demorest
7190 Sedgebrook Dr W
Stanley NC 28164

Dear Ms. Demorest:

I am contacting you in regard to ownership of land described in Water Right No. 3805-3. Richard Horton, Hurley SD has been listed as manager for years and has been returning the annual irrigation questionnaire. Ownership however has never been transferred out of M K or Ruth Rundell's names. It is my understanding from Mr. Horton that you own the property.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right which you may keep for your records. If you have any questions concerning the water right or filing of the ownership change, please let me know. The annual reporting forms will continue to be mailed to Mr. Horton. Thank you in advance for updating the water right.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

FILE DOCUMENTATION FOR WATER RIGHT NO. 3805-3

Water Right No. 3805-3, with priority dates of May 4, 1956 and March 23, 1977 authorizes irrigation of 283 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T98N, R53W.

On February 19, 2019, Mary Demorest filed an ownership change for a portion of the land described in the water right. Based on the ownership change, Water Right No. 3805-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 3805A-3, Mary Demorest, 7190 Sedgebrook Dr. W, Stanley NC 28164** authorizing diversion of 2.00 cfs from two wells and a dugout located in the E $\frac{1}{2}$ Section 3 to irrigate 189 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 3, all in T98N, R53W;
- **No. 3805B-3, land owned by Craig Flyger (no ownership change filed)** authorizing diversion of 1.00 cfs from two wells and a dugout located in the E $\frac{1}{2}$ Section 3 to irrigate 94 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, all in T98N, R53W;

No. 3805B-3 will not be issued pending action by the Board on possible cancellation due to abandonment and/or forfeiture.