

Water Right Number 3807-3

1. Considered 5-25, 1917
2. Name of Applicant EDNA ADAMS
3. Post Office Address JEFFERSON
4. Amount of water claimed 8.5
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 589
7. Water to be diverted and used in UNION County
about 1E, 55 Miles of JEFFERSON
8. Proof of Publication Received 4-25-77
- Net received _____
- Approved _____
- Subject to _____
- Not approved _____
- Action deferred _____

10. Remarks:

NOT TO SCALE

All in Section 16-T89N-R48W:

SW¹/₄ NW¹/₄ = 2 acres

NW¹/₄ SW¹/₄ = 20 acres

SW¹/₄ SW¹/₄ = 5 acres

All in Section 17-T89N-R48W:

NE¹/₄ NW¹/₄ = 2 acres

SE¹/₄ NW¹/₄ = 37 acres

SW¹/₄ NW¹/₄ = 3 acres

NW¹/₄ SW¹/₄ = 3 acres

NE¹/₄ SW¹/₄ = 31 acres

NW¹/₄ NE¹/₄ = 2 acres

SW¹/₄ NE¹/₄ = 37 acres

NW¹/₄ SE¹/₄ = 39 acres

SW¹/₄ SE¹/₄ = 7 acres

SE¹/₄ NE¹/₄ = 16 acres

NE¹/₄ SE¹/₄ = 40 acres

SE¹/₄ SE¹/₄ = 21 acres

Total = 265 acres

NO. 3807-3 Maud Adams

Drawn by: Gregory C. Johnston

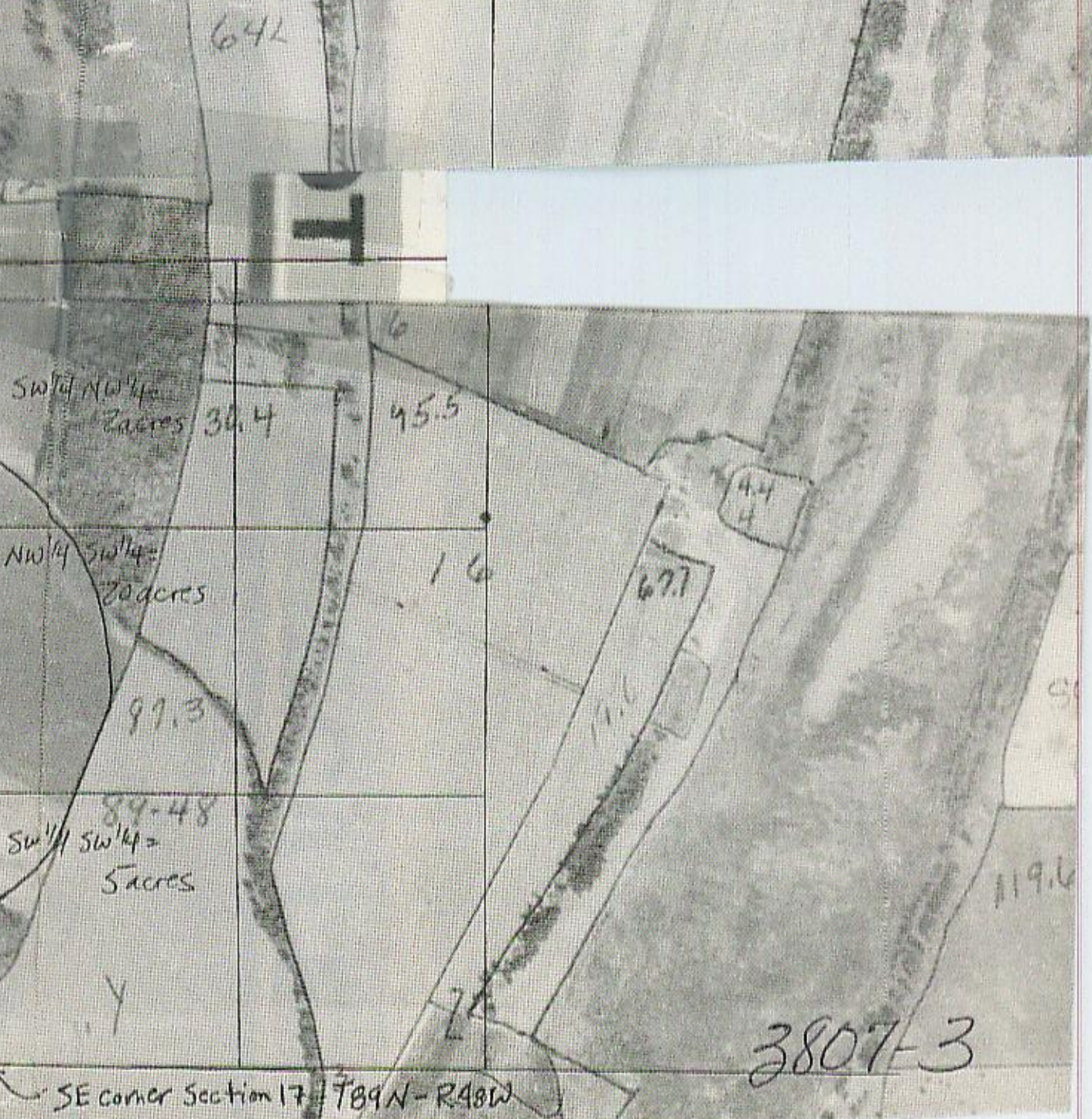
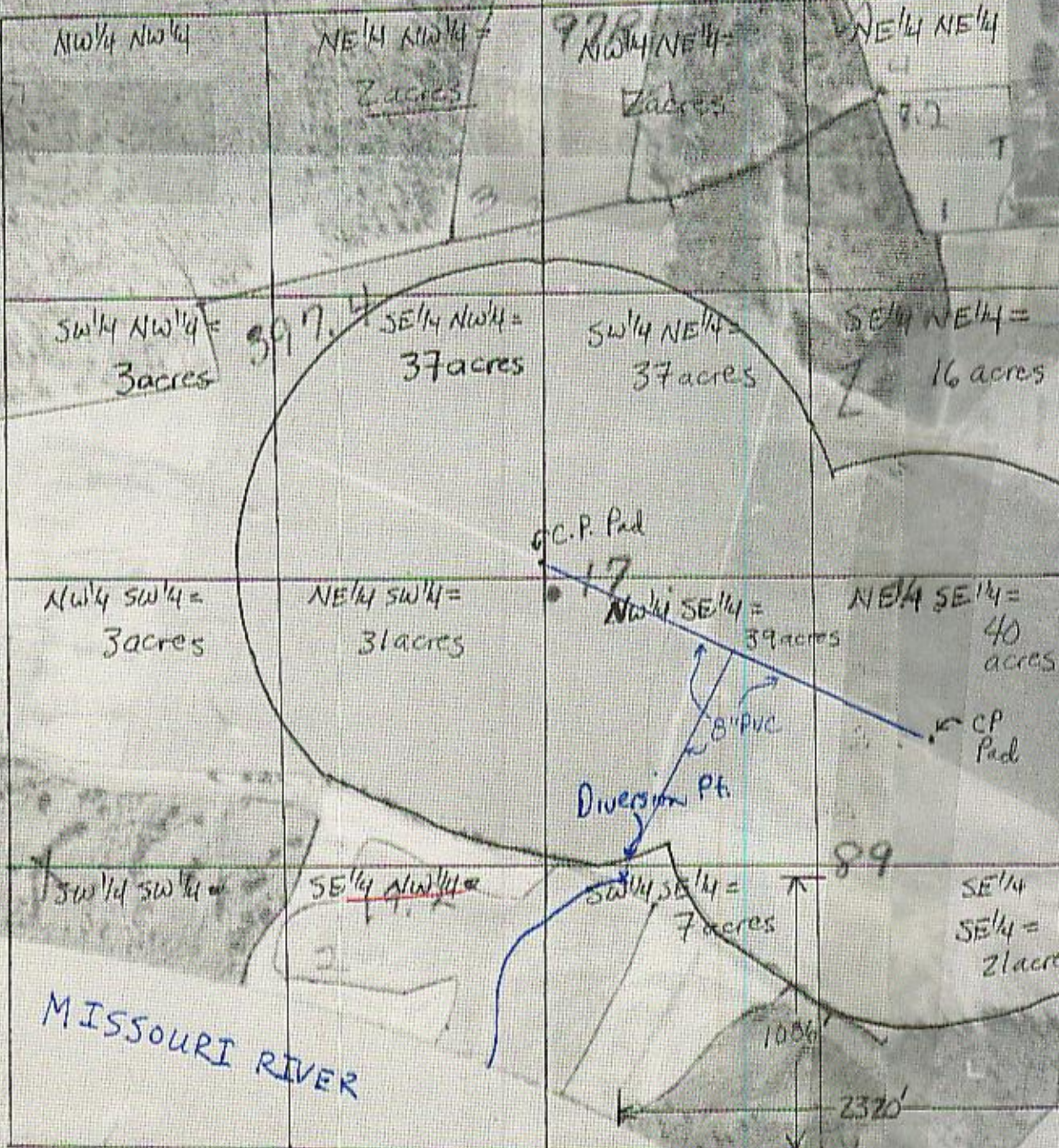
Gregory C. Johnston

Natural Resources Engineer II

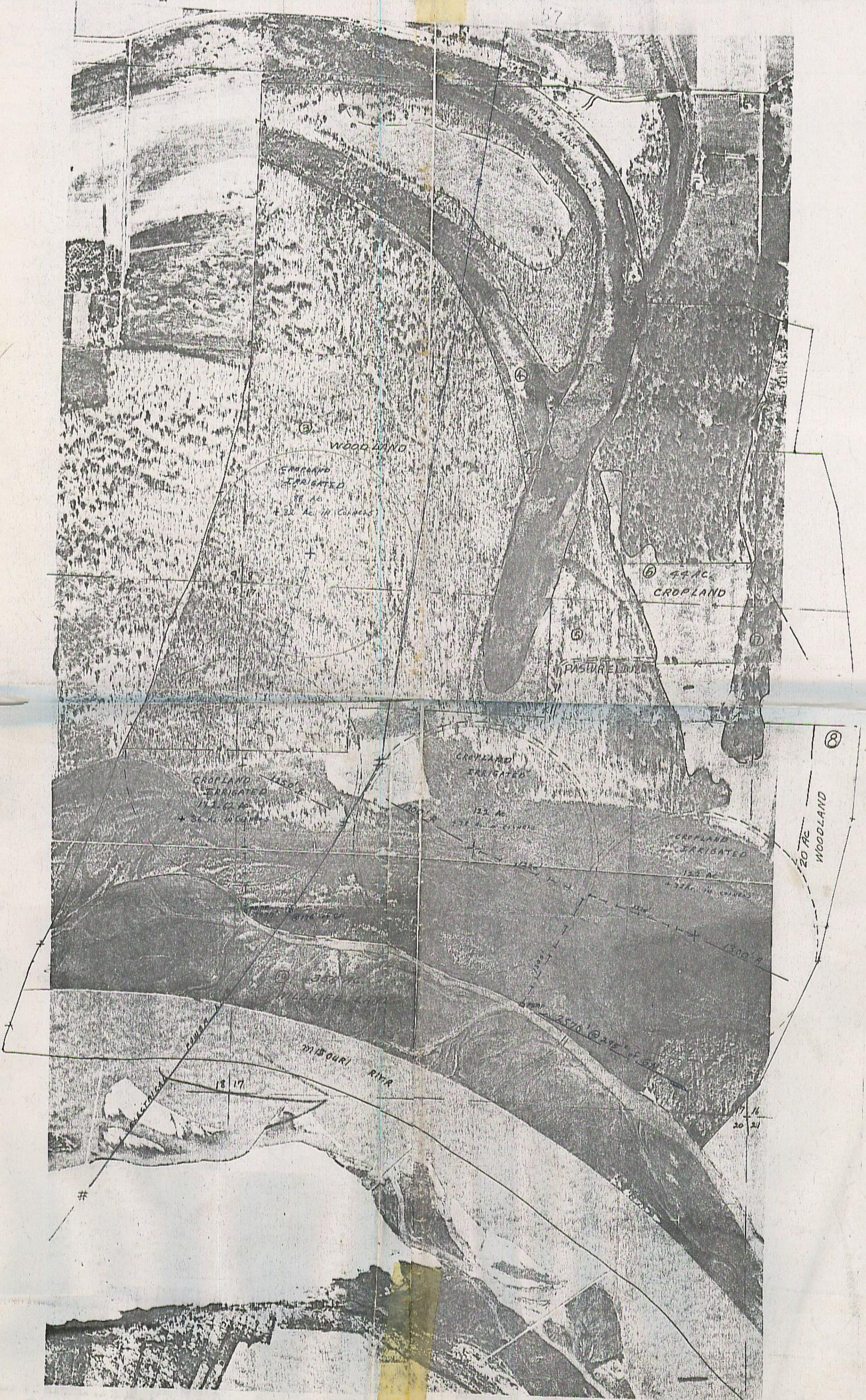
Water Rights Division, DENR

Section 17-T89N-R48W:

Section 16-T89N-R48W:



3807-3



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3807-3

MAILED EDNA ADAMS
(Applicant)
SOUTH DAKOTA 57038
(State)

JEFFERSON
(Post Office Address)

With the following modifications:

Date of first receipt of application MARCH 24, 19 77
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved MAY 25, 19 77, Recorded in Book 18 Page 219
WATER RIGHT PERMIT NO. 3807-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3807-3 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 24, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25, 19 79
3. The whole of said work is to be completed on or before MAY 25, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 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 8.5 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, 19 82; said water to be used during the following described annual period: SPRING - SUMMER - FALL

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

By: John M. [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____
Water License Issued _____, 19 ____

No. 3807-3Publish first publication, on or before May 12, 1977NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 4, 1977Notice is hereby given that Edna Adamswhose post office address is Jefferson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use3.4 cubic feet of water per second of time from the Missouri River through theJames-Hanlon # 1, the point of diversion of which is to be located in theof Section 17, Two 89N, Range 49W. Said water to be used for the purpose

of providing irrigation on the following described land:

Section 16, Section 17, Section 18, Section 19,Section 3, Section 4, Section 5, Section 6,This application No. 3807-3 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

cc: Edna Adams, Jefferson, South Dakota 57033

No. 3807-3

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 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:

April 14, 1977

April 21, 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

April 21, 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
April 4, 1977

Notice is hereby given that Edna
Adams whose post office address
is Jefferson, South Dakota, has
made an application in accord-
ance with the provisions of the
water laws of South Dakota for a
permit to appropriate for bene-
ficial use 8.4 cubic feet of water
per second of time from the
Missouri River through the
Adams-Hanson #1, the points of
diversion of which are located
along the river in the southern
portion of Section 17, Twp. 89N,
Range 48W. Said water to be
used for the purpose of provid-
ing irrigation on portions of the
following described land:

W $\frac{1}{2}$ W $\frac{1}{2}$, Section 16; Section
17; E $\frac{1}{2}$ E $\frac{1}{2}$, Section 18; SW $\frac{1}{4}$,
Section 8; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section
9-T89N-R48W.

This application No. 3807-3
will be considered by the Water
Rights Commission at their off-
ice at Pierre upon the 25th, day
of May, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.

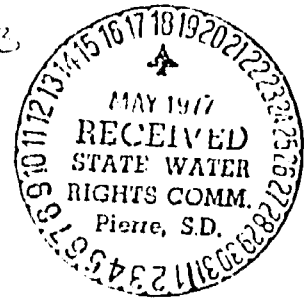
WATER RIGHTS COMMISSION
By James Winterton
Water Rights Specialist
Pub. April 14, 21.





807 3

DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102



MROOP-N

13 May 1977

South Dakota Water Resources Commission
ATTN: Chief Engineer
State Office Building #2
Pierre, SD 57501

Gentlemen:

Inclosed for your review and comment is information regarding a violation of Section 10 of the River and Harbor Act of 1899.

The violation consists of work performed without a Corps of Engineers' permit by Edna Adams in the form of excavating a channel with an opening to a navigable water of the United States.

The activity is located in and adjacent to the Missouri River near mile 740.24, left descending bank, Township 89 North, Range 48 West, Section 17, Union County, South Dakota.

On 26 April 1977, Ms. Adams was directed to cease and desist any further construction in the channel or river.

In accordance with regulations published in the Federal Register on 25 July 1975 covering permits for activities in navigable waters or ocean waters, we are required to solicit the views of appropriate Federal, State, and local agencies. This information will be used in determining the appropriate administrative and/or legal action to be taken.

Accordingly, we request your comments on or before 16 June 1977.

Any further inquiries concerning this matter should be directed to this office by writing or calling Donald Hintz at (402) 221-4128 (FTS 864-4128).

Sincerely yours,

Russell L. Bywater
RUSSELL L. BYWATER
Chief, Operations Division

- 3 Inclosures:
1. Information sheet
 2. Location map (copy)
 3. Aerial photo (1974)w/photo



The following activity was performed without proper authorization:

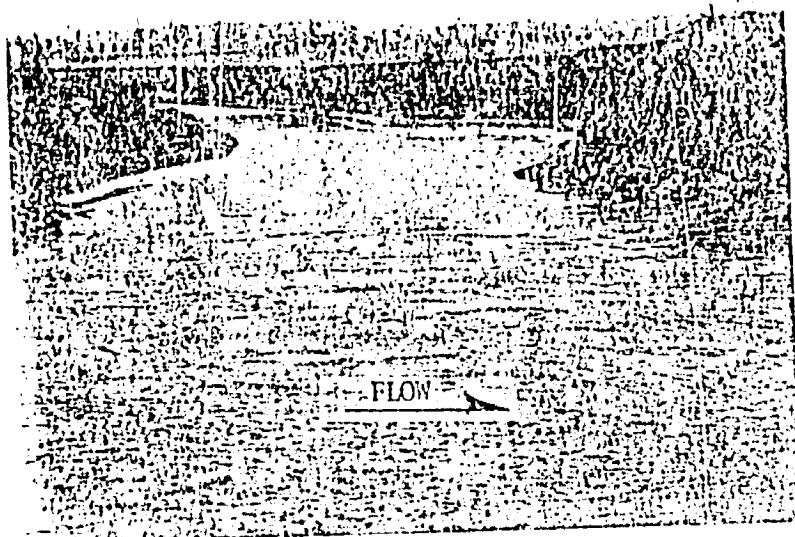
Enforcement Activity No. E 3 0001 00078

Name: Adams, Edna

Location: Missouri River, near mile 740.24, left descending bank, Township 89 North, Range 48 West, Section 17, in Union County, South Dakota.

Activity: An opening was excavated in a federal revetment structure to establish a water source to an existing inactive drainage course which was widened and deepened to channel water to a proposed irrigation project.

Remarks: On 23 March 1977, application was made for the above activity and also for the installation of irrigation pumping facilities in the channelized drainageway. The applicant was cautioned that any work completed on the project would have no bearing on the outcome of the application and that, technically, construction could continue while the application was being processed, PROVIDED a natural and adequate plug remained between the proposed channel entrance and the river. A river inspection revealed that a connection had been established without the required permit. A cease and desist directive was issued on 26 April 1977 and the applicant was advised that no action would be taken by this office relative to processing her permit application until this matter was resolved.



View of excavation in revetment resulting in a connection to river in foreground. Note settling basin and channelized drainageway in background.

Taken 4 April 1977
Investigation Report
No. E 3 0001 00078



E 3 0001 00078
Adams, Edna
T 89 N, R 48 W, Sec 17
Union County, SD

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Jefferson S.D.Date July 9, 1977

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3807-3

Water Right Permit No. 3807-3 states that the diversion system is to be constructed by May 25, 1982 and that the water is to be put to beneficial use by May 25, 1982.

The diversion system was completed on May 15, 1977.
Applying the water to beneficial use was completed on May 25,
1977. (One pumping station, 2 center pivot points ^{*} complete)

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

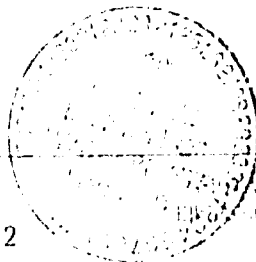
Edna Adams
(Signature)

* Balance of work to be done over a period of next 5 yrs.

STICKNEY & GROE

Attorneys at Law

March 23, 1992



RECEIVED
SOUTH DAKOTA
APR 1 1992

Mr. Ron Duvall
Natural Resources Engineer
Dept. of Environment & Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Irrigation System - Union County land - Maud and Mary Adams

Dear Mr. Duvali:

I acknowledge receipt of and thank you for your letter of March 18, 1992. You folks are really working fast.

I believe your letter says that everything looks fine, but you won't know for sure until a final inspection is done hopefully some time this summer, but that nothing more is needed from us on behalf of Maud and Mary Adams at this time.

That all sounds good. I just want to make sure that any time frames, such as the July 1, 1993 deadline on any claims that was appearing in the newspaper articles as having been set forth by your Department are not going to cause us any problems.

Unless you advise me to the contrary, I will assume that my assumptions are correct, and that your Department will schedule whatever it needs at its own time, letting Maud Adams or this office know ahead of time a reasonable amount of time anything you need from any of us, and that you will probably get this wound up this summer, but, very importantly, that while we are awaiting these things, the time deadline of July 1, 1993, that appeared in the newspaper articles, and any other time deadlines which you may be aware of, will not pass so as to come back and haunt us later, by virtue of waiting for this final inspection for some time this summer.

If this letter is correct, no need to reply. If it is not correct, and we could have a time deadline problem here in any way, please let us know. We are assuming that the notifications and the materials submitted will be adequate to comply with any time deadlines. We do not know what the time deadlines are based on, and what the requirements are, this information your Department would have.

If all is o.k. and correct as indicated, no need to reply. If not, please let us know as soon as possible.

Thank you.

Very truly yours,
Frank G. Stickney
For The Firm

FGS/pk
xc. Maud Adams



March 18, 1992

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

Frank G Stickney, attorney
Stickney & Groe
102 W Main, PO Box 367
Elk Point SD 57025-0367

Dear Mr. Stickney:

This letter is in response to your correspondence dated March 11, 1992 concerning irrigated acreage owned by Mary and Maud Adams.

The acreage being irrigated as identified by Gerald Flannery is all listed on Water Permit No. 3807-3. If the irrigation system was developed within parameters specified on No. 3807-3 and if use of the water has not been forfeited/abandoned due to nonuse, then no additional permitting is needed in response to the boundary change. A final inspection of Permit No. 3807-3 is needed to be certain that all portions of the irrigation project are covered by No. 3807-3. I will forward a copy of this information to a staff engineer to try and get No. 3807-3 scheduled for an inspection this summer.

I don't believe any additional information is required from you at this time. As noted above, it appears the project is already covered by No. 3807-3.

If you have any further questions, please contact me.

Sincerely,

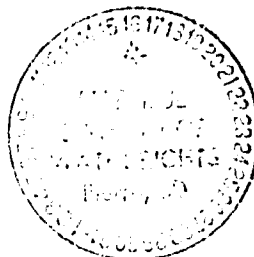
Ron Duvall
Natural Resources Engineer
605 773-3352

STICKNEY & GROE

Attorneys at Law

March 11, 1992

Ron Duvall
Division of Water Rights
S.D. Dept. of Environment and
Natural Resources
Joe Foss Building
523 East Capitol Ave.
Pierre, Sd 57501



Re: Maud & Mary Adams irrigation matter -- prior correspondence

Dear Mr. Duvall:

We talked on the phone a couple of times about the above matter, and you sent me some copies of materials, and asked for some information.

As your file on this should reflect, you have some fairly detailed data in there, Mary and Maud Adams want to make sure that they have all of the permits they need for doing all of the irrigating they are doing near the Missouri River in Union County, South Dakota, including the factors that may develop by virtue of the boundary compact and any changes on property coming in from Nebraska, or any boundary changes of any type.

When you last talked to me you said to get you some maps or photos on this, and that if the description seemed to be a problem, have a surveyor do a little workup on it, and send it to you, and what is where we are at.

I am sending to you herewith with this letter a copy of a file memo regarding the 2/4/92 meeting between myself and Maud and Mary Adams' farm managers, Merle Goedken and Doug Wevik, which explains sort of the irrigation system down there. I am sending you a copy of the aerial photo they brought in. They said the descriptions are a little complicated on this, anyway a copy of the aerial photo is enclosed, as is a copy of the area map, that they brought in, which shows some of my writing on it. I am also sending you a copy of the letter I sent to Flannery Engineering dated February 11, 1992, explaining the situation to him. He is personally familiar with the matter. I am also letting you know that in response to my letter Jerry Flannery called and said he could send me a pretty accurate description on it, but if more detail was needed or matters on the boundary change really had to

Ron Duvall
March 11, 1992
Page 2

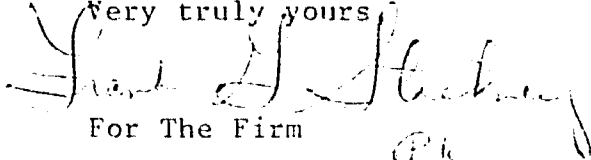
be worked up, he would have to do a full-fledge survey and that would be a bit elaborate.

I am also sending you a copy of the letter which he sent me dated February 19, 1992, providing descriptions.

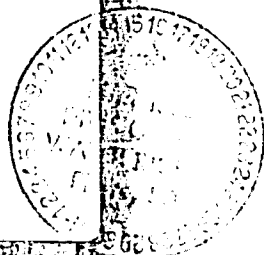
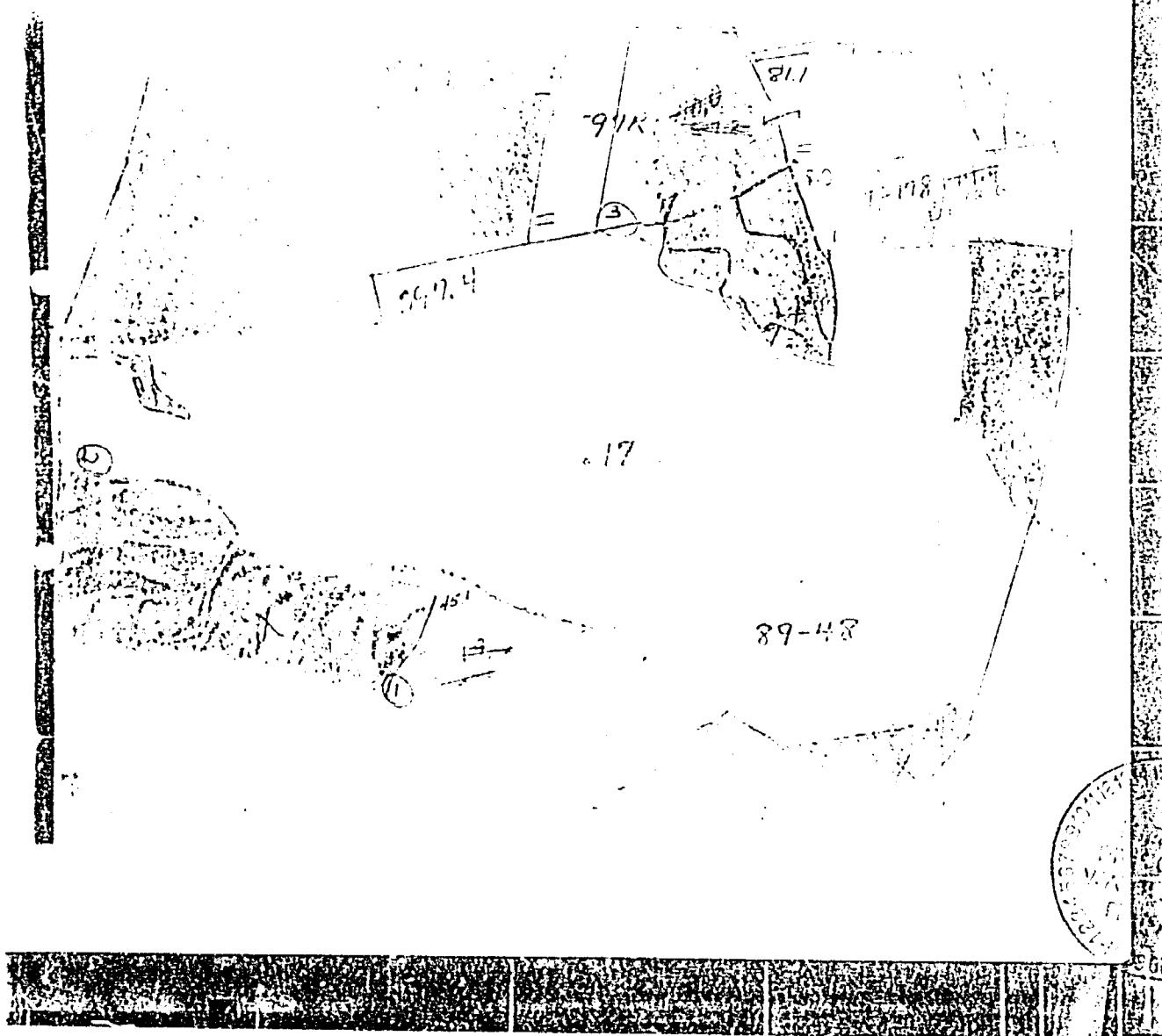
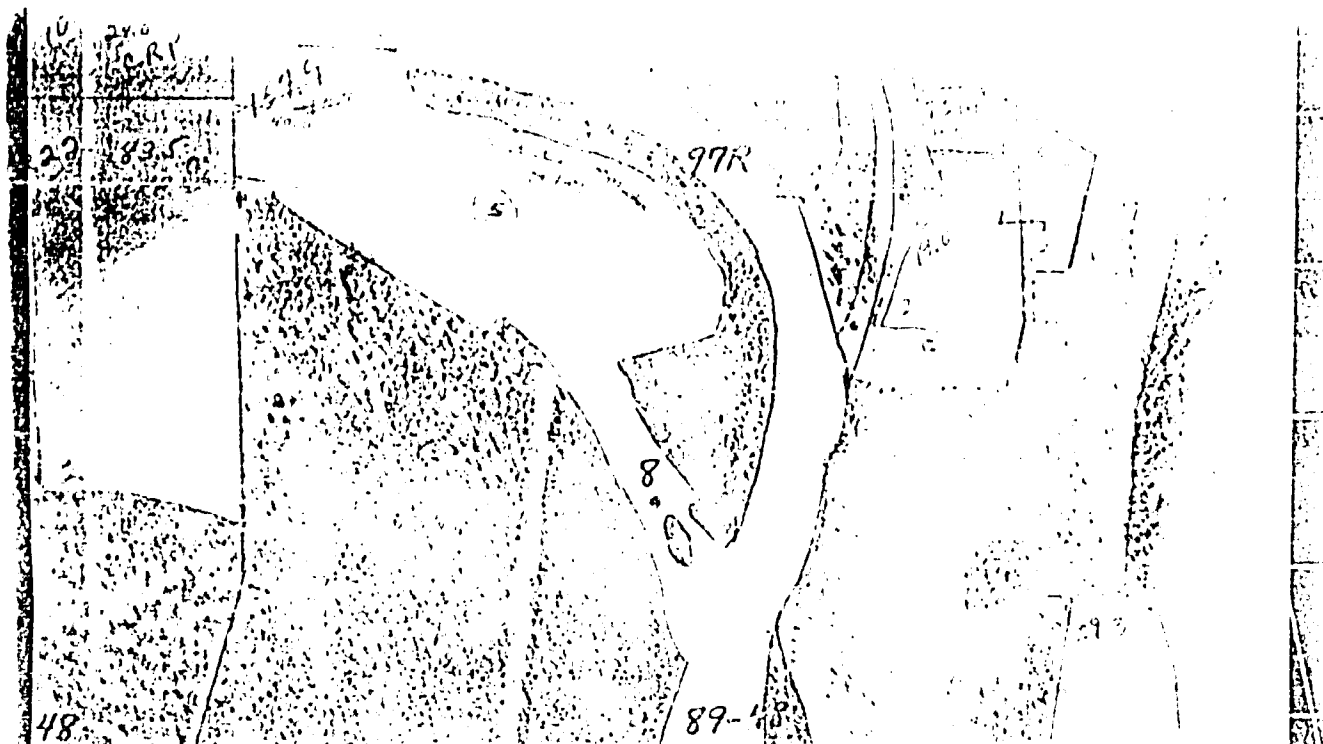
Let me know if you need anything else to get anything further that Maud and Mary Adams may need here prepared for their signature or processed. The idea is to make sure that their complete irrigation set up is approved, and all necessary permits are there, and that the boundary change with the State of Nebraska has no adverse impact, and that anything they need to do to protect their rights applicable to this on the transfer of the property in from Nebraska that used to be taxed there into South Dakota, is taken care of.

If there is anything else they need to be doing, please let me know. It is my understanding that these matters are taken care of exclusively by your office. Let me know if I am not correct on this. It is the irrigation and the rights with regards to keeping and maintaining it, that are of concern to them.

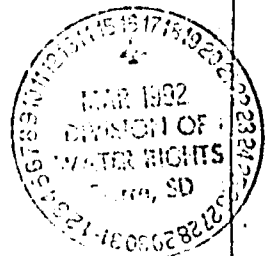
Thank you.

Very truly yours,

For The Firm

FGS/pk
Enc.
xc. & enc. Maud Adams



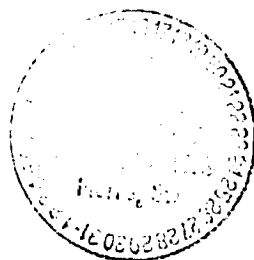
11 APR 1966 0020G
FM ACNS MSG. 01
660 APR 11 1100Z AND 0030



Merle Goodson and Doug Wovik were in the office on 2/4/91. Maud Adams indicated to them what I had indicated to her what I needed. They brought in the Adams area property map from April, 1981, which they advised Jerry Flannery worked up for them. Copies were left here. Also they brought in an aerial photo, and a copy of that was left.

I marked the pertinent matters on one copy of the Adams area property land usage map. Basically in the aerial photo area where it says 1700's down near the bottom, about centered there is a center pivot, in the 152 corn acre matter shown on the map, and in the 144 bean acre area shown on the map, there is another center pivot, and that is all the pivots there are. Each pivot irrigates 120 to 130 acres directly around the pivot. The water is supplied up that little shoot near the bottom where it says Missouri River coming up, there is a pump up near the top of the shoot and an underground line running up centered between the two pivots in the fields, and running out then directly to each, and that is how the water is supplied on those underground lines. That is the extent of the Adams' irrigation at this time. Merle and Doug have no way of knowing what impact, if any, the boundary change would have on these matters.

FGS



February 11, 1992

Jerry Flaunery
FLANNERY ENGINEERING
Route 2, Box 6A
Elk Point, South Dakota 57025

Re: Maud and Mary Adams properties

Dear Jerry:

We are assisting Maud and Mary Adams in having their irrigation matters registered with the State, as required by law. Merle Goedken, farm manager for Maud and Mary Adams asked that we contact you for assistance in obtaining descriptions.

We need to have descriptions of the irrigated Adams properties. I am enclosing an Area Map, from April of 1981. I have highlighted in yellow the areas which are irrigated, that being 152 acres of corn and 144 acres of beans, each system irrigating approximately 120 to 130 acres in each of these areas. Can you supply us with a description to these two areas. We also need the description on the location of the shoot (highlighted in yellow) near the bottom where it says "Missouri River", coming up. There is a pump up near the top of the shoot and an underground line running up centered between the two pivots in the fields, and running out then directly to each. I am also enclosing a copy of an aerial photo which may be of some help.

Also, do you happen to know where the former alleged boundary line between Nebraska and South Dakota was as it relates to this property, that information might be helpful also.

Please send your bill either to Maud Adams or to Maud Adams in care of our office.

If you have any questions as to what we need, please let me know.

Thanks and best regards.

Very truly yours,

For The Firm

FGS/pk
Enc.

Professional Engineers - Land Surveyors

P. O. Box 910
Parkston, South Dakota 57366
Telephone (605) 928-7676



Gerald F. Flannery, R.L.S.
GFF:mrh

Gerald F. Flannery, K.L.S.

GFF:mr b

*Topographic Surveys • Property Surveys • Construction Staking • Soil Testing • Land Planning
Civil Engineering • Municipal Engineering • Engineering Studies*

STICKNEY & GROE

Attorneys at Law



November 19, 1991

Department of Energy & Natural Resources
Division of Water Rights
Pierre, SD 57501

Re: irrigation system - Union County land near boundary change area

Greetings:

This office represents some folks who own farmland in Union County, South Dakota, a part of which was previously taxed as if it were located in Nebraska, as well as in South Dakota, in southern Union County. This is an irrigated farm. It is irrigated by virtue of a permit that was issued in the 1970's, I believe, or thereabouts, by United States Army Corps of Engineers, permitting them to pump water from the Missouri River onto the property, for purposes of irrigation. They have been keeping the pumping structure and system up ever since. I don't believe that the actual location of the pump or removal of the water is on land that was previously claimed by South Dakota and Nebraska both, as within the multiple boundaries. However, I am not certain whether or not some of the water may be being applied to this property.

Again, I don't believe that a well is involved in this particular usage, just taking water from the River based upon the Corps of Engineer's permit.

The newspaper article that appeared November 7, 1991, in the Elk Point Leader-Courier, reflects that by July 1, 1993, people who are claiming water use rights, including, but not necessarily limited to, irrigation use, on property that was formerly located in Nebraska and has now moved to South Dakota, must file documents with your Department, and if they have not done so by July 1, 1993, they may forfeit said rights.

I am not sure how the particular people involved in this situation fits, if at all, and whether or not it is the feeling of your Department that they have any obligations to do anything in this particular situation. To the best of my knowledge, all prior authorization came from United States Army Corps of Engineers. It is my belief that part of the land on this farm that was claimed to be in Nebraska, is all now concluded to be in Union County, South Dakota.

Department of Energy & Natural Resources

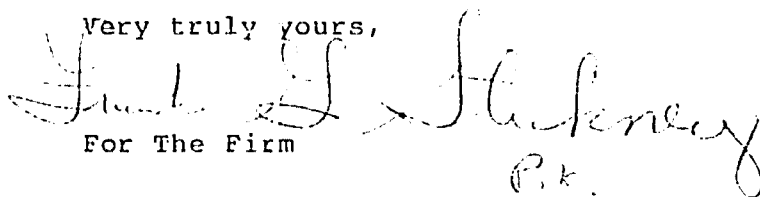
November 19, 1991

Page 2

Would you kindly advise your feelings as to what might be necessary in this situation, and the basis therefor, so I know where you are coming from, and can properly communicate with the client applicable to this.

Thank you for your help.

Very truly yours,

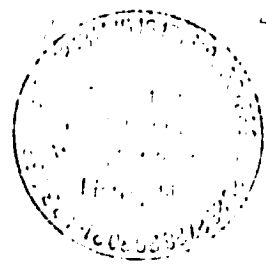
A handwritten signature in cursive script, appearing to read "Paul D. Hickey".

For The Firm

P.k.

FGS/pk

3807-3



February 11, 1992

Jerry Flannery
FLANNERY ENGINEERING
Route 2, Box 6A
Elk Point, South Dakota 57025

Re: Maud and Mary Adams properties

Dear Jerry:

We are assisting Maud and Mary Adams in having their irrigation matters registered with the State, as required by law. Merle Goedken, farm manager for Maud and Mary Adams asked that we contact you for assistance in obtaining descriptions.

We need to have descriptions of the irrigated Adams properties. I am enclosing an Area Map, from April of 1981. I have highlighted in yellow the areas which are irrigated, that being 152 acres of corn and 144 acres of beans, each system irrigating approximately 120 to 130 acres in each of these areas. Can you supply us with a description to these two areas. We also need the description on the location of the shoot (highlighted in yellow) near the bottom where it says "Missouri River", coming up. There is a pump up near the top of the shoot and an underground line running up centered between the two pivots in the fields, and running out then directly to each. I am also enclosing a copy of an aerial photo which may be of some help.

Also, do you happen to know where the former alleged boundary line between Nebraska and South Dakota was as it relates to this property, that information might be helpful also.

Please send your bill either to Maud Adams or to Maud Adams in care of our office.

If you have any questions as to what we need, please let me know.

Thanks and best regards.

Very truly yours,

For The Firm

FGS/pk
Enc.

3807-3

Flannery Engineering
Professional Engineers - Land Surveyors

Route 2, Box 6A
Elk Point, South Dakota 57025
Telephone (605) 356-2300
FAX (605) 356-2795

P. O. Box 916
Parkston, South Dakota 57366
Telephone (605) 628-7676



February 19, 1992

Mr. Frank Stickney
PO Box 367
Elk Point, SD 57025

RE: Maud Adams
Legal for irrigation system

Dear Frank,

The area irrigated is in S 1/2 NW 1/4, the S 1/2 NE 1/4 NW 1/4, the SW 1/4 NE 1/4, the W 1/2 SE 1/4 NE 1/4, the NE 1/4 SE 1/4, the NW 1/4 SE 1/4, and the N 1/2 NE 1/4 SW 1/4 of Section 17, T89N, R48W, 5th P.M., Union County, South Dakota, 260 acres.

The pump is in the SE 1/4 SW 1/4 of Section 17.

The water delivery line is in the SE 1/4 SW 1/4 and in the NE 1/4 SW 1/4 of Section 17.

Sincerely,

A handwritten signature in cursive script that reads "Gerald F. Flannery".

Gerald F. Flannery, R.L.S.

GFF:mrh

3807-3

STICKNEY & GROE

Attorneys at Law

102 West Main, P.O. Box 367
Hot Springs, South Dakota 57025-0367
(605) 356-2651

Attorneys
Frank G. Stickney
Wayne D. Groe

March 11, 1992



Ron Duvall
Division of Water Rights
S.D. Dept. of Environment and
Natural Resources
Joe Foss Building
523 East Capitol Ave.
Pierre, Sd 57501

Re: Maud & Mary Adams irrigation matter -- prior correspondence

Dear Mr. Duvall:

We talked on the phone a couple of times about the above matter, and you sent me some copies of materials, and asked for some information.

As your file on this should reflect, you have some fairly detailed data in there, Mary and Maud Adams want to make sure that they have all of the permits they need for doing all of the irrigating they are doing near the Missouri River in Union County, South Dakota, including the factors that may develop by virtue of the boundary compact and any changes on property coming in from Nebraska, or any boundary changes of any type.

When you last talked to me you said to get you some maps or photos on this, and that if the description seemed to be a problem, have a surveyor do a little workup on it, and send it to you, and what is where we are at.

I am sending to you herewith with this letter a copy of a file memo regarding the 2/4/92 meeting between myself and Maud and Mary Adams' farm managers, Merle Goedken and Doug Wevik, which explains sort of the irrigation system down there. I am sending you a copy of the aerial photo they brought in. They said the descriptions are a little complicated on this, anyway a copy of the aerial photo is enclosed, as is a copy of the area map, that they brought in, which shows some of my writing on it. I am also sending you a copy of the letter I sent to Flannery Engineering dated February 11, 1992, explaining the situation to him. He is personally familiar with the matter. I am also letting you know that in response to my letter Jerry Flannery called and said he could send me a pretty accurate description on it, but if more detail was needed or matters on the boundary change really had to

3807-3

Ron Duvall
March 11, 1992
Page 2

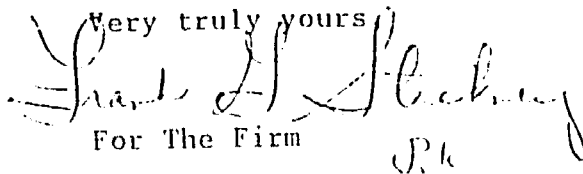
be worked up, he would have to do a full-fledge survey and that would be a bit elaborate.

I am also sending you a copy of the letter which he sent me dated February 19, 1992, providing descriptions.

Let me know if you need anything else to get anything further that Maud and Mary Adams may need here prepared for their signature or processed. The idea is to make sure that their complete irrigation set up is approved, and all necessary permits are there, and that the boundary change with the State of Nebraska has no adverse impact, and that anything they need to do to protect their rights applicable to this on the transfer of the property in from Nebraska that used to be taxed there into South Dakota, is taken care of.

If there is anything else they need to be doing, please let me know. It is my understanding that these matters are taken care of exclusively by your office. Let me know if I am not correct on this. It is the irrigation and the rights with regards to keeping and maintaining it, that are of concern to them.

Thank you.

Very truly yours,

For The Firm *Ph*

FGS/pk
Enc.
xc. & enc. Maud Adams

3807-3

Merle Goedken and Doug Wevik were in the office on 2/4/92. Maud Adams indicated to them what I had indicated to her what I needed. They brought in the Adams area property map from April, 1981, which they advised Jerry Flannery worked up for them. Copies were left here. Also they brought in an aerial photo, and a copy of that was left.

I marked the pertinent matters on one copy of the Adams area property land usage map. Basically in the aerial photo area where it says 1700's down near the bottom, about centered there is a center pivot, in the 152 corn acre matter shown on the map, and in the 144 bean acre area shown on the map, there is another center pivot, and that is all the pivots there are. Each pivot irrigates 120 to 130 acres directly around the pivot. The water is supplied up that little shoot near the bottom where it says Missouri River coming up, there is a pump up near the top of the shoot and an underground line running up centered between the two pivots in the fields, and running out then directly to each, and that is how the water is supplied on those underground lines. That is the extent of the Adams' irrigation at this time. Merle and Doug have no way of knowing what impact, if any, the boundary change would have on these matters.

FGS



3807-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 1992

Frank G Stickney, attorney
Stickney & Gross
102 W Main, PO Box 367
Elk Point SD 57025-0367

Dear Mr. Stickney:

This letter is in response to your correspondence dated March 11, 1992 concerning irrigated acreage owned by Mary and Maud Adams.

The acreage being irrigated as identified by Gerald Flannery is all listed on Water Permit No. 3807-3. If the irrigation system was developed within parameters specified on No. 3807-3 and if use of the water has not been forfeited/abandoned due to nonuse, then no additional permitting is needed in response to the boundary change. A final inspection of Permit No. 3807-3 is needed to be certain that all portions of the irrigation project are covered by No. 3807-3. I will forward a copy of this information to a staff engineer to try and get No. 3807-3 scheduled for an inspection this summer.

I don't believe any additional information is required from you at this time. As noted above, it appears the project is already covered by No. 3807-3.

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall
Natural Resources Engineer
605 773-3352

STICKNEY & GROE

Attorneys at Law

102 West Main, P.O. Box 367
Ell Point, South Dakota 57025-0367
(605) 356-2651
Fax (605) 356-3112

December 21, 1992

Attorneys
Frank G. Stickney
Wayne D. Gree

Ron Duvall
Natural Resources Engineer
Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

RE: Irrigation well permit matters - Union County Land
Maud and Mary Adams

Dear Mr. Duvall:

Earlier this year someone from your Department contacted our office here regarding directions to get to the Maud and Mary Adams' farm, for purposes of checking out the foregoing matter. This relates to our exchange of correspondence applicable to the permits they have in place on the property, through your Department, which someone was going to check out.

Ms. Adams advised they haven't heard anything one way or the other. It was a while back when somebody from your Department got directions on this, and we advised them the name of the Adams' farm manager.

A copy of your letter of March 18, 1992, regarding having the property inspected by a staff engineer is attached.

Can someone let me know where this is at, if everything is completed and in order, as we anticipated someone was going to come down and check it out, and someone asked these directions, and we thought perhaps they had, and now we are wondering what happened. Can someone let me know where this is at?

Thank you.

Happy Holidays,

For The Firm

FGS/pk
xc. Maud Adams
Box 564
Sioux City, IA 51102



3807-3

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

December 30, 1992

Frank G Stickney, attorney
Stickney & Groe
PO Box 367
Elk Point SD 57025-0367

Dear Mr. Stickney:

This letter is in response to your letter dated December 21, 1992. Greg Johnston, staff engineer, did make a contact concerning directions to the Adams' farm; however, Greg was unable to complete the inspection last summer.

We will make every effort to get the inspection completed in spring/summer of 1993. As noted in my letter dated March 18, 1992, no additional information or action is needed on the part of the permit holder for this inspection to be completed. The irrigation system may continue to be operated as usual even though the inspection has not been completed.

I apologize for the delay and hope to have Greg complete your inspection as soon as possible in the coming year. Thank you for your patience.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall
Natural Resources Engineer
605 773-3352

3807-3

STICKNEY & GROE

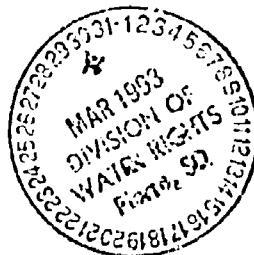
Attorneys at Law

102 West Main, P.O. Box 367
Elk Point, South Dakota 57025-0367
(605) 356-2651
Fax (605) 356-3112

March 29, 1993

Attorneys
Frank G. Stickney
Wayne D. Groe

Ron Duvall
Natural Resources Engineer
Department of Environment and
Natural Resources
523 East Capitol
Pierre, SD 57501-3181



Re: Maud and Mary Adams irrigation well permit matters
Union County, South Dakota land

Dear Mr. Duvall:

As Spring is, I hope, finally joining us, and as the above matter now comes back to my attention, I am hoping that the inspection scheduled tentatively for this Spring by your Department will soon be completed, in the event that it has not already been. The July 1, 1993 deadline comes to mind, and with the snow disappearing and perhaps the mud thinking about drying, I didn't want this matter to be forgotten.

I am enclosing a copy of your letter of December 30, 1992.

Is there any anticipated time for the inspection developed as of yet?

Thank you.

Very truly yours,

Frank G. Stickney
For The Firm

FGS/pk
Enc.
xc. Maud Adams

3807-3

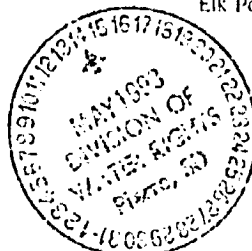
STICKNEY & GROE

Attorneys at Law

May 13, 1993

102 West Main, P.O. Box 367
Elk Point, South Dakota 57025-0367
(605) 356-2651
Fax (605) 356-3112

Ron Duvall
Natural Resources Engineer
Dept. of Environment and
Natural Resources
523 East Capitol
Pierre, SD 57501-3181



Attorneys
Frank G. Stickney
Wayne D. Groe

Re: Maud and Mary Adams irrigation well permit matters
Union County, South Dakota land

Dear Mr. Duvall:

Enclosed is a copy of your letter to me of March 18, 1992, your letter to me of December 30, 1992, and a copy of my letter to you of March 29, 1993, checking status of the matter of inspecting this, and firming things up.

My concern here would be if for some reason your field inspection would indicate something isn't just right, as is a possibility reflected by your letter of March 18, 1992, and we wouldn't have reacted or responded by making a new or amended application in time.

My understanding is that based upon the information you have, and the information provided by the surveyor, everything should be complete and nothing else needed, but that until the inspection is completed, we won't know for sure, and there is no way that we can anticipate any further needs until that time.

I am wondering when this inspection might be completed. If it looks like it won't be completed in the very near future, can you let me know what we should be doing in order to prevent a possibility of any time limits running that may be applicable to this project. If there has been an extension of any type that might apply to this project, please let me know. Can you let me know where this is at, as hereinbefore outlined?

Thank you for your help.

Very truly yours,

Frank G. Stickney
For The Firm

FGS/pk
Enc.
xc. Maud Adams



3807-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 1993

Frank G Stickney, Attorney
Stickney & Groe
PO Box 367
Elk Point SD 57025-0367

Dear Mr. Stickney:

I am writing in response to your letter dated May 13, 1993, concerning completion of an inspection for Water Permit No. 3807-3.

Tentatively, Greg Johnston, staff engineer, is planning an inspection trip in the southeast part of the state during the first or second week of June 1993. Mr. Johnston will make every effort to get Permit No. 3807-3 inspected during this trip. The timing of this inspection does not affect the permit. No extension of any type is needed.

I hope this addresses your concerns. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

3807-3

STICKNEY & GROE

Attorneys at Law

June 30, 1993

102 West Main, P.O. Box 367
Elk Point, South Dakota 57025-0367
(605) 356-2651
Fax (605) 356-3112

Attorneys
Frank G. Stickney
Wayne D. Groe



Ron Duval
Department of Environment and
Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Re: Maud and Mary Adams irrigation well permit matters,
Union County, South Dakota land

Dear Mr. Duval:

I am confirming by this letter our phone conversations of June 25th and June 28, 1993.

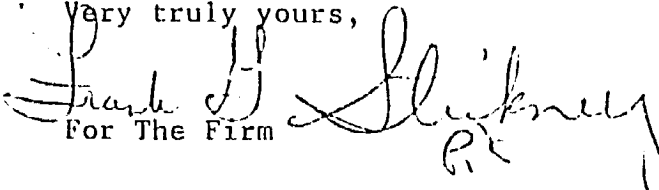
In summary, you advised me that Greg Johnston, a staff engineer, of your office, had completed the inspection at the Maud and Mary Adams farm here in Union County, and that everything is fine, and that the current irrigation system is completely covered by the existing permit, and that nothing further is needed from your office in the way of applications or anything else to make the matter totally legal.

Following our conversation on Monday, June 28th, I telephoned Maud Adams and advised her of this.

I very much appreciate your help in this matter. I am sorry to be such a pest, but I was concerned about the deadline of July 1st, and everything not being exactly in order.

Thank you very much for your assurance that everything is fine, and nothing else is needed.

Again, thanks for all of your help.

Very truly yours,

For The Firm

FGS/pk
xc. Maud Adams
Box 564
Sioux City, IA 51102

3807-3

Permit No. 3807-3
Missouri 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 Maud Adams of holder of Permit No. 3807-3, bearing the priority of March 24, 1977 authorizing the diversion of 8.5 cu. ft. per second of the waters of the Missouri River for irrigation purposes, in Union County. Dec 4 564, Union City T.A. 31102

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

- A. Works used to divert the water:
Berkeley Centrifugal pump, Model No. B4JR MBHCU, 4", 1400 GPM @ 72 PSI,
John Deere Motor, Model No. 6059TF001, 125 Horsepower
- B. Works used to transport water to place of use:
12' of 10" Aluminum and 3740' of 8" plastic
- C. Works used to apply water to beneficial use:
Zimmatic Model No. 410 10 tower center pivot system, 1320' long with end gun, low pressure system, 1350 GPM

The system is in the following condition fair. The point of diversion is located 2320' W and 1086' N of the SE corner of Section 17-T89N-R48W. The works are capable of diverting and conveying to the place of use 3.0 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 16-T89N-R48W:

SW1/4 NW1/4 = 2 acres
NW1/4 SW1/4 = 20 acres
SW1/4 SW1/4 = 5 acres

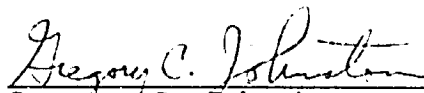
All in Section 17-T89N-R48W:

<u>NE1/4 NW1/4 = 2 acres</u>	<u>SW1/4 NE1/4 = 37 acres</u>
<u>SE1/4 NW1/4 = 37 acres</u>	<u>NW1/4 SE1/4 = 39 acres</u>
<u>SW1/4 NW1/4 = 3 acres</u>	<u>SW1/4 SE1/4 = 7 acres</u>
<u>NW1/4 SW1/4 = 3 acres</u>	<u>SE1/4 NE1/4 = 16 acres</u>
<u>NE1/4 SW1/4 = 31 acres</u>	<u>NE1/4 SE1/4 = 40 acres</u>
<u>NW1/4 NE1/4 = 2 acres</u>	<u>SE1/4 SE1/4 = 21 acres</u>

comprising a total of 265 acres of land and the license should be issued for 3.00 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No ☐

Exceptions to compliance are: None Date: 6/22/93



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

3807-3

REPORT ON INSPECTION OF PERMIT NO. 3807-3

DATE: 6/22/93

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 2320' W and 1086' N of the SE corner of Section 17-T89N-R48W

Pump:

- 1) Make Berekeley Centrifugal
- 2) Model B4JR MBHCU
- 3) Size 4"
- 4) Capacity 1400 GPM

Motor:

- 1) Make John Deere
- 2) Model No. 6059TF001
- 3) Horsepower rating 125 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC/Aluminum
- 2) Size 10/8 inches
- 3) Length 12/3740 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic Model No. 410
- 2) Overall length 1320 feet
- 3) Number of towers 10
- 4) Distance between towers 120 feet
- 5) End gun Y/N Y
- 6) High or low pressure low
- 7) Capacity 1350 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N N

3807-3

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N Y
- 2) Special qualifications to permit being abided by Y/N Y
- 3) All structures, wells and lands on map Y/N Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N Y

The Center Pivot system is used on two separate pads.



3807-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 29, 1993

3807-3

Frank G. Stickney, Attorney at Law
Stickney & Groe
P.O. Box 367
Elk Point, SD 57025-0367

RE: Water Permit No. 3807-3, Maud Adams.

Dear Mr. Stickney:

The inspection of the water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 3807-3, has been completed. The 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 or Maud Adams, we will begin processing the 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 the permit number. This will insure proper handling of the fee.

8-2-93 3807-3

Dear Sir
Re: Water permit
3807-3

Please find a check for
\$50 to cover the fee for the
inspection and issuance
of the water license

Mr. Stickney, attorney in
Elk Point, forwarded your
letter to him dated 7-29-
93. regarding the water
permit

Just all is in order
in the process

Thank you
Sincerely,
Maude Allen
P.O. Box 564
Sons At. Ga

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

3807-3
413846

Pierre, August 6, 19 93

RECEIVED OF Stephen S. Adams, 270 W Shore Drive, McCook Lake, SD 57049

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. 3807-3	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

3807-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3807-3

(1) Maud Adams, of PO Box 564, Sioux City, IA 51102-0564 made Application No. 3807-3, March 24, 1977 for a water permit to appropriate 8.50 cubic feet of water per second from the Missouri River, Union County, South Dakota for irrigation purposes. Permit No. 3807-3, with a priority date of March 24, 1977 was approved May 25, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 25, 1982 and for the application to beneficial use of said water on or before May 25, 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 3.00 cubic feet of water per second for beneficial use. The location of the diversion point is 2320'W and 1086'N of the SE corner of Section 17, T89N, R48W (SW¼SE¼).

(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: all in T89N, R48W

Section 16

SW¼NW¼ 2 acres
NW¼SW¼ 20 acres
SW¼SW¼ 5 acres

Section 17

NE¼NW¼ 2 acres
SE¼NW¼ 37 acres
SW¼NW¼ 3 acres
NW¼SW¼ 3 acres
NE¼SW¼ 31 acres

Section 17 continued

NW¼NE¼ 2 acres
SW¼NE¼ 37 acres
SE¼NE¼ 16 acres

NW¼SE¼ 39 acres
SW¼SE¼ 7 acres
NE¼SE¼ 40 acres
SE¼SE¼ 21 acres

TOTAL 265 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Maud Adams of PO Box 564, Sioux City, IA 51102-0564 the holder and/or owner of Water Permit No. 3807-3 is issued a license to appropriate water, the right to use 3.00 cubic feet of water per second from the Missouri River with a priority date of March 24, 1977 from the location specified in (2) of this license. The water 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. 3807-3 and subject to South Dakota State Law.



SEP 20 1993

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



SEP 20 1993

3807-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3807-3

Maud Adams
P.O. Box 564
Sioux City, IA 51102-0564

Dear Ms. Adams:

Enclosed is Water License No. 3807-3 and Receipt No. 413846 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3807-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

0.25010.5

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 3807-3

Date: _____

I/We request that Water Right No. 3807-3

formerly owned by: Maud Adams

be transferred to: (name & address) SD Department of Game, Fish & Parks, 523 E Capitol, Pierre, SD 57501

Telephone No. _____

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

265 acres - Sections 16 & 17, T89N, R48W

I/We understand that the validity of Water Right No. 3807-3 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 Hughes)

I/We Susan Edwards 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 4 day of February, 1997.

[Signature]
(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.

3807-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: SD Parks & Wildlife Foundation

ADDRESS: % Susan Edwards, 523 E Capitol, Pierre, SD 57501

DATE: August 19, 1997

TELEPHONE: 773-3387

RE: transfer of Water Right No. 3807-3

COMMENTS:

In February, 1997, the Parks and Wildlife Foundation filed a transfer with Water Right No. 3807-3. The "to be transferred to..." portion was left blank on the form and I incorrectly assumed it should be SD Dept of Game, Fish & Parks.

During a conversation with Susan Edwards on August 19th, she indicated the water right should be listed in the name of the Parks and Wildlife Foundation and not G, F & P.

She also indicated that the yearly irrigation questionnaires for Nos. 3807-3 and 5988-3 should both be directed to her attention.

Genny McMath

Genny McMath
Environmental Scientist



Susan Edwards
Executive Director

523 E. Capitol Ave.
Pierre, South Dakota 57501
E-mail: susaneg@pstate.sd.us
605.773.3387 Fax: 605.773.6215
Voice Mail: 605.773.4503



3807-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: SD PARKS & WILDLIFE FOUNDATION, TIM BJORK, 523 E CAPITOL, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5988-3, 3807-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5988-3 qualification:

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

The hearing will be held at 8:30 am, March 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. 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) 5988-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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

January 29, 2003

3807-3
5988-3

Tim Bjork
SD Parks & Wildlife Foundation
523 E Capitol
Pierre SD 57501

Dear Tim:

The 2002 irrigation questionnaires for Water Right No. 3807-3 and Water Permit No. 5988-3 have been received. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Nos. 3807-3 and 5988-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: SD PARKS & WILDLIFE FOUNDATION, SEAN BLANCHETTE, 523 E CAPITOL, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6680-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6680-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2019

3807-3
6680-3

Dennis J Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

Enclosed are irrigation questionnaires for the water rights held by the SD Parks & Wildlife Foundation. It is my understanding you no longer have the original set.

Please complete and return the forms prior to March 6th. The Water Management Board meets that day to consider suspension of all delinquent questionnaires.

I have included a postage paid envelope for your use in returning the completed questionnaires. If you have any questions or need assistance with them, please let me know.

Sincerely,

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

c: Sean Blanchette, SD Parks & Wildlife Foundation

File No. 3807-3
6680-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sean Blanchette, SD Parks & Wildlife Foundation

DATE: February 14, 2019

RE: 2018 irrigation questionnaires for Nos. 3807-3 and 6680-3

Dennis Chicoine farms the land for the SD Parks and Wildlife Foundation. At the request of Sean Blanchette, additional copies of the 2018 questionnaires were directed to Dennis Chicoine on January 29th.

On today's date, the forms were received back from Mr. Chicoine. I sent an email to Mr. Blanchette letting him know the forms arrived and everything is taken care of.

During our communication, Mr. Blanchette agreed to us sending the forms directly to Mr. Chicoine in October each year so they could be completed and returned along with the forms the irrigator already fills out for his own irrigation permits. If a timely response is not received, SD Parks and Wildlife Foundation would be notified.



Genny McMath
Water Rights Program



3807-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: DENNIS CHICOINE, OPERATOR, 32703 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

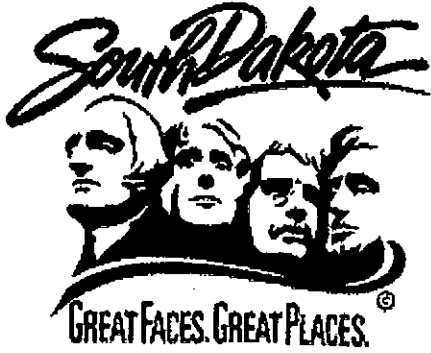
1. Suspend or cancel Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: KCNOLK**

c: LISA WEYER, SD PARKS & WILDLIFE FOUNDATION, 523 E CAPITOL, PIERRE SD

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.denr.sd.gov

February 3, 2020

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Lisa Weyer, SD Parks & Wildlife Foundation