

Water Right Number 3966-3

1. Considered 7-27, 19 77
2. Name of Applicant DALE GOCKEN
3. Post Office Address HURLEY
4. Amount of Water claimed 2.283
5. Source of Water supply 130' DEEP WELL - REPLACEMENT
6. Water to be used for IRRIGATION FOR 185-3
Acres to be irrigated 160
7. Water to be diverted and used in TURNER County
about 1E. 1N miles of HURLEY
8. Proof of Publication
Received 7-5-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application
IRRIGATING SINCE 1956
10. Remarks:

Map No. 3217-3 Water Division No. 3 VERMILLION RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

#1 Well- Replacement -deeper well replaces old shallow well. Proposed Well (#2) to irrig. new Land being added-Sec. 22

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Dale Cocken D. S. J. new Ben. use
Postoffice address Hurley State SD 57036
If a corporation show date and place of incorporation NA

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Dale Cocken #1

4. Amount of water claimed (cubic feet per second) 2.28 MAX. ALLOWED 4.0 (adding some)

5. Source of water supply 2- Wells (1)

6. Location of point of diversion Center NW 1/4 Sec. 23 T48N R53W

Proposed Well - Approx. 55 rods W. and 80 rods S. of the

NE corner Sec. 22-98-53. County Turner

7. Annual period or periods during which water is to be used April - Nov.

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 NW 1/4 Sec. 23 T48N R53W	40	SE 1/4 NE 1/4 22-98-53	80
NW 1/4 NW 1/4 " 23 " "	40	SE 1/4 NE 1/4 22-98-53	40
SW 1/4 " " " "	40		
NE 1/4 " " " "	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Completed years. Additional time required to complete application of water to the proposed beneficial use 0 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hurley Leader

Principal Features of the Proposed Water Supply System. Hurley SD 57036

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

Electric Pump

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

Buried Pipeline

C. Works proposed to apply water to beneficial use.

CP

Estimated Total Cost Completed

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Turner

I, Dale Cocken the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Dale Cocken

Subscribed and sworn to before me this 18 day of April 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3966-3

DALE GOOKEN
(Applicant)

HURLEY

(Post Office Address)

SOUTH DAKOTA 57056
(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.

Land covered under this Permit is also covered under Permit No. 185-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application APRIL 19, 19 77
Date of return to applicant for correction, amendments or changes required 19
Date of receipt of corrected application MAY 31, 19 77
Approved MARCH 29, 19 78, Recorded in Book 19 Page 295

WATER RIGHT PERMIT NO. 3966-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3966-3 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 APRIL 27, 19 56
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ 19
3. The whole of said work is ~~to be completed on or before~~ 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 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 THIS DATE; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 5th day of APRIL, 19 78

WATER RIGHTS COMMISSION

By

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued

January 23, 1981

Water License Issued

January 23, 1981

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 1 1/2, Depth 136
 (2) Casing, Type Steel (wood, cor cre., steel, etc) Diameter 14 Thickness 1/2
 (3) Perforated Screen.
 Type Johnson, Diameter 14, Length 30
 (4) Gravel Pack. Thickness 2-4", Length of gravel pack 136

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials 0-25 Sand & Gravel
25-70 Gray Clay
70-136 Gravel

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 136

Thickness of water bearing material ~~20-25'~~ 70-136' = 66'

Depth to water (ground surface to water level) 30

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

On same owner's property, 80 rds. On property owned by others 90 rds.

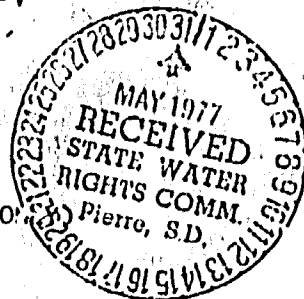
G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

N/A

Dale Gorkin
 Signature of Applicant

Reduction of
access-



COUNTY Turner

1. WELL LOCATION Well #1 - Approx. center of the NE 1/4 23-98-53; Proposed Well #2 - 55 rods
... 40 rods S. of the NE corner Sec. 22-98-53.

2. LOCATION OF AREA TO BE IRRIGATED The NW 1/4 23-98-53 and the NW 1/4 & E 1/2 NW 1/4 22-98-53.

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT x GUN _____
4. CROPS TO BE IRRIGATED _____ Corr. _____

5. SAMPLE NUMBER 77-676

6. SALINITY (EC X 10⁶) 17.62 - high

7. SODIUM (SAR) 0.56 (low)

8. RESIDUAL SODIUM CAPACITY (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Turner Co. Conservation District, County Extension office or Soil Conservation Service.

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

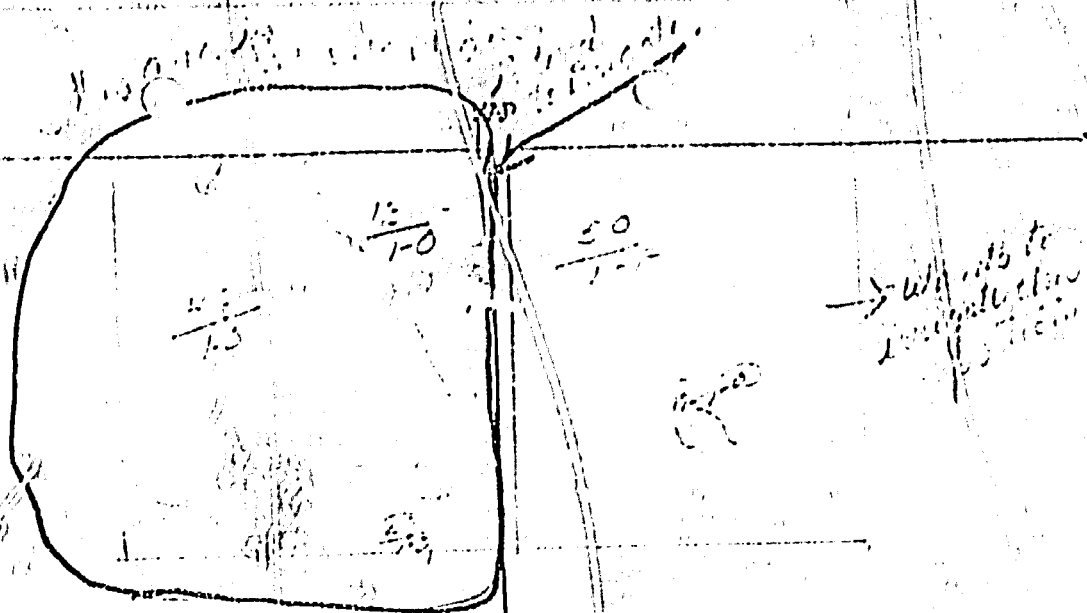
Dale Gochen
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
27 DAY OF 1970.

(TITLE OR SEAL)

APPROVED/CLERK

(SOILS INFORMATION ON REVERSE SIDE)



NARRATIVE

16
1-0

Moderately deep, well drained soils with 20-40 inches of loamy material over sand and gravel on nearly level (0-2%) upland slopes. Sandy and gravelly subsoils and substrata limit water storage capacity and rooting depths. Cap. Unit - IIs3

13
1-0

Deep, black, clayey soils that are poorly drained. They occupy floors of enclosed depressions and are ponded from runoff waters from adjacent slopes. Cap. Unit - IIIw1

17
1-0

Deep, loamy, well and moderately well drained soils on bottom lands that sometimes receive beneficial overflow. They have few or no limitations in use. Cap. Unit - II

50
1-P

Shallow soils with 10-20 inc. of dark, loamy material over sand and gravel on nearly level (0-2%) slopes. They have low water storage capacity and rooting zone. Cap. Unit - IIIs3

Permit No. 3966-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James Bondeson

_____ the holder _____ of
Permit No. 3966-3, issued upon Application No. 3966-3, bearing date of priority of April 27,
1956 authorizing the diversion of 2.2 cu. ft. per second of the waters of
groundwater (one well) County of Turner, State of South Dakota at a
point S 50° E, 120 rods from the NW Corner, Sec. 23-T98N-R53W

_____, for irrigation

purposes has S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date January 23, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3966-3

(1) WHEREAS, On the 19th day of April, A.D. 1978

Dale Gacken

made Water Right Application No. 3966-3 for a permit to use 2.2 cubic feet per second of the waters of groundwater (one well)

County of Turner, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 29th day of March, A.D. 1978

Permit No. 3966-3, with a date of priority of April 27, 1956

was issued to said applicant recognizing for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the day of April 19 and for the

application to beneficial use of said water on or before the day of April 19
whereas, on the 10th day of January, 1979 was transferred to James Bondesen, Hurly, SD

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.88 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 to irrigate a 132 acre parcel in the NW 1/4 Section 23-T98N-R53W relating to the application of water to be for use of the following extent,

The applicable portions under Permit No. 185-3 have been incorporated into this Water License No. 3966-3

(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 James Bondesen

_____ of Hurley, SD
the holder _____ and owner _____ of said permit No. 3966-3 a water right, dating from April 27, 1956
_____ to use of 1.68 cubic feet per second of the waters
of groundwater (one well)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point S 50° E, 120 rods from the NW
Corner, Section 23-T98N-R53W

_____ for irrigating a 132 acre circle in the NW
Section 23-T98N-R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3966-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of January A. D.
Nineteen Hundred and eighty-one

By: John Hatch
WATER MANAGEMENT BOARD
Chief Engineer, Executive Officer JOHN HATCH

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 13, 1977Notice is hereby given that Dale Gocken whose

post office address is Hurley, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use 46-5-38, Temporary Permit 46-5-39, 46-5-40~~; Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~Future Use 52:01:01:21 thru 52:01:01:24~~, for a permit to appropriate for beneficial use 4.0 cubic feet

of water per second of time from the ~~xxx~~ ground water through the Dale Gocken #1, the point of diversion of which is to be located in the Centers of the NW $\frac{1}{4}$ of Section 23 and W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$

of Section 22, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW $\frac{1}{4}$, Section 23; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 22; T98N, R53W

This Application No. 3966-3 will be considered by the Water Rights Commission the Staurolite Inn, Brookings, S.D.

at ~~their office at Pierre~~ upon the 27th day of July, 1977, at 10: A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON

Water Rights Specialist

cc: Dale Gocken, Hurley, S.D. 57036

No. 3966-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Whipf

certify that the annexed printed copy of Notice of Intent
Water was taken from the Hurley

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

City Hurley of Hurley

County of Turner and State of South Dakota
that the said notice was published in said newspaper
two dates:

Thursday, June 23

Thursday, June 30

James E. Whipf
(Signature)

Publisher
(Title)

6-24-77
(Date Signed)

(Page 11) — The Hurley Leader

Thursday, June 30, 1977

PUBLIC NOTICES

No. 3966-3
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, S. D. 57501
June 13, 1977

Notice is hereby given that
Dale Gocken whose post office
address is Hurley, South Dakota
has made an application in ac-
cordance with the provisions of
SDCL 46-1-1 thru 46-1-8; 46-2-
9 thru 46-2-11, 46-2-13; 46-5-1
thru 46-5-8, 46-5-10 thru 46-5-
22, 46-2-41, Ground Water 43-6-
3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-
14 and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13, for
a permit to appropriate for be-
neficial use 4.0 cubic feet of
water per second, of time from
ground water through the Dale
Gocken No. 1, the point of div-
ersion of which is to be located
in the center of the NW 1/4 of

Section 23, Twp. 98N, Range 53
W.

Said water to be used for the
purpose of providing irrigation
on portions of the following de-
scribed land: NW 1/4, Section 23,
T98N, R53W. This application
No. 3966-3 will be considered by
the Water Rights Commission
at the Staurollie Inn, Brookings
S. D., the 27th day of July, 1977
at 10:00 a.m.

The Commission is authorized
to make a determination on this
application at the hearing. All
interested persons may appear
and be heard. Any person who
may be affected by a Commis-
sion decision who desires to pre-
sent evidence or cross examine
witnesses according to SDCL 1-
26 may notify the Commission
in writing prior to the hearing
or orally at the hearing.

Water Rights Comm.
James Winterton
Water Rights Spec.

ADVERTISE IN THE LEADER!



Commission Expires 2-4-85

Joyce J. Whipf

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE
3024	6/1/77

PAYEE • Dale Gocken
Hurley, S.D. 57036

DEPT. • DNRD
Foss Building
• Pierre, S.D. 57501

STAPLE
HERE

AGENCY **JXX** DIVISION OF WATER RIGHTS

ADDRESS •

Agency	Fund	Sub Fund	Prog.- Act.	Obj.- Sub. Obj.	Agency Coding	Amount	Contract No.
040201	290	01	0100	0801		100.00	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL 22						100.00	

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Return partial payment of water right application - 120 acres disapproved by the State Conservation Commission. (Receipt No. 4 5623)		100.00	
TOTAL					100.00	

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to non-discrimination in Federally assisted programs.

Claimant Signature

JOHN HATCH, Director

6/1/77

Date

AGENCY VERIFICATION

I hereby certify that the within account is just and true, and that no part of same has been paid, and the same is hereby approved.

DIVISION APPROVAL

John Hatch, Director
Division of Water Rights

APPROVAL SIGNATURE

AUTHORIZED AGENT

6/1/77
DATE

DATE

DATE

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6690

PIERRE, January 11, 1979

RECEIVED OF James Anderson, Hurley SD 57036
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of water right No. 3966-3	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH 97

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: June 6, 1978

This is to notify you that title to the lands described as follows:

160 acres in the NW $\frac{1}{4}$ of Section 23-T98N-R53W

formerly owned by Dale Gocken, Hurley, SD 57036

has been transferred to James Bondesen, Hurley, SD 57036

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 3966-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
) SS.
County of TURNER)

I, Dale Gocken 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 I know of my own personal knowledge that the information herein stated is true.

Dale Gocken
(Signed)

Subscribed and sworn to before me this 30th day of November

19 78.

[Signature]
(Notary Public)





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

March 21, 1978

TO: Persons concerned with deferred applications in Turner County

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of deferred applications in Turner County

The Water Rights Commission will reconsider Water Right Applications in Turner County at 10:00am, March 29, 1978, at the Guest House, 101 Broadway, Watertown, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

The Applications were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of Applications deferred in Turner County the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Report on deferred applications in Turner County" is enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:plh

Enclosure

REPORT ON
Deferred Applications in Turner County
March 6, 1978

Deferred Applications

- | | | | |
|------|--------|-----------------------------|---|
| * | 3966-3 | Dale Gocken | (New well - deeper formation) |
| W.T. | 4105-3 | Terry Flyger | |
| W.T. | 4122-3 | Jerry Adrian | |
| W.T. | 4152-3 | Daryle Getting | (on the same acreage as 1349-3, but
1349-3 is subject to cancellation) |
| * | 4172-3 | James and Delores Stapleton | |

* Artesian Wells W.T. - Water Table

Reasons Applications Were Deferred

1. The Water Rights Commission and Staff were concerned about possible domestic well interference problems in the Chancellor and Davis areas.
2. The Water Rights Commission and Staff were concerned as to why individual permit holders were drilling new deeper wells than what the original permits authorized.
3. Complaints were received involving the drying up of the Vernillion River.
4. The Water Rights Commission Staff was drilling, developing and monitoring 26 new observation wells. This information is now available for consideration.

Historical Water Level Data

The historical water level measurements of the shallow water table aquifer in the Parker-Hurley-Centerville area shows no serious effects due to irrigation withdrawals. The records cover a period of time from 1956 to present. The following table is a listing of selected observation wells with their characteristics. Typically the water table wells decline from 1 - 3 feet from spring to fall and recover with the spring runoff. Such wells show periods of drought and wet years by general decreases or increases in the water level. Also typically the artesian wells fluctuate 10 - 30 feet with the pumping season and begin to recover as soon as the pumping season is over. There is only one year of records available for the artesian wells.

Report on-Deferred Applications in Turner County
March 6, 1978
Page Two

Obs. Well	Highest Reading	Lowest Reading	Fluctuations	Historical Trend	Period of Record
W.T. PH-A	13.8' 5/30/73	21.2' 4/14/65	1-2 feet*	Shows cyclic precipitation	1956
W.T. PH-J	12.1' 5/30/73	18.6' 7/27/64	1-2 feet*	"	1956
W.T. PH-M	12.5' 4/14/65	21.2' 7/23/77	2-4 feet*	"	1956
W.T. PH-N	14.7' 5/30/73	21.6' 8/27/77	2-3 feet*	"	1956
W.T. V-1	13.9' 5/30/73	19.7' 10/26/77	1-2 feet*	"	1957
W.T. V-2	2.0' 7/11/62	9.8' 2/ 7/77	1-2 feet*	"	1957
W.T. V-3	2.1' 4/13/62	12.0' 8/27/77	1-2 feet*	"	1957
W.T. TU-77A	21.4' 6/ 1/77	23.2' 9/14/77	1-2 feet	?	1977
A. TU-77B	34.8' 2/ 8/78	58.4' 8/10/77	25-30 feet	?	1977
W.T. TU-77C	20.3' 6/30/77	22.0' 9/14/77	1-2 feet	?	1977
A. TU-77D	18.6' 2/ 8/78	28.6' 7/27/77	10-15 feet	?	1977
W.T. TU-77E	11.2' 6/29/77	13.7' 8/27/77	2-3 feet	?	1977
A. TU-77F	19.1' 2/ 8/77	38.8' 7/27/77	20-30 feet	?	1977
A. TU-77G	21.1' 2/ 8/77	39.7' 7/27/77	20-30 feet	?	1977
A. TU-77H	13.6' 12/13/77	20.0' 7/27/77	10-15 feet	?	1977
A. TU-77I	15.0' 12/13/77	29.7' 7/27/77	15-20 feet	?	1977
W.T. TU-77J	10.1' 6/29/77	11.4' 10/26/77	1-2 feet	?	1977
W.T. TU-77K	12.0' 2/ 8/78	14.7' 8/27/77	2-3 feet	?	1977
A. TU-77L	14.0' 2/ 8/78	24.2' 8/10/77	10-15 feet	?	1977
A. TU-77M	60.8' 2/ 8/78	65.4' 7/27/77	4-5 feet	?	1977
W.T. TU-77N	9.8' 6/29/77	11.5' 9/14/77	2-3 feet	?	1977

*Normal annual fluctuation

Some Conclusions After Examination of Water Level Data

1. The water levels in the water table aquifer were lower during past drought years.
 2. The water levels in the newly completed artesian wells recovered to the previous spring levels.
 3. Drawdowns were particularly exaggerated in the northern area of the artesian aquifers, but have recovered.
- This area is complicated hydrologically. A great deal of work needs to be done before total water use estimates can be obtained. Until that time the Water Rights Commission Staff will continue to recommend the present slow approach in this area.

Recommendations:

The Water Rights Commission Staff recommends:

1. That the shallow water table Application Nos. 4105-3, 4122-3, and 4152-3 be approved.

Report on Deferred Applications in Turner County
March 6, 1978
Page Three

2. That Application No. 3966-3 for a well from an artesian aquifer be approved.

If approved all four applications should include the qualification:

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.

3. That Application No. 4172-3 for wells from an artesian aquifer remain in deferred status. This application is located in a portion of the aquifer where significant drawdowns occurred during 1977.

James Goodman
Hydrologist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7874

PIERRE, January 5, 1951

James Bondesen, Box 18, Hurley, SD 57036

RECEIVED OF 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. 3966-3	50.00	
Fee for inspecting Beneficial Use, and issuing Water License No. 3966-3		
Fee for issuing Decision Certificate-Dry Draw, No. _____		
Fee for filling _____		
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 *(J. H. Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / *(JH)*

Permit No. 3966-3
 Water Division 3 VERMILLION RIVER Water District

REPORT 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 JAMES
BONDESON of HURLEY holder
 of Permit No. 3966-3, bearing date of priority of APRIL 27, 1956 *
 authorizing the diversion of 2.2 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:

136' DEEP WELL - 14" STEEL CASING - 30' SS SCREEN
WESTERN LAND ROLLER 8" - 8HP PUMP - 5 STAGE 10CH BOWLS
175HP NEWMAN ELECTRIC MOTOR

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

120' OF 8" MAINLINE TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

13 TOWER VALLEY WATER DRIVE CENTER PIVOT
SYSTEM

The system is in the following condition: GOOD

The point of diversion is located S 50° E, 120 RODS FROM THE NW
CORNER, SECTION 23, T98N, R53W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE
NW 4, SECTION 23, T98N, R53W

comprising a total of 132 acres of land.

THE APPLICABLE PORTIONS OF PERMIT NO 185-3 HAVE
 BEEN INCORPORATED INTO THIS LICENSE, ~~AND~~
~~PERMIT NO 185-3 IS CANCELED.~~

Date

JUNE 18, 1980

(Signature)

Dustin Jones

No. 3966-3

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

March 3, 1981

James Bondesen
Hurley,
SD 57036

Dear Mr. Bondesen:

Enclosed herewith are, Water License No. 3966-3 and Certificate of Construction.

Water License No. 3966-3 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: plh

enclosures

The applicable portions under Permit No. 185-3 have been incorporated into this Water License No. 3966-3.

WNR-817-7/79
Transmittal of Water License

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

Water Resources Engineer
605 773-3352

March 7, 1984

N O T I C E

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

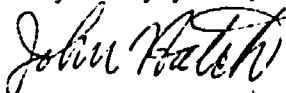
"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer

4647-3
3248-3
3966-3
4265-3

March 23, 1984

James Bondeson
RR#2, Box 18
Hurley, South Dakota 57036

Dear Mr. Bondeson:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 4647-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board Action to amend Water Permit Nos. 3248-3, 3966-3 and 4265-3 if the questionnaires were not received. Our records now show that you have returned your 1983 Irrigation Questionnaires, and are no longer in violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms

Equal Opportunity Employer

#3966-3



Department of Water & Natural Resources

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

February 17, 1989

James D. Bondeson
RR 1, Box 18
Hurley, SD 57036

Dear Mr. Bondeson:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

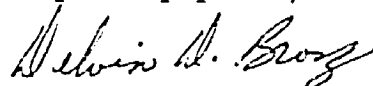


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

3966-3



January 29, 1993

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

NOTICE

TO: JAMES D. BONDSON
RR 2 BOX 18
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) 3966-3

The first notice to file chemigation report(s) for Permit No(s) 3966-3 was dated December 29, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 3966-3. 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). 3966-3 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.

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:
James Bondum
RR 2, Box 18
Harley SD 57036

3966-3

4. Article Number
P 906 560-224

- 4b. Service Type
- ☐ Registered ☐ Insured
 - ☒ Certified ☐ COD
 - ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-1-93

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

5. Signature (Addressee)
James Bondum

6. Signature (Agent)

PS Form 3811, December 1991

U.S. GPO: 1992-271-452

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



3966-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1993

No. 3966-3

James D. Bondeson
RR 2 Box 18
Hurley, SD 57036

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire for permit No. 3966-3 with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

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

Sincerely,

A handwritten signature in cursive script, reading 'Barry A. McLaury'.

Barry A. McLaury
Natural Resources Analyst
Water Rights Division

See Pg. DALE GOCKEN IRRIGATION SYSTEM #1

2 also Owner: Dale Gocken

Hurley, S. D. 57035

Replacement Well - deeper
well replaced shallow well.

15 14

R. 53 W.

22 23

120 Rods - 500 E.

132.4

7.1

46.3

3-129

6.2

Constructed Well #1
(replaces shallow
well-same area-
shallow well filled
in)

4.6

23

6.2

60.7

20.4

21.6

Area To Be Irrigated:

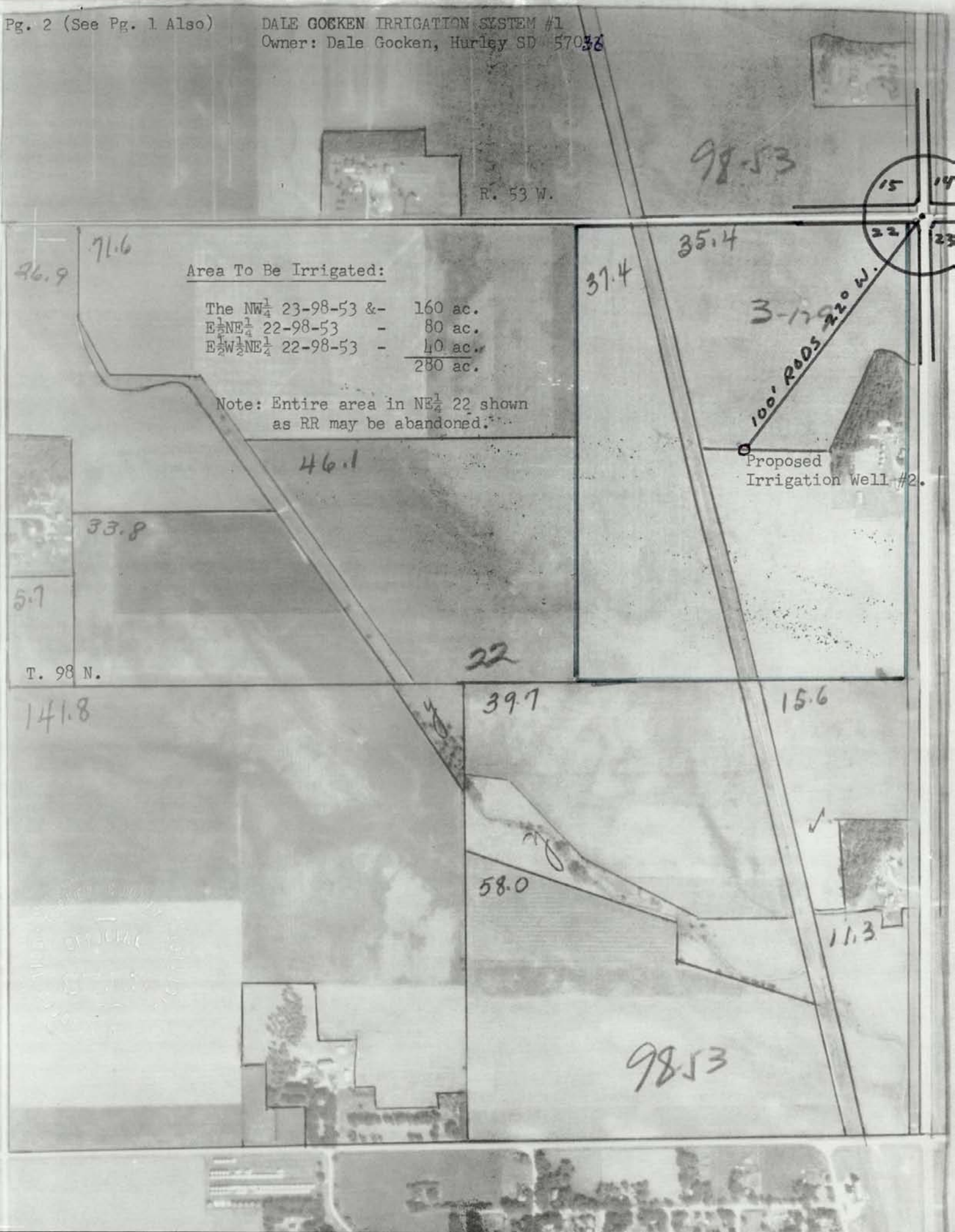
The NW $\frac{1}{4}$ 23-98-53

31.5

35.9

98-53

~~Map No. 32173~~
App. No. 3966-3





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 28, 2011

3966-3

Tony Brown
26983 Sundowner Ave
Sioux Falls SD 57106-8012

Dear Mr. Brown:

Thank you for visiting with me about ownership of land described in Water Right No 3966-3. I have included a copy of the water right for your records.

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.

The yellow form enclosed is the 2011 irrigation questionnaire submitted by Mr. Bondesen. The form needs to be completed and returned to us by December 15th. I have included two past irrigation questionnaires to give you an idea of how to complete the form. If you wish, you can submit the questionnaire electronically at <http://denr.sd.gov/iq.aspx>

If you have any questions concerning the enclosed material, please get in touch with me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

RECEIVED

DEC - 9 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3966-3

Date: 12-5-11

I/We request that Water Right No. 3966-3

formerly owned by: James D Bondesen

be transferred to: (name & address) Tony Brown

26983 Sundowner Ave
Sioux Falls S.D 57106 Telephone No. 605-360-5033

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

132 acres - NW ¼ Section 23, T98N, R53W

I/We understand that the validity of Water Right No. 3966-3 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.

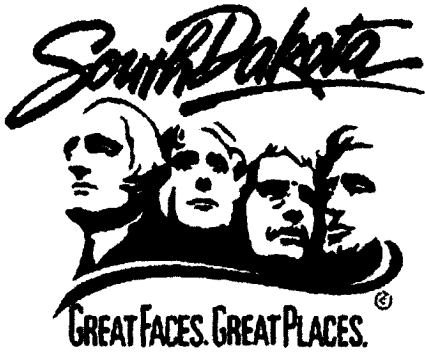
A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Tony Brown
(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2011

3966-3

Tony Brown
26983 Sundowner Ave
Sioux Falls SD 57106-8012

Dear Mr. Brown:

Thank you for submitting the irrigation questionnaire and transfer form for Water Right No. 3966-3. The transfer of ownership still requires a \$50.00 fee. My first letter may not have been clear with respect to payment of the fee.

Please remit a total of \$50.00 for filing of the ownership change. The check or money order for the fee can be made payable to the Water Rights Program. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/15, 20 11

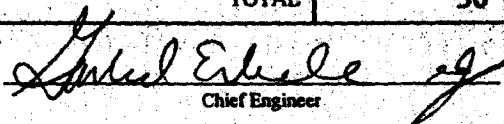
RECEIVED OF Dakotaland Sod Farm Inc 26983 S Sundowner Ave Sioux Falls SD 57106

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3966-3</u>	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05127**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 2011

3966-3

Tony Brown
26983 Sundowner Ave
Sioux Falls SD 57106-8012

Dear Mr. Brown:

I am writing to acknowledge receipt of the fee you sent in for transferring Water Right No 3966-3.

The ownership change has been completed. Water Right No. 3966-3 formerly held by James D Bondesen is now listed in your name.

Enclosed for your records is Receipt No. 05127 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

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

enclosure



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 18, 2013

NOTICE

TO: TONY BROWN, 26983 SUNDOWNER AVE, SIOUX FALLS, SD 57106

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 3966-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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 7, 2013**, 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) 3966-3 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 4, 2013**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2013

3966-3

Tony Brown
26983 Sundowner Ave
Sioux Falls SD 57106

Dear Mr. Brown:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 3966-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: TONY BROWN, 27070 DUKE AVE, TEA, SD 57064

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 290A-3 & 3966-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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 **Wednesday, March 2, 2022 at 9:30 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 290A-3 & 3966-3 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 before the **March 2, 2022** 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: <https://danr.sd.gov/iq> using this password: XWOXYP**

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.

3966-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 26, 2022

290A-3
3966-3

Tony Brown
27070 Duke Ave
Tea SD 57064

Dear Mr. Brown:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 290A-3 and 3966-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us