

Water Right Number 4032-3

1. Considered 7-27, 1977
2. Name of Applicant MARY ANN & LEO LA FERRIERE
3. Post Office Address ELK POINT
4. Amount of water claimed 2.86
5. Source of water supply 100' WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 200

7. Water to be diverted and used in UNION County
about 2N, 5W Miles of ELK POINT

8. Proof of Publication Received 7-15-77

Not received

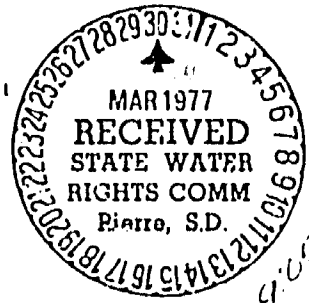
9. Application Approved

Subject to

Not approved

Action deferred

10. Remarks:

No. 4032-3
 Map No. 3274-3 Water Division No. 3 Big Sioux River District 1
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Mary Ann and Leo Laferriere
 Postoffice address Box 44 Elk Point State S.D. 57025
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Laferriere #1
 4. Amount of water claimed (cubic feet per second) 2.86 c.f.s.
 5. Source of water supply well
 6. Location of point of diversion NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8 91-50

- County Union
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use. Total number of acres to be irrigated 200

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 $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 8 91-50	40		
NE $\frac{1}{4}$ Sec 8 91-50	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier - Elk Point
 12. Principal Features of the Proposed Water Supply System.

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

Well

B. Works proposed to transport water to place of use

Pump

C. Works proposed to apply water to beneficial use.

PipeEstimated Total Cost \$ 25,000.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Union

I, _____ 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 proposed construction.

Subscribed and sworn to before me this 29th day of March, 1977
[Signature]
 Notary Public (or other qualified officer)
SPK.

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4032-3
MARY ANNE & LEO LAFERRIERE, Box 44, Elk Point
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57025 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application MARCH 30 19 77
 Date of return to applicant for correction, amendments or changes required MARCH 30 19 77
 Date of receipt of corrected application JUNE 24 19 77
 Approved JULY 28 19 77 Recorded in Book 19 Page 47

WATER RIGHT PERMIT NO. 4032-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4032-3 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 JUNE 24 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 28 19 80
3. The whole of said work is to be completed on or before JULY 28 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.56 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 JULY 28 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 15TH day of AUGUST 19 77

WATER RESOURCES COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30, Depth 100

(2) Casing, Type Transite Diameter 16 Thickness 1 1/4"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Sawed slotted, Diameter 16, Length 39

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

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Water bearing sand

Depth to top of water bearing material 35

Depth to bottom of water bearing material 100

Thickness of water bearing material 65

Depth to water (ground surface to water level) 18

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

On same owner's property, 0 rds. On property owned by others 80 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.

400 to 1000
Mary Annaferris
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

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



NAME Mary Ann and Leo La Ferriere
ADDRESS Box 44 Elk Point SD Dak 57025
COUNTY Union

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 NE 1/4 Sec 8 71-50
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4 NW 1/4 and The NE 1/4
Sec 8 - 91-50

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 77-534
6. SALINITY (EC X 10⁶) 1033 (high)
7. SODIUM (SAR) 2.25 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 2.08 - CAUTION

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Union Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Mary Ann La Ferriere
Leo La Ferriere
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
27 DAY OF May 19 77.

Jeanette Smith
(TITLE OR SEAL) N. Public

Albert L. Hoff
APPROVED/

(SOILS INFORMATION ON REVERSE SIDE)

SD MAP

STATE CONSERVATION COMMISSION

SUPPORTING INFORMATION

FOR APPROVAL OF GRANT FUNDING IN ACCORDANCE

B/S

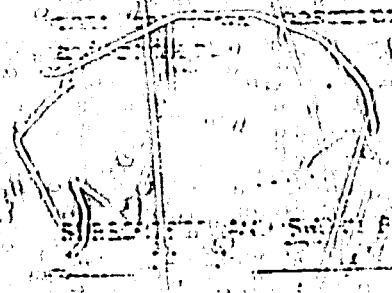
B/S

THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION

NAME	
ADDRESS	
COUNTY	8
LOCAL DESCRIPTION	
LOCAL LOCATION	
LOCATION OF WELL TO BE IRRIGATED	
TYPE OF WELL	

NARRATIVE

B/S Barnes Silt Loam - is a very dark grayish brown or almost black silt loam 8 to 12 inches deep at 3 ft the material grades into unsorted glacial till. 0-5% slope



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

Submitted by: Mary Anne & Leo LaFerriere Date Rec'd. April 4, 1977
 Address: Box 44 Sample No. 77-534
Elk Point, SD 57025 Identification Well
NE 1/4, Sec. 8, T 91N, R 50W

WATER ANALYSIS

Calcium (Ca)	58	ppm*	2.90	me/l**
Magnesium (Mg)	29	ppm	2.38	me/l
Sodium (Na)	84	ppm	3.65	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	108	ppm	2.25	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.07	me/l
Bicarbonate (HCO ₃)	449	ppm	7.36	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	368	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1033	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.25			
Sodium	39.03	% of cations		
Residual sodium carbonate	2.68	me/l		
pH	7.95			
Others				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 9.14 me/l
 Total anions 9.68 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-534

Amount Enclosed \$

Signed

April 18, 1977

Mary Anna & Leo Laferriere
Box 44
Elk Point, SD 57025

Dear Mr. & Mrs. Laferriere:

Your water sample (Lab. No. 77-534) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

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

(1) It will be used no more than 3 times (preferably less) in any growing season.

(2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.

(3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.

(4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

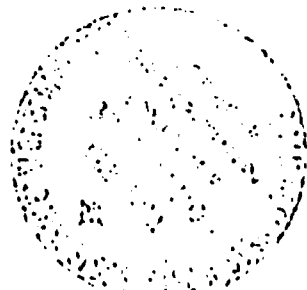
Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures

cc: State Conservation Commission
D. Pahl, Extension Service

P.S. The reason for caution and restricted recommendations on this water is the high bicarbonate content. If you begin to see signs of soil dispersion or "slick spot" development, notify us at once.



No. 4032-3

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:

July 7 - 1977

July 14 - 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

July 14, 1977
(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
June 28, 1977
Notice is hereby given that
Mary Anne & Leo LaFerriere
whose post office address is Elk
Point, South Dakota, has made
an application in accordance with
the provisions of SDCL 46-1-1
thru 46-1-8; 46-2-0 thru 46-2-11,
46-2-13; 46-5-1 thru 46-5-8,
46-5-10 thru 46-5-22, 46-5-41,
46-5-3, 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 appro-
priate for beneficial use 2.86
cubic feet of water per second
of time from ground water through
the LaFerriere #1, the point of
diversion of which is to be locat-
ed in the NW 1/4 NE 1/4 of Section 8,
Twp. 91N, Range 50W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land:
NE 1/4 NW 1/4, NE 1/4, Section 8,
T91N, R50W.
This Application No. 4032-3
will be considered by the Water
Rights Commission at the Staur-
olite Inn, Brookings, South Dak-
ota, upon the 27th day of July,
1977, at 10 A.M. The Commis-
sion is authorized to make a de-
termination 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 accord-
ing to SDCL 1-26 may notify the
Commission in writing prior to
the hearing or orally at the hear-
ing.

WATER RIGHTS COMMISSION
James Winterton
Water Rights Specialist
Pub. July 7 and 14.

Publish first publication, on or before July 11, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 22, 1977

Notice is hereby given that Mary Anne & Leo LaFerriere whose
post office address is Elk Point, 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 46-5-32, 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 2.36 cubic feet
of water per second of time from the ground water through
the LaFerriere # 1, the point of diversion of which is
to be located in the NW 1/4 NE 1/4

of Section 8, Twp. 91N, Range 50W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

NE 1/4 NW 1/4, NE 1/4, Section 8, T91N, R50W

This Application No. 1032-3 will be considered by the Water Rights Commission
at the Staurolite Inn, Brookings, SD
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 WINTERSTON
Water Rights Specialist

cc: Mary Anne & Leo LaFerriere, Box 44, Elk Point, SD 57025

**Department of
Water & Natural Resources**

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

January 29, 1988

MARY & LEO LAFERRIERE
BOX 44
ELK POINT, SD 57025

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

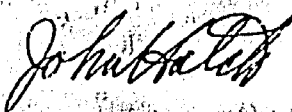
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4032-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 4032-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: MARY & LEO LAFERRIERE
BOX 44
ELK POINT, SD 57025

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



SUBJECT: Amendment to Water Permit No(s). 4032-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 4032-3 to add the following qualification to each:

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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 4032-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 4032-3 to add the following qualification to each:

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
 †(Extra charge)†

MARY & LEO LAFERRIERE
 BOX 44
 ELK POINT, SD 57025

4. Article Number

P501 739 055

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

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

5. Signature — Addressee

X

6. Signature — Agent

X *Susan Laferriere*

7. Date of Delivery

PS Form 3811, Mar. 1987

• U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT

4032-3

6-27-85

John Hatch, Chief Engineer
Water Right Division



Sir

We plan on pump water with well 4032-2
Leo/Mary Ann Laferrriere Box 44 Elk Point, SD
Box 44

I would like more informat How it report
pumping of Rate and Crop

Sincerely

Clement Laferrriere
Elk Point, SD.
R-2 Box 164
57025



Department of Water & Natural Resources

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

July 14, 1988

4032-3

Cletus Laferriere
RR 2, Box 168
Elk Point SD 57025

Dear Mr. Laferriere:

I am writing in response to your letter of June 27, 1988 regarding Water Permit No. 4032-3. You inquired about reporting pumping rate and crop data.

The irrigation questionnaires, sent out by our office each year, are the forms used for reporting irrigation records for that particular season (see enclosed copy). The pumping rate requested on the irrigation questionnaire is the pumping capacity of your irrigation system in gallons per minute.

The 1988 questionnaires will be mailed out in October of this year. If you need assistance in completing the form after it arrives, please contact me.

Sincerely,

GENNY MCMATH
Natural Resource Analyst
605 773-3352

enclosure



Department of Water & Natural Resources

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

February 9, 1990

MARY & LEO LAFERRIERE
BOX 44
ELK POINT, SD 57025

NOTICE

RE: Violation of Water Permit No(s). 4032-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4032-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4032-3 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 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

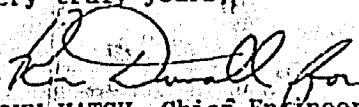
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4032-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.	
1. ☒ Show to whom delivered, date, and addressee's address.	2. ☐ Restricted Delivery.
3. Article Addressed to:	4. Article Number:
MARY & LEO LAFERRIERE BOX 44 ELK POINT, SD 57025	P156 878 246
	Type of Service:
	☒ Registered ☒ Certified ☐ Express Mail
	☐ Insured ☐ COD
5. Signature — Addressee	Always obtain signature of addressee or agent and DATE DELIVERED.
X	8. Addressee's Address: <i>ONLY if requested and fee paid</i>
6. Signature — Agent <i>Charles B. Laferrere</i>	PO Box 44
7. Date of Delivery	ELK POINT SD 57025

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

March 14, 1990

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: MARY & LEO LAFERRIERE
BOX 44
ELK POINT, SD 57025

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

SUBJECT: One Year Suspension of Water Permit No(s). 4032-3

Pursuant to the provisions of the notice dated February 9, 1990, and following the hearing of March 7, 1990, the Water Management Board has ordered:

That Water Permit No(s). 4032-3 be SUSPENDED until December 31, 1990.

Suspension of a permit means water may not be pumped during the 1990 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery †(Extra charge)† †(Extra charge)†	
3. Article Addressed to: MARY & LEO LAFERRIERE BOX 44 ELK POINT, SD 57025	4. Article Number P 176 878 328 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Leo B. Laferriere</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery MAY 16 1988	

WATER RIGHTS DIVISION
FILE DOCUMENTATION

DATE: July 9, 1990
NAME OF PERSON Wayne Holly, PO Box 31, Burbank, SD 57010
TELEPHONE NO. 624-4088
PERMIT NO. 4032-3, Mary Anne & Leo Laferriere

COMMENTS:

Mr. Holly called and stated that Mark Rath, from our office, had just been there and told him he could not irrigate because the permit was suspended due to nonreturn of the 1989 irrigation questionnaire.

I told him that he was correct. The permit was suspended for the 1990 irrigation season and he would not be authorized to irrigate. Mr. Holly stated he leased the land from Mary Anne and Leo Laferriere the last two years. He did not irrigate in 1989 since they had adequate moisture. I told him that even though no irrigation was done, submission of the questionnaire is still mandatory.

He stated that Mary Anne Laferriere passed away last fall. He leases the land but was not aware that an irrigation questionnaire needed to be returned. He stated he did not receive the form or any of the notices, and inquired why we had not mailed the form directly to him. I told him the questionnaire was mailed to Mary and Leo Laferriere in October, 1989. We were not aware that Mary had passed away, however, Leo would have received the form and notices. Often questionnaires are mailed to the lessor of the property, however the owner did not notify us they had a lessor so we were unable to mail the form to anyone other than the owner.

Mr. Holly was very unhappy that we could suspend the permit when he was not given the opportunity to mail the questionnaire back. I told him that he would need to take the matter up with his landlord. Our office had complied with the requirements as far as mailing the form out.

He inquired what he needed to do to irrigate and what would happen if he irrigated anyway. I explained to him the process of coming before the Water Management Board to request the permit suspension be rescinded. I also explained that once the action is taken by the Board, we do not have the authority to reinstate the permit. Only the Board can take this type of action. I also informed him of the fine of up to \$500.00 a day that could be assessed if he chose to irrigate under a suspended permit.

Wayne M. Mott

Conversation or File Documentation

NAME OF PERSON OR FILE: Wayne Holley

ADDRESS: _____ COUNTY _____

DATE: 7/10/90 TELEPHONE _____

RE: _____

COMMENTS:

Reese Bent called and had Ruth Henneman from the Governor's office on the line. Mr. Holley had called the Governor's trying to get the suspension^{of the permit} lifted on the land he leases. I explained the situation to them and told them the Water Management Board was the ^{only} entity to take such actions. We have and they don't meet until the July 25 & 26, 1990 meeting. We had informed Mr. Holley that he must send us a letter to be scheduled for the Board meeting. I told them that I would call Mr. Holley again to reiterate that he needs to send us a letter requesting rescission of suspension.

I called Mr. Holley and told him to send a letter. He told me the corn would be burnt up by then. He wanted to know how to change the rules to allow him to irrigate today. I told ^{him} there wasn't anything we could do because to rescind a suspension takes action by the Board. He was extremely frustrated at our lack of flexibility.

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

NAME: Eric Greenland



Department of Water & Natural Resources

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

July 16, 1990

NOTICE

TO: Wayne Howley, PO Box 31, Burbank, SD 57010
Leo Laferriere, Box 44, Elk Point, SD 57025

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773 3352

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit No. 4032-3

The hearing on your July 12, 1990, request to the Water Management Board to reconsider suspension of Water Permit No. 4032-3 has been scheduled for 9:15 am, July 25, 1990 in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to Mr. Laferriere dated February 9, 1990, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of Water Permit No. 4032-3, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: John Haak, Assistant Attorney General

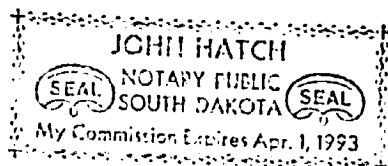
CERTIFICATION

I hereby certify that on July 16, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 4032-3 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of July, 1990.



John Hatch
Notary Public

SUSPENDED WATER PERMIT/WATER RIGHTS REPORT
JULY, 18, 1990

GENERAL

On March 7 and May 25, 1990, the Water Management Board took action to suspend 28 water permits and/or water rights for the 1990 irrigation season. This action was taken due to nonreturn of the 1989 irrigation questionnaires. Field inspections of the suspended permits/rights were conducted in July, 1990 with no violations noted. The inspections found eight permits and/or rights could be scheduled for cancellation consideration.

BOARD CONSIDERATION

The staff recommends that suspension of the following permits and/or rights be rescinded due to improper notice:

- 1) Permit No. 1402-2 - Dale Heese, Millboro, SD (Tripp County)

The irrigation questionnaire and all notices were mailed to the previous land owner, Charles Kappelman. The permit was transferred to Dale Heese in June, 1989. Mr. Heese reported irrigation under this permit on the irrigation questionnaire for Permit No. 1076-2.

2. Water Right No. 1398-3 - M & M Farms, Mobridge, SD (Walworth County)
- Water Right No. 1577-3 - " " "
- Water Right No. 3689-3 - " " "

The irrigation questionnaires and all notices were mailed to Blue Blanket Ranch who lost ownership of the land in July, 1989. The permits were transferred to M & M Farms in June, 1990. No irrigation took place under these permits in 1989.

The following permit holders have requested the Water Management Board to reconsider suspension of their water permits:

1. Water Right No. 482-1 - Howard Schmele Estate Bill Schmele, Administrator, Newell, SD (See attached report)
2. Water Permit No. 4032-3 - Leo Laferriere, Elk Point, SD request is from Wayne Howley, Burbank, SD - renter (See attached report)

Genny McMath
Genny McMath
Natural Resources Analyst

Leo Laferriere
Water Permit No. 4032-3

GENERAL

Application submitted by:

Mary Anne & Leo Laferriere
Box 44
Elk Point, SD 57025

Permit Approved:

July 28, 1977

Priority Date:

June 24, 1977

The Water Permit was issued for irrigation of 200 acres with a diversion rate of 2.86 cfs from groundwater (one well), Union County.

Water Permit No. 4032-3 was amended by the Board on March 2, 1988 to include the irrigation questionnaire qualification for violation of the requirement to submit the 1987 irrigation questionnaire.

SIX YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Year	Date Questionnaire Mailed	Date Irrigation Questionnaire Returned	Date of Any Board Action
1984	October, 1984	October 24, 1984	none
1985	November, 1985	November 18, 1985	none
1986	November, 1986	November 14, 1986	none
1987	October, 1987	none	March 2, 1988 AMENDED
1988	October, 1988	November 3, 1988	none
1989	October, 1989	none	March 7, 1990 SUSPENDED

1989 IRRIGATION QUESTIONNAIRE VIOLATION

1. February 9, 1990, Mary and Leo Laferriere were given notice of permit violation for non-return of their 1989 irrigation questionnaire and of the hearing scheduled before the Water Management Board on March 7, 1990. This notice was mailed certified mail, return-receipt requested. The "return-receipt" card was returned bearing a signature for Mary Ann Laferriere and a signature for Cletus B Laferriere.
2. March 7, 1990, The Water Management Board suspended Water Permit No. 4032-3 until December 31, 1990.
3. March 14, 1990, Mary and Leo Laferriere were notified of the Board action taken to suspend Water Permit No. 4032-3. This notice was sent certified mail, return-receipt requested. The "return-receipt" card was returned (March 16, 1990) bearing a signature of Cletus B Laferriere.

Leo Laferriere continued
Water Permit No. 4032-3

4. July 9, 1990, after an inspection of the area by Mark Rath to determine if the land was being irrigated, Mr. Wayne Howley contacted the office to inquire why he could not irrigate. Mr. Howley stated he rented the land from Laferriere's and did not receive the irrigation questionnaire or any of the notices.

The process for mailing the irrigation questionnaire and the followup notices was explained to Mr. Howley. He was told that in order for him to irrigate the land under suspended Water Permit No. 4032-3, he would need to submit a letter requesting the Board to reconsider their action. The letter would then be presented to the Board at the July 25, 1990 meeting.

5. July 13, 1990, received a letter from Mr. Howley requesting to meet with the Water Management Board to discuss suspended Water Permit No. 4032-3 (copy attached).
6. July 16, 1990, Leo Laferriere and Wayne Howley were sent a Notice of Hearing to "Consider Request for Reconsideration of Suspended Water Permit No. 4032-3".

7-12-90

Dear Sir,

I would like to meet
with the Board of Water
Management, to discuss the
revalued water permit
number 4032-3, on the
25th of July.



Hawley Farm
Wayne Hawley
P.O. Box 31
Burbank SD
57010

 **Department of
Water & Natural Resources**

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

August 1, 1990

NOTICE

TO: Wayne Hawley, PO Box 31, Burbank, SD 57010
Cletus Laferriere, PO Box 44, Elk Point, SD 57025

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

SUBJECT: Water Management Board Action on Suspended Water Permit
No. 4032-3

The Water Management Board reinstated suspended Water Permit No. 4032-3 at a hearing held on July 25, 1990. This action means you are now authorized to irrigate during the 1990 irrigation season.

Enclosed is a 1989 irrigation questionnaire. The Board ordered the completion and return of the irrigation questionnaire for the 1989 irrigation season. Future questionnaires will be sent directly to Mr. Hawley unless we are instructed to do otherwise by either the landowner or the renter.

If you have any questions concerning the Board action, contact Genny McMath at (605) 773-3352.

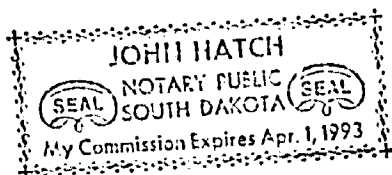
CERTIFICATION

I hereby certify that on August 1, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Water Management Board Action on Suspended Water Permit No. 4032-3 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of August, 1990.



John Hatch
Notary Public

NAME OF PERSON OR FILE: SUSPENDED PERMITS

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: REPORT ON SUSPENDED PERMIT INSPECTION TRIP

COMMENTS:

I INSPECTED EIGHT SUSPENDED PERMITS. FOUR
OF THESE WERE REPORTED FOR CANCELLATION
1021-3, 1275-3, 4627-3, 594-3

ONE REQUIRED AN ADDRESS CHANGE 1784-3

ONE WENT BEFORE THE WATER MANAGEMENT BOARD
AND HAD PERMIT REINSTATED 4032-3

THREE SHOWED NO SIGNS OF IRRIGATION AND POSSIBLY
COULD BE CANCELLED BUT COULD NOT FIND OR WAS
ABLE TO CONTACT THE PERMIT HOLDER. 3025-3, 1145-3
& 876-3

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

Permit No. 4032-3
Big Sioux River - Water District

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

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

I have this day, October 18, 1999 made a thorough examination of the water use system constructed by Norbert Laferriere of 6963 Glen St. Box 233, Nice CA 95464 holder of Permit No. 4032-3, bearing the priority of June 24, 1977 authorizing the diversion of 2.86 cu. ft. per second of the waters of Missouri-Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well 109' deep with 69' of 16" pvc casing and 40' of slotted pvc screen, Western Landroller pump 900 gpm capacity and a diesel tractor motor 110 hp.

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

Gated pipe starts at the well.

C. Works used to apply water to beneficial use:

1320' of 10" aluminum gated pipe with 40" gate spacing.

The system is in the following condition good. The point of diversion is located 660' S and 1320' W of the NE corner of Section 8, T91N, R50W. The works are capable of diverting and conveying to the place of use 2.0 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 8, T91N, R50W: NE 1/4 NE 1/4 40 acres

comprising a total of 40 acres of land and the license should be issued for 0.57 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program

Nov 30, 1999
Date

REPORT ON INSPECTION OF PERMIT NO. 4032-3

DATE OF INSPECTION: 10-18-99

Other permit(s) associated with the project: #

**NAME & ADDRESS OF INSPECTION CONTACT: Wayne Hawley, Hawley Farms 369960 320th St.,
Burbank, SD 57010**

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: renter

**NAME & ADDRESS OF PERMIT HOLDER: Norbert Laferriere, 6963 Glen St. Box 233, Nice CA
95464**

**DIVERSION POINT LEGAL LOCATION: 660' S and 1320' W of the NE corner of Section 8, T91N,
R50W.**

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 109 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 69 feet
- 3) Type pvc

Screen:

- 1) Type slotted pvc
- 2) Length 40 feet
- 3) Static water level 17 feet

Pump:

- 1) Make Western Landroller
- 2) Model #
- 3) Size #
- 4) Capacity 900 GPM

Motor:

- 1) Make diesel tractor 29-40
- 2) Model No. #
- 3) Horsepower rating 110 hp

SYSTEM TYPE:

Gated pipe:

- 1) Length 1320 feet
- 2) Diameter 10 inches
- 3) Spacing of sprinklers 40 inches

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

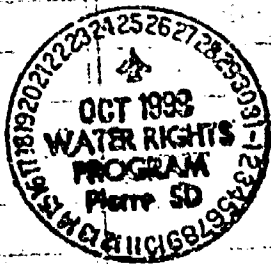
- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Nice, Ca, 95464

Burbank, So. Dak 57010

127

Wayne Hawley





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 1999

4032-3

Norbert Laferriere
6963 Glen St
Box 233
Nice CA 95464

Dear Mr. Laferriere:

The investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4032-3, was completed by Lynn Beck, staff engineer. Water Permit No. 4032-2 is for irrigation of 40 acres located in the NE ¼ NE ¼ Section 8-T91N-R50W in Union County. On October 18, 1999, Ms. Beck contacted Wayne Hawley and conducted the investigation. Mr. Hawley indicated that you were the landowner and he rented the land.

The final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee, we will begin processing the Water License.

Our records have Mary Anne and Leo Laferriere listed as the owners of this permit. Enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee.

Please submit \$52.50 to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

c: Wayne Hawley

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

NOTICE OF TRANSFER OF OWNERSHIP

No. 4032-3

Date: JANUARY 6, 2000



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

I/We request that Water Permit No. 4032-3

formerly owned by: Mary Anne and Leo Laferriere

be transferred to: (name & address) NORBERT AND DOROTHY LAFERRIERE
6963 GLENN ST, P.O. #133 NICE CALIF. 95464 Telephone No. 1-707-2742625

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

40 acres - NE 1/4 NE 1/4 Section 8-T91N-R50W

I/We understand that the validity of Water Permit No. 4032-3 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 CALIFORNIA

County of LAKE

I/We Norbert & Dorothy M. Laferriere 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.

Norbert Laferriere Dorothy M. Laferriere
(Signed)

Subscribed and sworn to before me this 7th day of January, 2000.



Jaxan Christensen
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416347

Pierre, January 11, 2000

RECEIVED OF Norbert and Dorothy Laterriero, P.O. Box 233, Nice, CA 95464
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. 4032-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Harold Estelle
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 21 2000

4032-3

Norbert and Dorothy Laferriere
P.O. Box 233
Nice, CA 95464

Dear Mr. and Ms. Laferriere:

Enclosed is Water License No. 4032-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416347 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also enclosed is Receipt No. 416348 in the amount of \$2.50 which you paid for the transfer of ownership of the Water License

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4032-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

c: Wayne Hawley, Hawley Farms, 36996 - 320th St., Burbank, SD 57010

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4032-3

(1) Mary Anne and Leo Laferriere, Elk Point SD made Application No. 4032-3, March 30, 1977 for a water permit to divert 2.86 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4032-3, with a priority date of June 24, 1977 was approved July 28, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 28, 1982 and for the application to beneficial use of said water on or before July 28, 1982.

On January 11, 2000, Water Permit No. 4032-3 was transferred to Norbert and Dorothy Laferriere.

(2) It is certified that the permit holders have 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 0.57 cubic feet of water per second for beneficial use. The location of the diversion point is 660 feet south and 1,320 feet west of the northeast corner of Section 8-T91N-R50W (NW ¼ NE ¼).

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

Section 8-T91N-R50W NE ¼ NE ¼ 40 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Norbert and Dorothy Laferriere, 6963 Glenn St, PO Box 233, Nice CA 95464 the holders and/or owners of Water Right No. 4032-3 are issued a license to appropriate water, the right to use 0.57 cubic feet of water per second from groundwater (one well) with a priority date of June 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 Right No. 4032-3 and subject to South Dakota State Law.

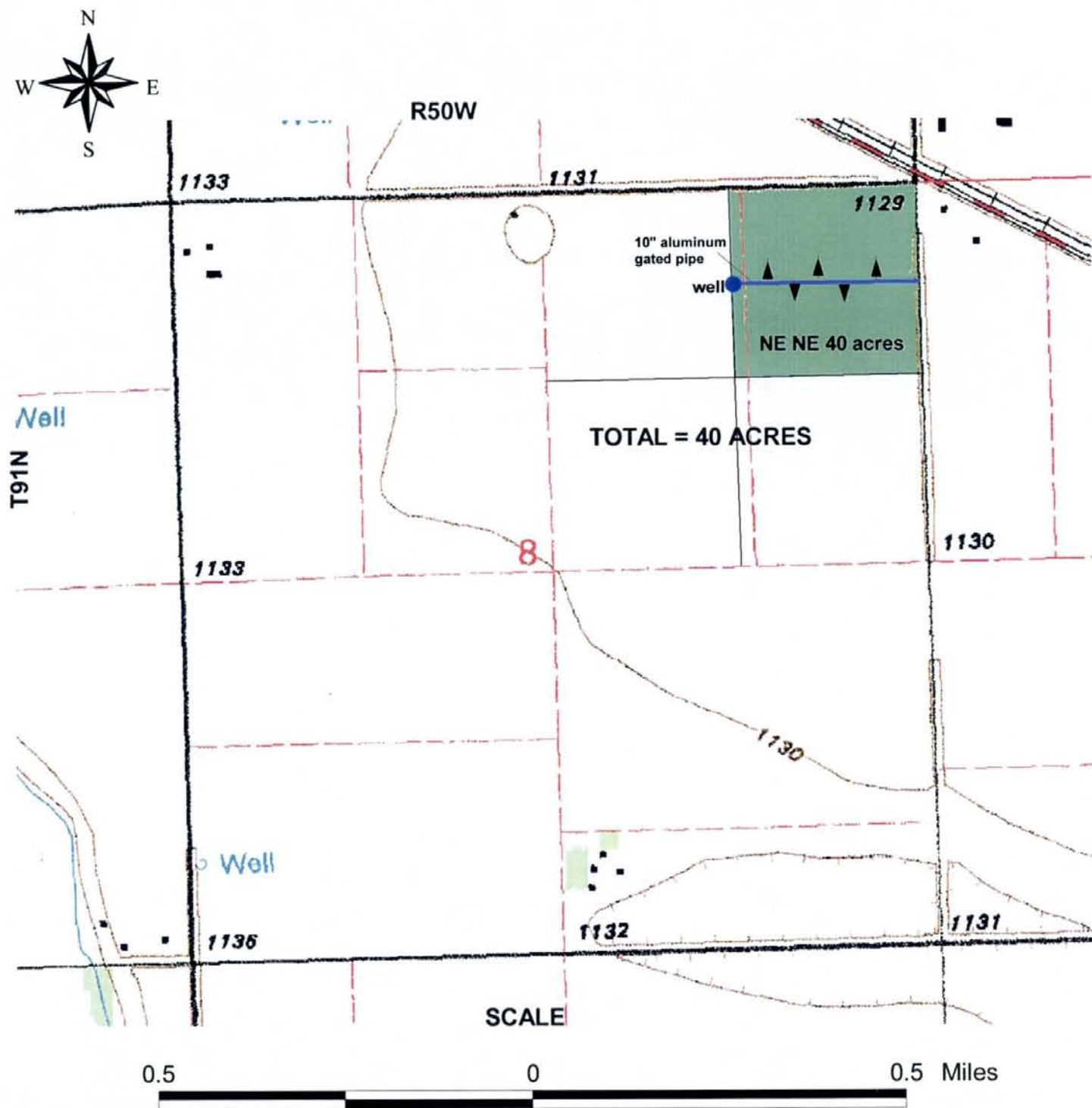
Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 21 2000

date



WATER RIGHT NO. 4032-3



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
November 30, 1999

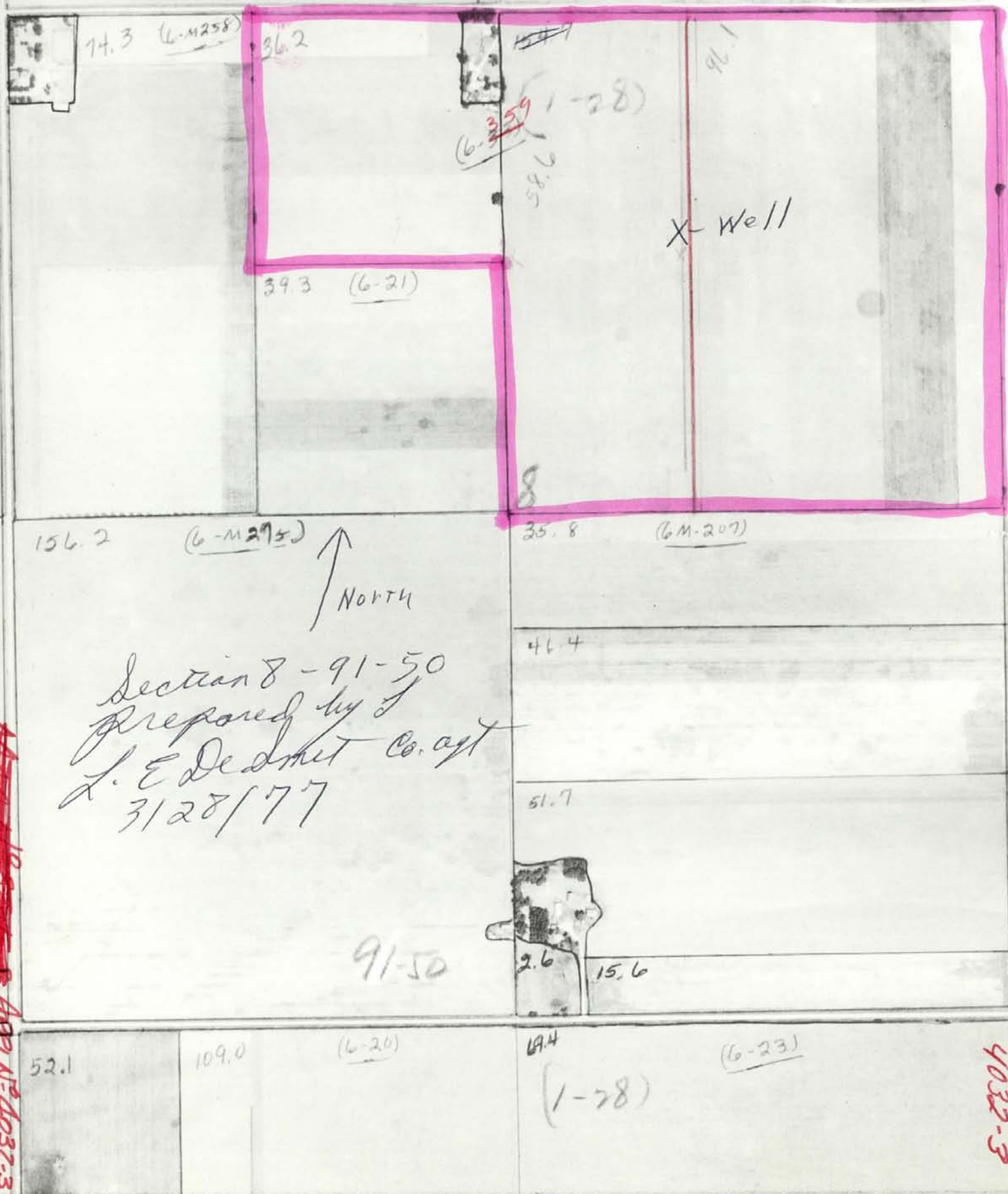


South Dakota Department of
Environment and Natural Resources



6-359

NOT TO SCALE



BS

BS

STATE CONSERVATION COMMISSION
 SUPPORTING IRRIGATION
 FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
 WITH FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION

NAME

ADDRESS

COUNTY

8

SOIL DESCRIPTION

WELL LOCATION

LOCATION OF AREA TO BE IRRIGATED

TYPE OF IRRIGATION

NARRATIVE

B.S. - Barnes silt loam. - is a very dark grayish brown or almost black silt loam 8 to 12 inches deep. AT 3 FT The material grades into un-sorted Glacial Till. 0-5% Slope

SUBSCRIBED AND SWORN BEFORE ME THIS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2006

4032-3

Wayne Hawley
Hawley Farms
32018 White St
Burbank SD 57010

Dear Mr. Hawley:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to 36996 320th St, Burbank SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



4032-3
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 24, 2013

NOTICE

TO: LARRY HAWLEY, RENTER, HAWLEY FARMS, 702 S COURT ST, ELK POINT, SD 57025
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(s) has not been submitted for Permit No(s) 4032-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4032-3 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 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. 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) 4032-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

c: NORBERT & DOROTHY LAFERRIERE, PO BOX 233, NICE, CA 95464

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

4032-3

Larry Hawley
Hawley Farms
702 S Court St
Elk Point SD 57025

Dear Mr. Hawley:

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. 4032-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The copy of the January 18th notice sent to the landowners of record was returned in the mail to us. Are Norbert and Dorothy Laferriere still owners of the property and if so, do you have an updated address for them? Please give me a call or send a note so I can update the records accordingly.

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 ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2014

4032-3

Gary & Dawn Glover
32118 470th Ave
Burbank SD 57010

Dear Mr. & Mrs. Glover:

I am writing in follow-up to our phone conversation of January 8th about ownership of land described in Water right No. 4032-3. Enclosed is a copy of the water license 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.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

If I can answer any questions for you, please let me know.

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

enclosures

RECEIVED

FEB 12 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4032-3

Date:

2/9/14

I/We request that Water Right No. 4032-3

formerly owned by: NORBERT & DOROTHY LAFERRIERE

be transferred to: (name & address)

Gary + Dawn Glover, 32118 470th
Avenue, Burbank, SD 57010

Telephone No. 605 310-8845

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

40 acres - NE 1/4 NE 1/4 Section 8, T91N, R50W

I/We understand that the validity of Water Right No. 4032-3 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 Gary + Dawn Glover, the new owner, certify that the above information is true and correct.

Dawn Glover
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/12, 20 14

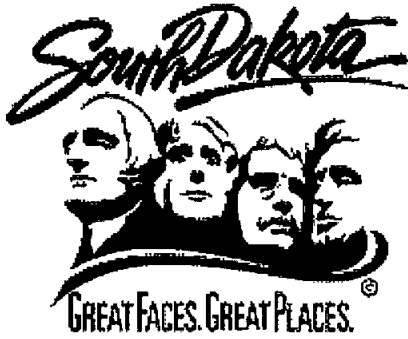
RECEIVED OF Glover Ag Inc 32118 470th Ave Burbank SD 57010

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	50	00
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>4032-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06743**

By J. Leanne Goodman
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

February 12, 2014

4032-3

Gary & Dawn Glover
32118 470th Ave
Burbank SD 57010

Dear Mr. & Mrs. Glover:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4032-3.

The ownership change has been completed. Water Right No. 4032-3 formerly held by Norbert and Dorothy Laferriere is now listed in your names.

Enclosed for your records is Receipt No. 06743 in the amount of \$50. If I can answer any questions for you, please let me know.

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 4, 2024

313-3A, 3857-3
8673-3, 4708-3, 4032-3

Gary Glover
1305 Jack Nicholas Dr
Elk Point SD 57025

Dear Mr. Reitz:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to 32118 470th Ave, Burbank SD 57010. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *VWXVXG*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

533 N7E 1 424C2210/31/
RETURN TO SENDER
GLOVER
1305 JACK NICKLAUS DR
ELK POINT SD 57025-2402
RETURN TO SENDER