

1. Considered 3-26 19 80
2. Name of Applicant JOE & JOHN SIMON
3. Post Office Address GEDDES, S.D.
4. Amount of Water Claimed 1.57
5. Source of Water Supply MISSOURI RIVER
6. Water to be used for IRRIGATION
7. Acres to be irrigated 110 maximum acre feet
8. Water to be diverted and used in CHARLES MIX County about 1W, 4 miles SOUTH of GEDDES
9. PROOF OF PUBLICATION Received (1st) 3-21-80

APPLICATION

Approved 3-21-80

Subject to

Not Approved

Action deferred

*Call
337-2219
Simon called 3/19/80
re: the 40 acres.*

Priority

Date

Received 2-4-80

Application Complete yes X no

FEE *250.00

Remarks * A portion of land covered under # 2307-3 are

refunding \$25.00 -- Additional Acreage on 2307-3

bought the 40 acres Dec/79 from Alfred Nelson, owner. Nelson had never irrigated

Date information and/or Note in Permit records also covered by 2560-3)

Period of Annual use

JUNE - SEPTEMBER

WATER
QUALITY

Received yes 3/6/80 no

APPROVED / CONDITIONAL (Circle one)

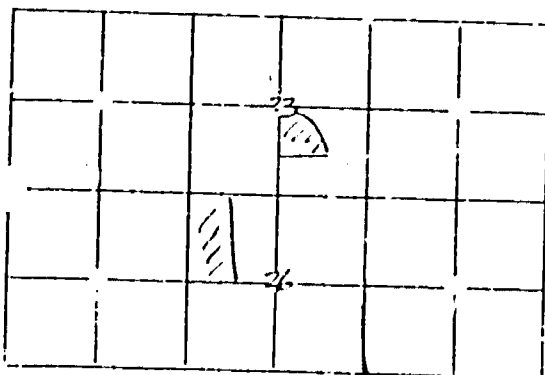
WI-1 Description same as application yes no Remarks

Disapproved

Returned

Diversion Point:

SW⁴ NW⁴, 1-96N-67W



Lands to be irrigated

NW⁴ SE⁴, SEC. 23 &

W¹/₂ NW⁴ SEC. 26 ALL

IN T97N-R67W

Remarks

~~WELL
LOG~~

Driller

Licensed yes no

Depth

Water Right No. 1689-3 4979-3

MAP

Map No. 3704-3 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by Lyle Loberue

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3-26-80

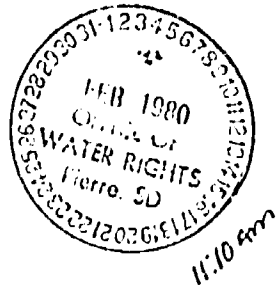
BJ Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 4479-3Map No. 3704-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. D. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

PHONE: 337-2279

1. Name of Applicant Joe and John Simon
 Postoffice address Geddes, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work additional acres of permit No. 2307-3 SIMON #1
4. Amount of water claimed (cubic feet per second) 2.3 1.57 MAX. ALLOWABLE
5. Source of water supply Missouri River
6. Location of point of diversion Same as permit No. 2307-3

County Charles Mix

7. Annual period or periods during which water is to be used June, July, August, September
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 110 additional

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.
<u>NW 1/4 Sec 23-97-67</u>	<u>40</u>		
<u>East west 1/2 NW part of</u>			
<u>NW 1/4 Sec 26-97-67</u>	<u>20</u>		
<u>W 1/2 NW 1/4-26-97-67</u>	<u>70</u>		

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Charles Mix County News
12. Principal Features of the Proposed Water Supply System.

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

Aluminum pipeSee also 2307-3

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

Buried PVC

C. Works proposed to apply water to beneficial use.

Center pivot and outline sprinklerEstimated Total Cost \$ 35,000

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 Charles Mix)

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 necessary construction.

Signed

Subscribed and sworn to before me this 1

day of

February1980

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4479-3
JOE AND JOHN SIMON GEDDES
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57142 With the following modifications:
 (State)

The NW¹/₄ SE¹/₄, Section 23-T96N-R67W is also covered under Permit No. 2560-3. This portion of land was never irrigated under Permit No. 2560-3 and was sold to Joe and John Simon, December 1979 to complete the center pivot on a previous Permit No. 2307-3.

Date of first receipt of application FEBRUARY 4 19 80
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application MARCH 6 19 80
 Approved MARCH 27 19 80, Recorded in Book 21 Page 151

WATER RIGHT PERMIT NO. 4479-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4479-3 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 FEBRUARY 4 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 27 19 82
3. The whole of said work is to be completed on or before MARCH 27 19 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 27 19 89
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 1.57 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 MARCH 27 19 89; said water to be used during the following described annual period: JUNE - SEPTEMBER

Witness my hand this 1ST day of APRIL 19 80

WATER RIGHTS COMMISSION

By:

John H. Hest
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

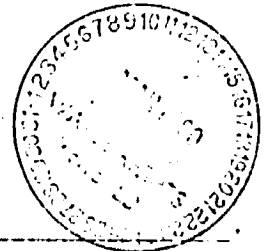
DD-27 (11/10/61)

12/78

d

APPROVED _____

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION



NAME OF APPLICANT Joe and John Simon, Geddes,

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 14 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 14 inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS: See below

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application 40 acre pivot
50 acre to 11ng.

GENERAL COMMENTS:

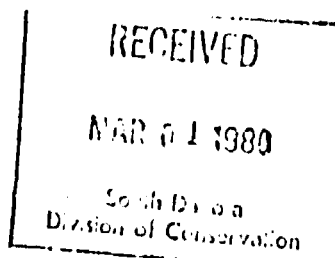
Occasional opening into the subsoil by deep chiseling will allow for a greater intake of water, either natural precipitation or irrigation water.

Deep tillage operations are best utilized when the soil is semi-dry because there will be a better shattering of the soil.

Ceasing to irrigate in the late summer may be necessary when you plan to deep chisel in the fall.

Copy to applicant
Copy to Water Rights
Copy on file

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Joe and John Simon OWNERS ADDRESS: Geddes, South Dakota
COUNTY LAND LOCATED IN: Charles Mix PHONE: 337-2279
EQUINANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

WELL LOCATION OR DIVERSION POINT: Missouri River Water Permit No. 2307-3

SURFACE WATER SOURCE: Missouri River water

LOCATION OF AREA TO BE IRRIGATED: NW 1/4 SE 1/4 23 and NW 1/4 26-97-67

INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

GRAVITY _____ TOWLINE 60 CENTER PIVOT 10 GUN _____ OTHER (Specify) _____

CROPS TO BE IRRIGATED: Corn and alfalfa

SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1976 ?

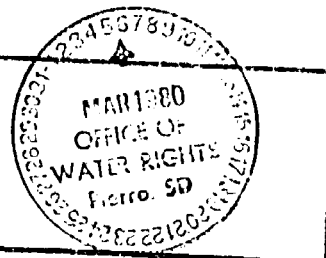
LAND: W 1/2 SW 1/4 & SW 1/4 SE 1/4 23-97-67
IN WHAT NAME: Joe and John Simon

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

SAMPLE NUMBER: Pre-tested Missouri River Water

SALINITY (EC X 10⁶) 600 to 700

SODIUM (SAR) 2-3 ADJUSTED (SAR) 2.4 6.21 to 6.20



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at N/A A.M./P.M., on _____, 19____, at the following location: _____

I hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the land and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF February, 1980

[Signature]
(NOTARY PUBLIC)

Joe & John Simon
Joe Simon
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Right Commission.

No. 4479-3

Publish first publication, on or before March 13, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 7, 1980

Notice is hereby given Joe and John Simon whose post office

address is Geddes, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, and Board Rule ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.57 cubic feet of

water per second of time from the Missouri River through the Simon #1, to add additional acreage on an existing Permit, the point of diversion which is to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 1, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23 and W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 26, all in T97N, R67

This Application No. 4479-3 will be considered by the Water Management Board at the SDEA Auditorium, 411 E Capitol, Pierre, SD upon the 26th day of March, 1980

at 10 A .M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Foss Building, Pierre, SD prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: Joe & John Simon, Geddes, SD 57342

FORM 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Harold J. Jaeger hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Charles Mix County News

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 Geddes

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

March 13 & 20 - 1980

Harold J. Jaeger
(Signature)

Owner - Publisher
(Title)

March 20, 1980
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501

March 7, 1980

Notice is hereby given Joe and John Simon whose post office address is Geddes, South Dakota, has made an application in accordance with the provisions of SDCL 43-1-1 thru 46-1-9, 46-1-14; 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.57 cubic feet of water per second of time from the Missouri River through the Simon No. 1, to add additional acreage on an existing Permit, the point of diversion which is to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23 and W $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, all in T97N, R67W.

This Application No. 4479-3 will be considered by the Water Management Board at the SDEA Auditorium, 411 E. Capital, Pierre, SD upon the 26th day of March, 1980 at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Foss Building, Pierre, SD prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT
BOARD

BETTY WESTLUND
Water Rights Specialist

Pub. March 13 & 20



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7291

Simon Farms, Joe & John Simon, Geddes SD PIERRE February 4, 1970
57342

RECEIVED OF the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4479-3 (examination, processing, recording and filing)	250	00
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 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	250	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

Do not use this space.

Barb Templeton

AGENCY VOUCHER No.	DATE
1385	03 16 80

PAYEE . Joe L. John Simon
Geodes, SD 57342DEPT. . Water & Natural Resources
Water Rights
Foss Bldg.
Pierre, SD 57501

AGENCY .

ADDRESS .

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
							1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22	

03-14-80
164473

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Overpayment on application for a water permit, refund \$25.00 Receipt #4 7291 <i>Mailed out from Finance office 3/18/80</i>		25.00	
TOTAL					25.00	

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

Date

AGENCY VERIFICATION

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

DIVISION APPROVAL JOHN HATCH, Assistant Director

APPROVAL SIGNATURE

DATE

AUTHORIZED AGENT

DATE

03-16-80



4479-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 9, 1992

2307-3

4479-3

John Simon
RR #1 Box 88
Geddes, SD 57342

Dear Mr. Simon:

Thank you for the prompt return of your 1992 irrigation questionnaires. You commented that the permits should be listed in your name only, rather than Joe & John Simon. In order to change the name(s) on a water permit, a "Notice of Transfer of Ownership" will need to be filed.

Enclosed are partially completed transfer forms. Please complete and then sign the forms in the presence of a notary. Upon completion, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



4479-3

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

February 12, 1993

SECOND NOTICE
PERMIT NO. 2307-3
4479-3

John Simon
RR 1, Box 88
Geddes, SD 57342

Dear Mr. Simon:

On December 9, 1992, notice was sent to you concerning the transfer of Water Permit Nos. 2307-3 and 4479-3 in the name of Joe and John Simon. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, a total of \$5.00. The permits can then be transferred to your name. If you are not the present owner of the land covered under these permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

Eric Duvall

ERIC DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

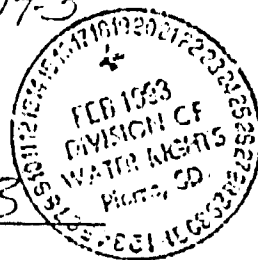
enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chlo' Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 4479-3

Date: 1-21-93



I/We request that Water Permit No. 4479-3

formerly owned by: Joe and John Simon, RR #1 Box 88, Geddes, SD 57342

be transferred to: John Simon, RR #1 Box 88, Geddes, SD 57342 (Telephone No)

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

110 acres - NW 1/4SE 1/4 Section 23 and W 1/2NW 1/4 Section 26, T9N, R67W

I/We understand that the validity of Water Permit No. 4479-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Charles Mix)

I/We John & Carol M Simon 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.

John Simon Carol M Simon
(Signed)

Subscribed and sworn to before me this 21st day of January, 1993.

(George H. Borden)
(Notary Public)

Comm. expires 11-15-97

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4479-3
413640

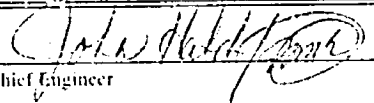
Pierre, _____ February 18, 19 95

RECEIVED OF Carol M Simon, RR 1 Box 88, Geddes, SD 57342

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>Water Permit No. 4479-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By 
Chief Engineer



4479-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 1993

No. 2307-3

4479-3

John and Carol M. Simon
RR 1, Box 88
Geddes, SD 57342

Dear Mr. and Ms. Simon:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 2307-3 and 4479-3.

Our records now show you as the owner of Water Permit Nos. 2307-3 and 4479-3.

Sincerely,

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

enclosure

Permit No. 4479-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Joe & John Simon or Geddes, SD 57342 holder of Permit Nos. 2307-3 & 4479-3, bearing the priority of June 18, 1975 (2307-3) & February 4, 1980 (4479-3) authorizing the diversion of 6.28 & 1.57 cu. ft. of water per second from the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

At the river:

Marathon Electric
 Model No. 365TTD57304AA
 100 HP

Berkeley Pump
 Model No. 8SEPBM
 1200 GPM

At the dugout:

U.S. Electrical
 Frame No. 324TP
 40 HP

Valley Pump
 Serial No. 12XLE2B
 1700 GPM

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

BOOSTER SITES: (At pivot centers)

Pivot #1: U.S. Electrical
 Frame No. 324JP
 50 HP

Berkeley Pump
 (No ID tag)
 800 GPM

Pivot #2: Baldor
 324JP
 50 HP

Berkeley Pump
 (No ID tag)
 800 GPM

Pivot #3: Baldor
 Frame No. 324JP
 Serial No. 11/79
 50 HP

Berkeley Pump
 Serial No. 8044655
 Model 932PL
 600 GPM

DISTRIBUTION LINES OR CANALS:

1) Type <u>Aluminum</u>	2) Size <u>10</u> inches	3) Length <u>3300</u> feet
1) Type <u>PVC</u>	2) Size <u>10</u> inches	3) Length <u>4000</u> feet
1) Type <u>Aluminum</u>	2) Size <u>8</u> inches	3) Length <u>10500</u> feet
1) Type <u>PVC</u>	2) Size <u>8</u> inches	3) Length <u>6000</u> feet

C. Works used to apply water to beneficial use:

Center Pivots: (3) See map for pivot numbers.

Valley's

7 - 9 - 10 Towers

High pressure with end guns

600 - 800 - 800 GPM

NOTE: 2 center pivots may be operated at the same time through the diversion point at the dam. Also, pivot #3 is towed back and forth to irrigate the E 1/2 and W 1/2 of the NW 1/4 of Section 26 T97N-R67W.

The system is in the following condition Excellent. The point of diversion is located 2300 feet W and 550 feet N from the center of Section 1 T96N-R67W (SW1/4 NW1/4). The works are capable of diverting and conveying to the place of use 2.67** cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

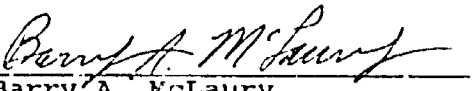
<u>T97N-R67W</u>	<u>Section 23</u>	<u>NE1/4 SW1/4</u>	<u>34 acres</u>
		<u>SE1/4 SW1/4</u>	<u>34 acres</u>
		<u>NW1/4 SE1/4</u>	<u>34 acres</u>
		<u>SW1/4 SE1/4</u>	<u>34 acres</u>
	<u>Section 26</u>	<u>NW1/4 NW1/4</u>	<u>28 acres</u>
		<u>NE1/4 NW1/4</u>	<u>30 acres</u>
		<u>SW1/4 NW1/4</u>	<u>28 acres</u>
		<u>SE1/4 NW1/4</u>	<u>22 acres</u>
		<u>NW1/4 NE1/4</u>	<u>36 acres</u>
		<u>NE1/4 NE1/4</u>	<u>36 acres</u>
		<u>SW1/4 NE1/4</u>	<u>36 acres</u>
		<u>SE1/4 NE1/4</u>	<u>36 acres</u>

comprising a total of 388 acres of land and the license should be issued for 3.77** cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: 6-7-93

** The 2.66 CFS diversion is from the Missouri River and the 3.56 CFS diversion is from the holding pond in Section 26 to the irrigated acreage.


Barry A. McLaury
Natural Resources Analyst
ENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4479-3

DATE: June 7, 1993

Other permit(s) associated with the project: 2307-3

DIVERSION POINT LEGAL LOCATION: 2300 feet W and 550 feet N from the center of Section 1 T96N-R67W (SW1/4 NW1/4).

PUMPS:

At the river: Berkely
Model No. 85EPBH
1200 GPM

At the dugout: Valley
Serial No. 12XLE2B
1700 GPM

MOTORS:

At the River: Marathon
Model No. 365TTD57304AA
100 HP

At the Dugout: U.S. Electrical
Frame No. 324TP
40 HP

BOOSTER SITES:

Pivot #1: U.S. Electrical
Frame No. 324JP
50 HP

Berkely Pump
(No ID tag)
800 GPM

Pivot #2: Baldor
Frame No. 324JP
50 HP

Berkeley Pump
(No ID tag)
800 GPM

Pivot #3: Baldor
Frame No. 324JP
Serial No. 11/79
50 HP

Berkeley Pump
Serial No. 8044655
Model B32PL
600 GPM

DISTRIBUTION LINES OR CANALS:

1) Type <u>Aluminum</u>	2) Size <u>10</u> inches	3) Length <u>3300</u> feet
1) Type <u>PVC</u>	2) Size <u>10</u> inches	3) Length <u>4000</u> feet
1) Type <u>Aluminum</u>	2) Size <u>8</u> inches	3) Length <u>10500</u> feet
1) Type <u>PVC</u>	2) Size <u>8</u> inches	3) Length <u>6000</u> feet

SYSTEM TYPE: Center pivots:

- 1) Make Valley's
- 2) Number of towers 7 - 9 - 10
- 3) Length 924 - 1188 - 1320 feet
- 4) Distance between towers 132 feet
- 5) End gun X
- 6) High or low pressure High
- 7) Capacity 500 - 800 - 800 GPM

PERMIT QUALIFICATIONS AND REGULATIONS

- 1) Soil and water permit lands agree with land being irrigated and lands listed on permit X
- 2) Special qualifications to permit being abided by X
- 3) All structures, wells and lands on map X
- 4) Irrigation Questionnaires

checked to determine if permit
owner started irrigation by the end
of construction period Y

5) COMMENTS: The 7 tower pivot in
Section 26 is towed between the
E1/2 and W1/2 of the NW1/4 of
Section 26 T97N-R67W.

CHEMIGATION EQUIPMENT:

1) Does Chemigate N



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 1994

Permit No. 4479-3

John and Carol M. Simon
RR, Box 88
Geddes, SD 57342

Dear Mr. and Ms. Simon:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2307-3 and 4479-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2307-3 will be incorporated into 4479-3.

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

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

Sincerely,

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

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 17, 1994

RECEIVED OF John Simon, RR 1 Box 88, Geddes, SD 57842-9525

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. <u>4479-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4479-3 FOR IRRIGATION

(1) Joe and John Simon, of Geddes SD 57342 made Application No. 4479-3, February 4, 1980 for a water permit to appropriate 1.57 cubic feet of water per second from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 4479-3, with a priority date of February 4, 1980 was approved March 27, 1980 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 27, 1985, and for the application to beneficial use of said water completed on or before March 27, 1989.

The applicable portions of Water Permit No. 2307-3 have been incorporated into this Water License No. 4479-3. A priority date of June 18, 1975 (established under No. 2307-3) is retained for irrigation of 298 acres in the E 1/2 SW 1/4, SW 1/4 SE 1/4 Section 23 and the E 1/2 NW 1/4, NE 1/4 Section 26; all in T97N-R67W. The remaining 90 acres in the W 1/2 NW 1/4 Section 26; NW 1/4 SE 1/4 Section 23; all in T97N-R67W retains a priority date of February 4, 1980 established under Permit No. 4479-3.

On February 18, 1993, Water Permit Nos. 4479-3 and 2307-3 were transferred from Joe and John Simon to John and Carol M. Simon.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.66 cubic feet of water per second (cfs) from the Missouri River and 3.56 cfs from the holding pond for beneficial use. The location of the Missouri River diversion point is 2,300 feet W and 550 feet N from the center of Section 1-T96N-R67W (SW 1/4 NW 1/4). The location of the holding pond is the SE 1/4 NE 1/4 Section 26-T97N-R67W.

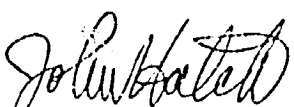
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T97N-R67W	Section 23	NE 1/4 SW 1/4	34 acres
		SE 1/4 SW 1/4	34 acres
		NW 1/4 SE 1/4	34 acres
		SW 1/4 SE 1/4	34 acres
	Section 26	NW 1/4 NW 1/4	28 acres
		NE 1/4 NW 1/4	30 acres
		SW 1/4 NW 1/4	28 acres
		SE 1/4 NW 1/4	22 acres
		NW 1/4 NE 1/4	36 acres
		NE 1/4 NE 1/4	36 acres
		SW 1/4 NE 1/4	36 acres
		SE 1/4 NE 1/4	36 acres
Total		388 acres	

7

Water License No. 4479-3
John Simon
Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 John and Carol M. Simon of Rt 1, Box 88, Geddes SD 57342 the holder and/or owner of Water Permit No. 4479-3 is issued a license to appropriate water, the right to use 2.66 cubic feet of water per second from the Missouri River and 3.56 from the holding pond with priority dates of June 18, 1975 and February 4, 1980 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4479-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



4479-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

4479-3

John and Carol M. Simon
Rt 1, Box 88
Geddes, SD 57342

Dear Mr. and Ms. Simon:

Enclosed is Water License No. 4479-3 and Receipt No. 414093 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4479-3 is the final document which completes the process of obtaining a water right.

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

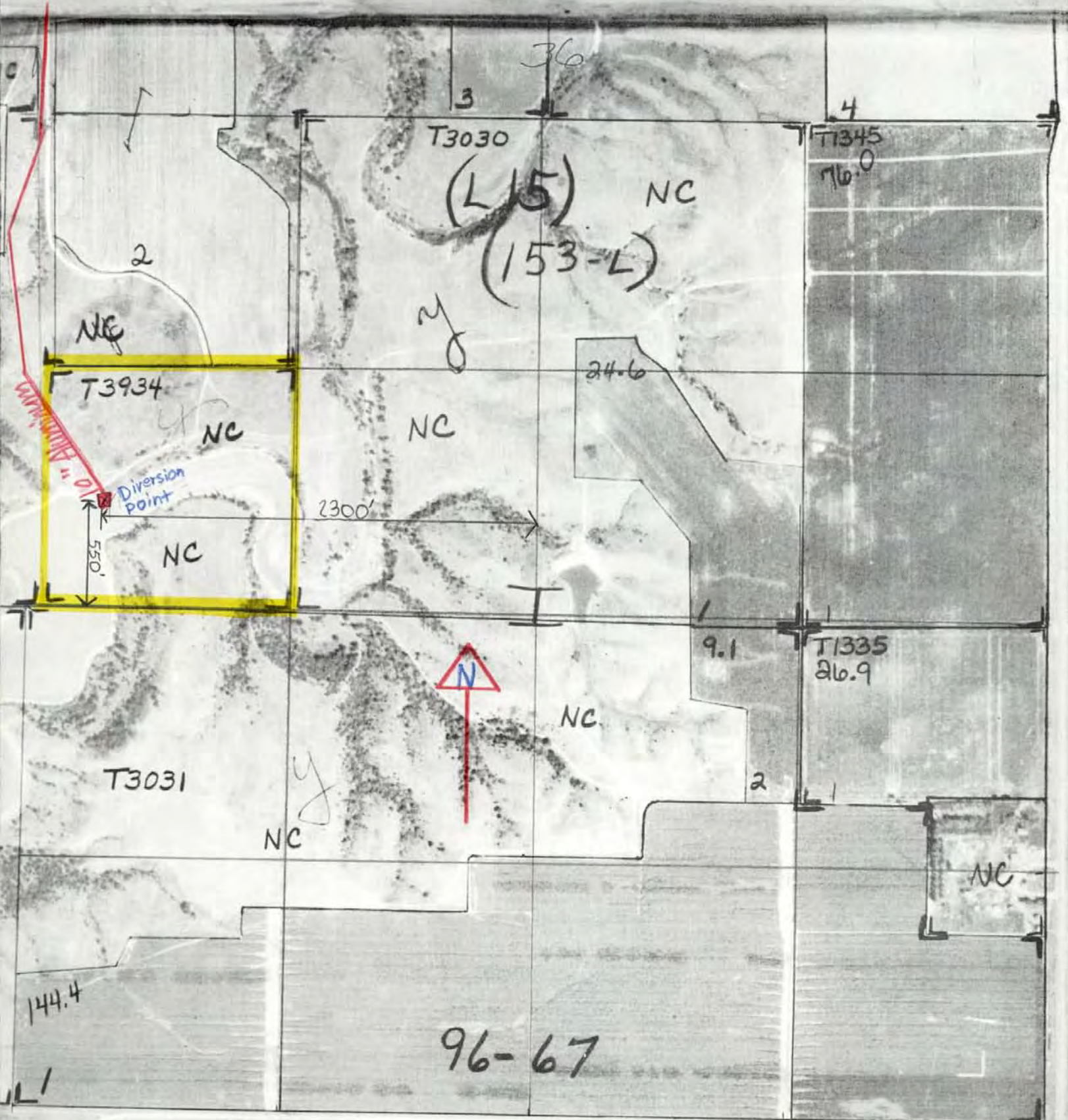
Very truly yours,

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

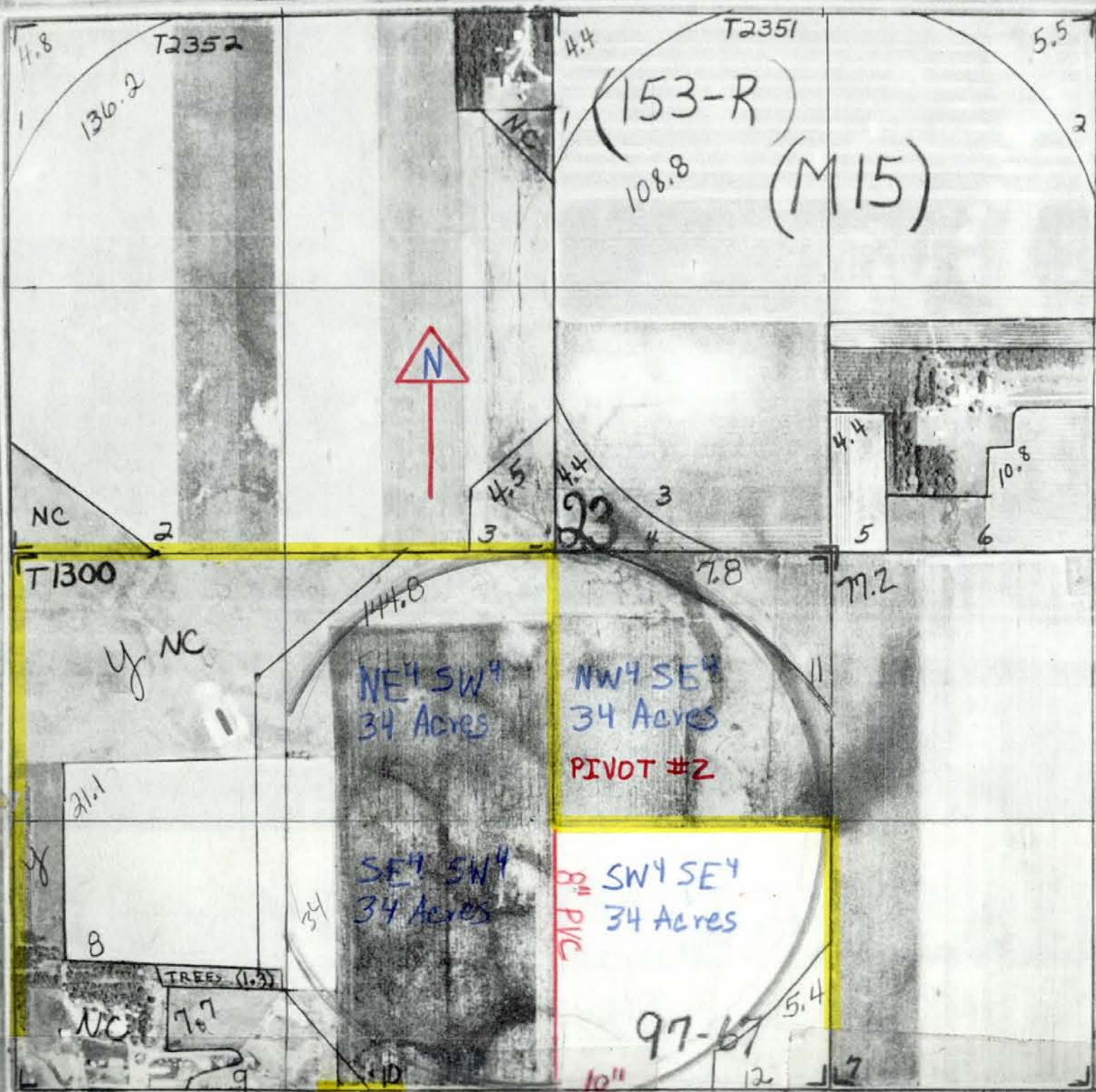
rd
enclosures

NOTE: The applicable portions of Water Permit No. 2307-3 have been incorporated into this Water License No. 4479-3.

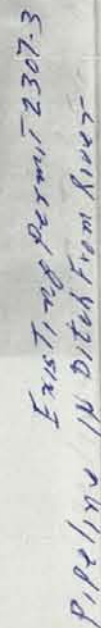
NOT TO SCALE



NOT TO SCALE



Appl # 2479-3



~~AMADAL 3404-3~~ Appl. 4479-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2010

4479-3

John Simon
37210 289th St
Geddes SD 57342

Dear Mr. Simon:

Thank you for contacting us with regard to the ownership change needed for Water Right No. 4479-3.

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.

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

RECEIVED

MAR - 9 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4479-3

Date: _____

I/We request that Water Right No. 4479-3

formerly owned by: John and Carol M Simon

be transferred to: (name & address) John Simon, 37210 289th St, Geddes SD 57342

David Simon 37210 - 289 St
Jennifer Simon 37210 - 289 St Telephone No. 605 337-2454

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

388 acres - E ½ SW ¼, W ½ SE ¼ Section 23, N ½ Section 26, T97N, R67W

I/We understand that the validity of Water Right No. 4479-3 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 John Simon, the new owner, certify that the above information is true and correct.

John Simon
(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 3/9, 20 10

RECEIVED OF John & Carol M. Simon 37210 285th St Geddes SD 57324

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>4479-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04501**

By [Signature]

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 2010

4479-3

John Simon
37210 289th St
Geddes SD 57342

Dear Mr. Simon:

I am writing to acknowledge receipt of the ownership change you filed for Water Right No. 4479-3. The transfer has been completed. The water right was formerly listed in the names of "John and Carol Simon" and is now listed in the names of John, David and Jeniffer Simon.

Enclosed is your Receipt No. 04501 in the amount of \$50.00 which you paid for filing the ownership change. You may keep this for your records.

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



4479-3
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 16, 2015

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 4479-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, 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) 4479-3 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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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Your item was delivered at 11:40 am on January 17, 2015 in GEDDES, SD 57342.		
January 17, 2015 , 4:06 am	Departed USPS Facility	HURON, SD 57399
January 16, 2015 , 9:45 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 16, 2015 , 6:16 pm	Departed Post Office	PIERRE, SD 57501
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GEDDES SD 57342 6643

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2015

NOTICE OF ENTRY OF ORDER OF AMENDMENT OF WATER RIGHT

TO: John, David & Jeniffer Simon, 37210 289th St, Geddes SD 57342

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment to Water Right No. 4479-3

On March 4, 2015, the Water Management Board amended Water Right No. 4479-3 to add the following qualification:

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

This action was taken for failure to return the 2014 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

English

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DATE & TIME	STATUS OF ITEM	LOCATION
March 7, 2015, 8:03 am	Delivered	GEDDES, SD 57342
Your item was delivered at 8:03 am on March 7, 2015 in GEDDES, SD 57342.		
March 6, 2015, 12:00 pm	Notice Left (No Authorized Recipient Available)	GEDDES, SD 57342
March 6, 2015, 4:32 am	Departed USPS Facility	HURON, SD 57399
March 5, 2015, 9:30 pm	Arrived at USPS Origin Facility	HURON, SD 57399
March 5, 2015, 6:06 pm	Departed Post Office	PIERRE, SD 57501
March 5, 2015, 12:58 pm	Acceptance	PIERRE, SD 57501

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PS Form 3800, August 2006		See Reverse for Instructions

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4479-3
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 15, 2016

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4479-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 4479-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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. 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) 4479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 17, 2016

4479-3

John, David & Jennifer Simon
37210 289th St
Geddes SD 57342-6643

Dear Simon Family:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 4479-3. 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
email: genny.mcmath@state.sd.us



4479-3
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 25, 2019

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4479-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 4479-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 29, 2019

4479-3

John, David & Jennifer Simon
37210 289th St
Geddes SD 58342-6643

Dear Mr. & Mrs. Simon:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 4479-3. 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



4479-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4479-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 4479-3 qualification:

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

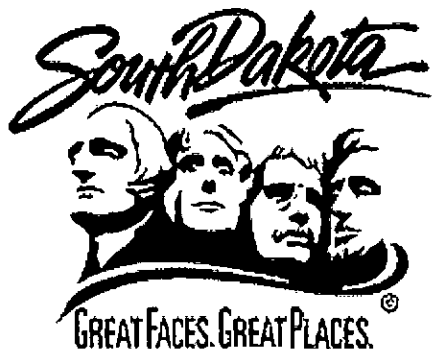
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant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

1. Suspend or cancel Permit No(s) 4479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

4479-3

David Simon
37210 289th St
Geddes SD 57342

Dear Mr. Simon:

I am writing to acknowledge receipt of the information for your 2019 irrigation questionnaire. I completed a form for you based on our phone conversation indicating you did not irrigate due to excess moisture in your area.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 4479-3. 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
email: genny.mcmath@state.sd.us



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4479-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 4479-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** 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://denr.sd.gov/iq> using this password: STDOSM**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2021

4479-3

John, David & Jennifer Simon
37210 289th St
Geddes SD 57342-6543

Dear Simon family:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 4479-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
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 14, 2025

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4479-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4479-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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. 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) 4479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CTTFIF**

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 AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2025

4479-3

John, David & Jenniffer Simon
37210 289th St
Geddes SD 57342

Dear Simons:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4479-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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

4479-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: JOHN, DAVID & JENIFFER SIMON, 37210 289TH ST, GEDDES, SD 57342 6643

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4479-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 4479-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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. 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) 4479-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DAMLXG**

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.