

1. Considered SEPT. 25 1980
2. Name of Applicant JOE L. SANDERS
3. Post Office Address GRANTS PASS, OREGON
4. Amount of Water Claimed (1.71) No ADD'L
5. Source of Water Supply G.W. 35' ADD'L DIVERSION ON PERMIT
3699-3
6. Water to be used for IRRIGATION
7. Acres to be irrigated 120 maximum
acre feet
8. Water to be diverted and used in DOUGLAS County
about 1/2 S, 3 1/2 miles WEST of DELMONT
9. PROOF OF PUBLICATION Received (10) 9-18-80

APPLICATION Not Received
 Approved 9-26-80
 Subject to WIQ-10
 Not Approved
 Action deferred

Priority

Date Received 1-29-80 Application Complete yes X no 3699-3 FEE 150⁰⁰

Remarks for additional diversion, less than 250 ft (290') (same depth)
from orig well. WI-1 approval for new diversion
necessary to have WI-1 approval for new diversion
at this time

Date information and/or
 fee or corrected Application received 2
 Period of Annual use JUNE THRU SEPTEMBER

Received (yes) 7/16/80 no APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as application yes no Remarks

Disapproved

Returned

Diversion Point

NW⁴ NE⁴ - 1-97-63

Lands to be irrigated

NE⁴ 1-97-63

Remarks

Driller Schumelberg well 101. Licensed yes no X
not in 1979

Depth 35' deep
(Paul Fink assisted in drilling and
signed log - he is licensed (AD))

WELL
LOG

MAP Map No. 3754-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by County Agent

+++++

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 9-25-80. Betty Westlund
(Signed)

+++++

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

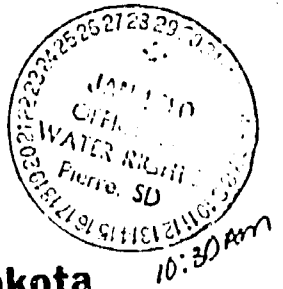
from Anna Gustafson, Delmont (RR 1-6445) Complaint
re quality of the water - Statement in file by BW. Letter sent
to Anna G. 9/30/80 re approval & qualifications
Betty Westlund

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. 4535-3

Map No. 3754-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10170101



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐

Change in Diversion ☒ Additional Diversion ☒

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant JOE L. SANDERS Phone No. 503-419-7820
Post Office Address 3366 MIDWAY AVE GRANTS PASS State OREGON 97536
(Street, RR, or Box) (Town) (Zip Code)

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 SUPPLEMENT TO 3699-3 SANDERS #1

* 4. Amount of water claimed (cubic feet per second) NO. ADD'L 400 GPM

5. Source of water supply WELL

6. Location of point of diversion 240 FT NORTH OF ORIGINAL DIVERSION
NW 1/4 1-97-63

County Douglas

7. Annual period or periods during which water is to be used JUNE - THRU - SEPT

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 120 (NO ADD'L)

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.
NE 1/4 1-97-63	30
SE 1/4 " " "	30
SW 1/4 " " "	30
NW 1/4 " " "	30

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water DELIANT RECORD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
SMALL PUMP TO DIVERT 350-400 GPM TO ORIGINAL WELL AND PUMP, AS A SUPPLEMENT. THE SANDS IN ORIGINAL

B. Works proposed to transport water to place of use. WELL WOULD NOT YIELD QUITE ENOUGH WATER TO

C. Works proposed to apply water to beneficial use. SUPPLY SYSTEM NEEDED
* WATER CLAIMED IN QUESTION 4 IS NOT ADDITIONAL WATER, ONLY A SUPPLEMENT TO ORIGINAL
Estimated Total Cost \$ 1000 PLUS WE

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 OREGON)

County of Josephine) ss.

I, Joe L. Sanders, 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 Joe L. Sanders

Subscribed and sworn to before me this 7th day of January, 1980.

John A. Galt
Notary Public (or other qualified officer)
My Commission Expires: 6/21/80

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4535-3

JOE L. SANDERS 3366 MIDWAY AVE. GRANTS PASS
(Applicant) (Post Office Address)

OREGON, 97526 With the following qualifications.
(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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Land covered under this Permit is also covered under Permit No. 3699-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application JANUARY 29, 1980

Date of return to applicant for correction, amendments or changes required JAN. 29; FEB. 21 & JUNE 13, 1980

Date of receipt of corrected application WI-1 JULY 16, 1980

Approved SEPTEMBER 26, 1980, Recorded in Book 21 Page 277

WATER RIGHT PERMIT NO. 4535-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4535-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JULY 16, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 26, 1981
3. The whole of said work is to be completed on or before SEPTEMBER 26, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 26, 1981
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 No ADD'L 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 irrigation purposes said appropriation must be limited to not more than 2 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 SEPTEMBER 26, 1981; said water to be used during the following described

annual period: JUNE THRU SEPTEMBER

Witness my hand this 30th day of SEPTEMBER, 1980

THE BOARD OF WATER MANAGEMENT

By John H. H. H.
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 1982

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

- (1) Drill Hole, Diameter 24", Depth 35'
- (2) Casing, Type STEEL, Diameter 14" O.D., Thickness 1/4 in.
(wood, concrete, steel, etc.)
- (3) Screen, Type STEEL (Johnson), Diameter 14", Length 20'
- (4) Gravel Pack, Thickness 6 in., Length of gravel pack 35'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

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

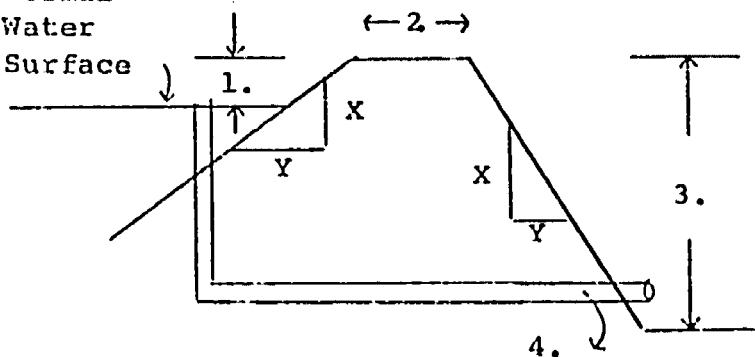
On same owner's property _____ rds.

On property owned by others 1 1/2 miles rds.

G. Water Storage Dams

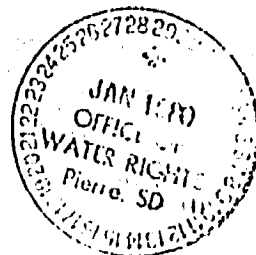
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage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

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

FLOYD SCHIMELFENNIG - OWNER, DRILLER
BOX 586 - LENNOX, SOUTH DAKOTA 57039 - 1 (605) 647-5913



17. 1. 1908

10th July 1912 Day and night bright

10. If α is a linear transformation, $\alpha(\alpha^{-1}(x)) = x$ and $\alpha(\alpha(x)) = x$.

Mr. J. H. ...

1. *Thymus* *sp.* (25)
Thymus

Please Note - My name is entered at Reg. of
Logan & Co. where water drilling
was done and drilled Redfern station
that the project was ready for
Mr. Saunders

Richard D. Young

— 2. —

CONSERVATION COMMISSION
W-1 FORM
2/79

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

RECEIVED

JUL 10 1980

South Dakota
Division of Conservation

OWNERS NAME: JOE SANDEES

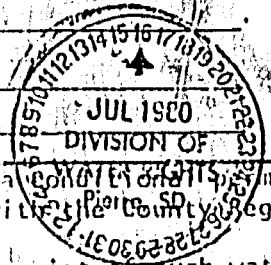
OWNERS ADDRESS: 3366 MIDWAY HWY. GRANTS PASS ORG. 97526

COUNTY LAND LOCATED IN: Dough/RS

PHONE: _____

RENTANT'S NAME AND ADDRESS: (If Other Than Owner) PAUL FINK

DELMONT S.D.



In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a Soil/Water Compatibility permit, 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: 500 FT SOUTH OF MIDPOINT OF NORTH BORDER

SURFACE WATER SOURCE _____

LOCATION OF AREA TO BE IRRIGATED: NE 1/4 - 1-97-1-3 125 A.

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 _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____

CROPS TO BE IRRIGATED CORN

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

LAND: ALREADY HAS PERMIT - NEED PERMIT FOR SUPPLEMENTAL WELL

IN WHAT NAME: JOE L. SANDEES

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

SAMPLE NUMBER: 46-178 4-103 80-470

SALINITY (EC X 10⁶) 1112

SODIUM (SAR) 2.55 ADJUSTED (SAR) 6.25

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 _____ A.M./P.M., on _____, 19____, at the following location: NO NEW SAMPLE NEEDED - 240 FT FROM PRESENT WELL
(individual who took sample if other than applicant). I also 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 as been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well 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
25 DAY OF February, 1980.

(NOTARY PUBLIC)

My Commission Expires 12-19-80

APPLICANT'S SIGNATURE

Keith J. Harner
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.

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Paul Fink Date Rec'd July 2, 1980
 Address: Delmont, SD Sample No. 80-470
c/o Joe Sanders Identification Well-50
3366 Midway Ave. Box 1, T 97W, R 63W
Grants Pass, Oregon 97526

WATER ANALYSIS

Calcium (Ca)	103	ppm*	5.15	me/l**
Magnesium (Mg)	34	ppm	2.79	me/l
Sodium (Na)	116	ppm	5.05	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	347	ppm	7.22	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.28	me/l
Bicarbonate (HCO ₃)	342	ppm	5.60	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	280	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1112	micromhos per cm at 25° C.		
Electrical Conductivity	2.55	Adjusted SAR	6.25	
Sodium Adsorption Ratio	38.25	% of cations		
Sodium	0.00	me/l		
Residual sodium carbonate	7.98			
pH				
Others:				

* ppm = parts per million
 ** me/l = milliequivalents per liter

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

COMMENTS: Total cations 13.20 me/l
 Total anions 13.10 me/l

RECEIVED

JUL 10 1980

South Dakota
 Division of Conservation

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make check payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-470

Amount Enclosed \$

Signed

1

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Paul Fink, Delmont, SD.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 3-5 times during the irrigation season.
 2. Each uninterrupted application (one rotation of center pivot) should be of at least 2-3 inches of water.
 3. ☒ Yes ☐ No Surface drainage suggested on areas that tend to pond water.
 4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
 5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
- COMMENTS: Occasional use on soil 19, Lane Silty Clay loam.

6. ☒ Heavy fall application of irrigation water. Occasional use
7. Type of irrigation system recommended for use on this application pivot.

GENERAL COMMENTS:

Enet-Delmont soils have good internal drainage (over sands) and will require more frequent irrigations than Lane Silty Clay loams, which has a slower intake rate.

Irrigation application and crop choice will probably be the management angles to consider because of the contrasting soil types.

cc: Joe Sanders.

Copy to applicant
Copy to Water Rights
Copy on File

No. 4535-3

Publish first publication, on or before August 28, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 7, 1980

Notice is hereby given that Joe L. Sanders whose post office

address is Grants Pass, Oregon, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater

(two wells - one Sanders #1 to add an through the additional point(s) of diversion of xx existing)

~~xx~~ on an existing permit which will be located in

the NW 1/4 NE 1/4

of Section 1, Twp. 97N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 1, T97N, R63W

This Application No. 4535-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building upon the 25th day of September, Church & Illinois, Pierre SD

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, DVMNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Maynard Goehring
RECORD
DeLmont SD 57330

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Douglas) ss.

I, Maynard H. Goehring hereby

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

Water was taken from the Delmont Record

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

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

August 21, 1980

August 28, 1980

Maynard H. Goehring
(Signature)

Publisher - Owner
(Title)

August 29, 1980
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO AP-
PROPRIATE WATER

Pierre, South Dakota 57501
August 7, 1980

Notice is hereby given that
Joe L. Sanders whose post of-
fire address is Grants Pass,
Oregon, has made an applica-
tion in accordance with the
provisions of SDCL 45-1-1 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; 46-6-3;
46-6-3.1, 46-6-5, 46-6-6.1, 46-6-
10, 46-6-14 and Board Rules
ARSD 52:01:01:01 thru
52:01:01:13, for a permit to ap-
propriate for beneficial use no
add'l. cubic feet of water per
second of time from ground-
water (two wells - one existing)
through the Sanders #1 to add
an additional point of diversion
on an existing permit which will
be located in the NW 1/4 NE 1/4 of
Section 1, Twp. 97N, Range
63W. Said water to be used for
the purpose of providing irrigation
on portions of the follow-
ing described land: NE 1/4, Sec-
tion 1, T97N, R63W.

This application No. 4535-3
will be considered by the Water
Management Board at Meeting
Room #1, Kneip Building,
Church & Illinois, Pierre, SD
upon the 25th day of
September, at 10 A.M. The
Board is authorized to make a
determination on this applica-
tion at the hearing. All interest-
ed 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 ac-
cording 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 pro-
vided by law.

Any handicapped person
wishing to attend this hearing
can contact the Water Rights
Division, DWRN, Joe Foss
Building, Pierre, SD, prior to
the hearing date for assistance
in access to the hearing.

and on
pedest
rest and
rights Specialist



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7275

PIERRE, January 29, 1980

RECEIVED OF Elsie Sanders, 3366 Midway Ave., Grants Pass, Oregon 97526

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	15	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 filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	15	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH For

Sept. 24, 1980.

1980
Anna Gutenther
RR1, Box 45
Delmont 5

Mrs Anna Gutenther called to complain about Joe Sanders application 4535-3. Ever since Mr. Sanders started to irrigate the water in their well started to taste bad and has a bad odor. Started last May till now. Their pressure is also down. Well is 270 ft. (Sanders well is 35 ft)

A year ago only had to go down 9 ft to water now its down to 37 feet.

I checked with Mark Steichen, ^{Dunking} Water office, who stated ~~the~~^a sample of their domestic well was ~~sampled~~^{analyzed} July 14, 1980. and ~~the~~ it was safe in the parameters, nothing that would affect health (Low in nitrates, iron & manganese.)





4535-3

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

February 1, 1994

John Fink, Operator
RR, Box 41
Delmont SD 57330

Dear Mr. Fink:

Enclosed are Notice of Transfer forms for Water Permit Nos. 3699-3 and 4535-3 which are currently listed in the name of Joe L. Sanders. On August 4, 1993, Barry McLaury with this office, conducted an inspection of the two permits and was informed that Mr. Sanders is deceased. Before the water license can be issued, these permits need to be transferred to the current owner of the land or to an estate. We do not know who the transfer forms should be sent to. Should the forms be sent to the 3366 Midway Ave, Grants OR 97526 address? Please forward the forms to the proper person or let us know who we should send them to.

Each form must be signed, notarized and returned with a \$2.50 filing fee (\$5.00 total). After the permits have been transferred, the water license can be issued subject to payment of a \$50.00 license fee.

Thank you for any assistance you can provide in determining who and where the transfer forms should be sent. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

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

414074

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 4, 1994

RECEIVED OF Elsie Sanders, 3366 Midway Ave, Grants Pass, OR 97527

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 _____ Water Permit No. 4535-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By [Signature]
Chief Engineer



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

March 8, 1994

No. 3699-3
4535-3

Elsie G. Sanders
3366 Midway Ave.
Grants Pass, OR 97527

Dear Ms. Sanders:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 3699-3 and 4535-3.

Our records now show you as the owner of Water Permit Nos. 3699-3 and 4535-3.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

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

enclosure

Permit Nos. 3699-3 & 4535-3
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 L. Sanders of 3366 Midway Avenue, Grants Pass, Oregon 97526 holder of Permit Nos. 3699-3 & 4535-3, bearing priorities of March 1, 1976 & July 16, 1980 (respectively) authorizing the diversion of 2.28 & no add'l (respectively) cu. ft. of water per second from groundwater 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:

Pump:

- 1) Make Berkeley
- 2) Pressure 40 PSI
- 3) Capacity 700 GPM

Motor:

- 1) Make Western Land Roller
- 2) Model No. no I.D. tag
- 3) Horsepower rating 40 hp

There is another well that has a submersible pump and motor which no information for either could be found. When the water table is down, the original well starts to suck air (but is still used). When this occurs, the auxillary well is used as a supplement, which produces approximately 250 GPM. When the water table is at a higher level, the supplement well is not needed.

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

DISTRIBUTION LINES:

- | | | |
|--------------------|-------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>5</u> inches | 3) Length <u>240</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>500</u> feet |

C. Works used to apply water to beneficial use:

Center pivot:

- | | |
|--|------------------------------------|
| 1) Make <u>Lindsey</u> | 5) End gun <u>Y</u> |
| 2) Overall length <u>1320</u> feet | 6) High or low pressure <u>Low</u> |
| 3) Number of towers <u>7</u> | 7) Capacity <u>700</u> GPM |
| 4) Distance between towers <u>188</u> feet | |

The system is in good condition. The points of diversion are located #1: 1320 feet W and 725 feet S; #2: 1385 feet W and 400 feet S (auxillary well), both from the NE corner of Section 1 T97N-R63W (NW¼ NE¼). The works are capable of diverting and conveying to the place of use 1.56 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:

T97N-R63W

SECTION 1

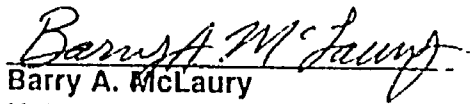
<u>NW¼ NE¼</u>	<u>34 acres</u>
<u>NE¼ NE¼</u>	<u>34 acres</u>
<u>SW¼ NE¼</u>	<u>32 acres</u>
<u>SE¼ NE¼</u>	<u>32 acres</u>

comprising a total of 132 acres of land and the license should be issued for 1.56 CFS.

NOTE: Water Permit Nos. 3599-3 & 4535-3 will be incorporated during licensing.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: August 4, 1994



Barry A. McLaury

Natural Resources Analyst

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 3F39-3 & 4535-3

E: August 4, 1993

er permit(s) associated with the project: None

**ERSION POINTS LEGAL LOCATIONS: #1: 1320 feet W and 725 feet S; #2: 1385 feet W and
feet S (auxillary well), both from the NE corner of Section 1 T97N-R63W (NW¼ NE¼).**

LL INFORMATION:

Well Drilling Firm: Grosch Drilling

No. of Wells 1

Depth(s) 50 feet

Well log is available Y

**Comment: This is the first well that was
drilled for the center pivot.**

sing:

Diameter 16 inches

Length 22 feet

Type concrete

reen:

Type concrete

Length 28 feet

Static water level 10 feet

mp: (original well)

Make Berkeley

Pressure 40 PSI

Capacity 700 GPM

1) Well Drilling Firm: Shimmelfinneg Drilling

2) No. of Wells 1

3) Depth(s) 35 feet

4) Well log is available N

**5) Comment: This well is used as a
supplement for the original.**

Casing:

1) Diameter 14 inches

2) Length 15 feet

3) Type Stainless Steel

Screen:

1) Type Stainless Steel

2) Length 20 feet

3) Static water level 10 feet

Motor: (original well)

1) Make Western Land Roller

2) Model No. no I.D. tag

3) Horsepower rating 40 hp

**OTE: The auxillary well has a submersible pump and motor which no information for either
ould be found. When the water table is down, the original well starts to suck air (but is still**

used). When this occurs, the auxillary well is used as a supplement. When the water table remains high, the supplement isn't needed. The maximum amount of water ever used with this system is 700 GPM (1.56 CFS).

DISTRIBUTION LINES:

- | | | |
|--------------------|-------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>5</u> inches | 3) Length <u>240</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>500</u> feet |

SYSTEM TYPE:

Center pivot:

- | | |
|--|------------------------------------|
| 1) Make <u>Lindsey</u> | 5) End gun <u>Y</u> |
| 2) Overall length <u>1320</u> feet | 6) High or low pressure <u>Low</u> |
| 3) Number of towers <u>7</u> | 7) Capacity <u>700</u> GPM |
| 4) Distance between towers <u>188</u> feet | |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414075

Pierre, March 4, 19 91

RECEIVED OF Elsie Sanders, 5566 Midway Ave., Grants Pass, OR 97527
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>4555-5</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

[Signature]
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4535-3 FOR IRRIGATION

(1) Joe L. Sanders of Grants Pass OR 97526 made Application No. 4535-3, January 29, 1980 for a water permit from an additional well from groundwater, Douglas County, South Dakota for irrigation purposes. Permit No. 4535-3, with a priority date of July 16, 1980 was approved September 26, 1980 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 26, 1981 and for the application to beneficial use of said water on or before September 26, 1981.

Water Permit Nos. 3699-3 and 4535-3 were transferred on March 4, 1994 to Elsie G. Sanders.

Water Permit No. 4535-3 authorizes one additional well to irrigate the land authorized by Water Permit No. 3699-3. No. 4535-3 did not allow for an increase in the diversion rate.

The applicable portions of Water Permit No. 3699-3 have been incorporated into this Water License No. 4535-3. A priority date of March 1, 1976 (established under No. 3699-3) is retained for the original well. The additional well retains a priority date of July 16, 1980 (established under No. 4535-3).

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 1320 feet W and 725 feet S; Well #2 - 1385 feet W and 400 feet S, both from the NE corner of Section 1-T97N-R63W (NW 1/4 NE 1/4).

(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:

Section 1 - T97N-R63W	NW 1/4 NE 1/4	34 acres
	NE 1/4 NE 1/4	34 acres
	SW 1/4 NE 1/4	32 acres
	SE 1/4 NE 1/4	32 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Elsie Sanders of 3366 Midway Ave, Grants Pass OR 97527 the holder and/or owner of Water Permit No. 4535-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater (two wells) with priority dates of March 1, 1976 and July 16, 1980 from the location specified in (2) of this license. The water is 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. 4535-3 and subject to South Dakota State Law.



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

AUG 10 1994
date



4535-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 19 1994

4535-3

Elsie Sanders
3366 Midway Ave.
Grants Pass, OR 97527

Dear Ms. Sanders:

Enclosed is Water License No. 4535-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414075 in the amount of \$50.00 which you paid for the inspection and issuance 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. 4535-3, 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.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 3699-3 have been incorporated into this Water License No. 4535-3.



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JOHN FINK, OPERATOR, RR BOX 41, DELMONT, SD 57330
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 4535-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4535-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4535-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4535-3 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 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

c: ELSIE SANDERS, 3633 MIDWAY AVE, GRANTS PASS, OR 97527



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 1996

2144-3

4535-3

John Fink
RR 1 Box 41
Delmont, SD 57330

Dear Mr. Fink:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notices for "Violation of the Requirement to Submit the 1995 Irrigation Questionnaire" and "Violation of Water Permit No. 4535-3."

I completed questionnaires for you based on our January 31, 1996 telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

c: Elsie Sanders, 3633 Midway Avenue, Grants Pass, OR 97527



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

4535-3

Dwight Brenner
28053 397th Ave
Armour, SD 57313

Dear Mr. Brenner:

I am contacting you concerning the land you farmed last year for Elsie Sanders. The 2001 irrigation questionnaire for that land was originally mailed to John Fink. He returned the form to us indicating you farmed the land.

Enclosed is the questionnaire for Water Right No. 4535-3. The water right authorizes irrigation of the NE 1/4 Section 1, T97N, R63W.

Please complete the form and return it to our office as soon as possible. If you will be operating the land next year, please make a notation on the form to that affect.

Thank you in advance for your help.

Sincerely,

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

enclosure



4535-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 4535-3, 4528-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4528-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4535-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4535-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2003

4535-3
4528-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Elsie Sanders

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Delivery Status

You entered 2301 0370 0000 7541 4432

Your item was delivered at 2:47 pm on January 22, 2003 in ARMOUR,
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4535-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4535-3, 4528-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4528-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4535-3 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 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4535-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4528-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, PMB 218, BOX 6300, RAPID CITY, SD 57709-6300

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.



4535-3

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Your item was delivered at 3:22 pm on January 20, 2004 in GRANTS PASS, OR 97527. The item was signed for by I SANDERS.

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ELSIE SANDERS
3366 MIDWAY AVE
GRANTS PASS OR 97527

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001

(See Reverse)



4535-3

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7759

DWIGHT BRENNER, OPERATOR
28053 397TH AVE
ARMOUR SD 57313

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2004

NOTICE

TO: Dwight Brenner, 28053 397th Ave, Armour SD 57313
Elsie Sanders, 3366 Midway Ave., Grants Pass, OR 97527
Jerry Peacock, 2032 Central Blvd, Rapid City SD 57702

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment of Water Right No. 4528-3 (Jerry Peacock – owner) and One Year Suspension of Water Right No. 4535-3 (Elsie Sanders – owner)

On March 3, 2004, the Water Management Board took the following actions on your water rights for failure to return the 2003 irrigation questionnaires:

1. Water Right No. 4528-3 was amended to add the following qualification:

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

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.

2. In regard to Water Right No. 4535-3, the Board ordered:

Water Right No. 4535-3 is suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaire.

Suspension of the water right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaires.

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

CERTIFICATION

4535-3

I hereby certify that on March 8, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2004 regarding Notice of One Year Suspension Water Right No. 3451-3, 2366-3, 2453-3, 3332-3, 6165-3, 3198A-3, 2480A-3, 1723-2, 921-1, 1080-2, 2696-3A, 4414-3, 4658-3, 6073-3, Amendment of Water Right #470A-1 & one Year Suspension of Water Right #1554-1, Amendment of Water Right #4528-3 & One Year Suspension of Water Right #4535-3 Three Year Suspension of Water Right No. 932-2, One Year Suspension of Water Permit #2464-3, 5353-3, 5552-3, 1362-3, 1363-2 & 1365-2 addressed as stated below:

3451-3
Martin Bertrand
48342 W Authier Rd
Jefferson SD 57038

2366-3
Wayne W Brown
48113 SD 48
Akron IA 51001

2453-3
Jack & Gale Coleman
41247 SD Hwy 37
Springfield SD 57062-6324

3332-3
John W Collins
RFD 148
Aurora SD 57002

6165-3
Alex and Ann Falk
1301 N 4th St
Aberdeen SD 57401

3198A-3
J V Kenneally
PO Box 50
Raymond SD 57258-0050

2480A-3
Dennis H & Jackie McDowell
227 W Lakeshore Dr
Carrollton GA 30117

1723-2
Tim Palmer
HC 2 Box 19A
Martin SD 57551

921-1
Wendelyn Richter
RR 2 Box 198
Whitewood SD 57793

1080-2
Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

6073-3
Dirk Byers
Six Mile Creek Golf Course
PO Box 93
White SD 57267-0093

470A-1 & 1554-1
Stanley Wood
18950 137th Ave
Newell SD 57750

4528-3, 4535-3
Dwight Brenner
28-53 397th Ave
Armour SD 57313

4528-3, 4535-3
Elsie Sanders
3366 Midway Ave
Grant Pass OR 97527

4528-3, 4535-3
Jerry Peacock
2032 Central Blvd
Rapid City SD 57702

932-2
Wayne Sanderson
PO Box 306
Murdo SD 57559-0306

2464-3
John R Talsma
41125 Bottom Rd
Springfield SD 57062

5353-3
Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

5552-3
Robert V Kellen
Kellen & Streit Inc.
30662 SW Jim River Rd
Yankton SD 57078-6018

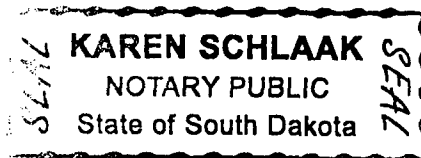
1362-2, 1363-2 & 1365-2
Oakley Eide
RR 2 Box 26
Burke SD 57523


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2004

4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

On March 3rd, the Water Management Board suspended Water Right No. 4535-3 (Elsie Sanders) for one year. The 2003 irrigation questionnaires for Nos. 4535-3 and 4528-3 were received March 15th. In phone conversations with you, I was under the impression that you desired to meet with the Board and ask them to reinstate Water Right No. 4535-3 allowing you to irrigate.

To date, I have not received anything from you and therefore have not scheduled the matter for hearing. All that is needed is a short letter requesting time on the agenda to meet with the board. The letter should explain the delay in submitting the 2003 irrigation questionnaires for the land you farm. You should also include something in the letter to indicate whether or not you will be able to attend the hearing.

Once I receive your request for hearing, I put your name on the agenda and send you a notice letting you know the time, date and place of the hearing. If you need help in writing the letter, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
fax – (605) 773-4068
email: genny.mcmath@state.sd.us

Dear Genny + Water Board:

This is a request to meet with you to have the permit # 4535-3 reinstated.

It was a total oversight on my part. The completed form was mailed at a later date. I also operate land for James Coetz which I'm sure you got the report on.

I have all my input costs as fertilizer, Chem, zone mapping & seed all paid for on this field.

This property will not grow a crop without water. I have a 13 ac. piece which joins this and 50 ac across the road which aren't irrigated & the beans on these made 6 bu. last year.

Sincerely,

Dwight Brenner

RECEIVED

APR 29 2004

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 2004

NOTICE

TO: Dwight Brenner, 28053 397th Ave, Armour SD 57313
Elsie Sanders, 3366 Midway Ave, Grants Pass OR 97527

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

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 4535-3

On April 29, 2004, a letter was received from you explaining the reason your 2003 irrigation questionnaire was not returned in a timely manner. The irrigation questionnaire was received on March 15, 2004.

Your request to have the suspension of Water Right No. 4535-3 reconsidered by the Water Management Board has been scheduled for **10:00 am, May 12, 2004, in the Community Room, Chamber of Commerce, 800 W Dakota Ave., 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.

After all evidence is taken at the hearing, the Board may issue a decision to either rescind the suspension of the water right, 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.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

I hereby certify that on April 29, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 29, 2004 regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 4535-3 addressed as stated below:

Dwight Brenner
28053 397th Ave
Armour SD 57313

Elsie Sanders
3366 Midway Ave
Grants Pass OR 97527

A copy of the above described Notice was sent Inter-office to:

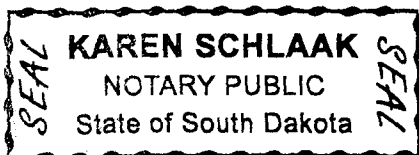
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of April, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**WATER RIGHT NO 4535-3
ELSIE SANDERS – OWNER
DWIGHT BRENNER, OPERATOR**

BRIEF DESCRIPTION:

Water Right No. 4535-3, held by Elsie Sanders, authorizes diversion of ground water from two wells (Delmont Aquifer) in Douglas County to irrigate 132 acres in the NE ¼ Section 1, T97N, R63W.

The water right was approved in September, 1980 and included the mandatory irrigation questionnaire qualification.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 2001 (sent to John Fink)	December 1, 2001	December 6, 2001 with note about operator change	none
2001 form resent to Dwight Brenner January 16, 2002	none specified	February 20, 2002	none
October, 2002	December 2, 2002	March 5, 2003	none
October, 2003	December 1, 2003	March 15, 2004	March 3, 2004

January 14, 2004: A notice was sent (with signature confirmation) to Elsie Sanders (Grants Pass, Oregon) and Dwight Brenner (Armour, SD) requesting the 2003 irrigation questionnaire be returned prior to the March 3, 2004, hearing date. The notice outlined what action the Board could take concerning the past due questionnaire. The signature confirmation cards indicated the mail was signed for by I Sanders on January 20, 2004 and by B Brenner on January 21, 2004.

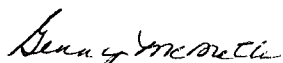
March 3, 2004: The Board suspended Water Right No. 4535-3 for one year for failure to submit the 2003 irrigation questionnaire. At the same hearing, the Board amended Water Right No. 4528-3 also operated by Mr. Brenner.

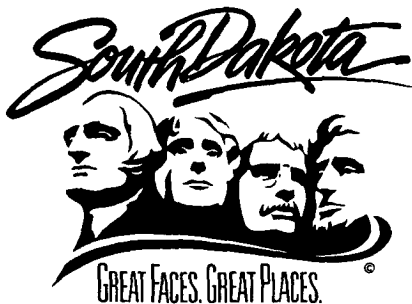
March 9, 2004: Dwight Brenner called the office and requested more irrigation questionnaires to complete and indicated he would like an opportunity to irrigate this year.

March 15, 2004: The irrigation questionnaires for Water Right Nos. 4528-3 & 4535-3 were received.

April 29, 2004: A letter was received from Mr. Brenner indicating the reason for delay in submission of the questionnaire. He also requested time on the agenda to meet with the Board concerning the suspended water right (see attached copy).

April 29, 2004: A notice was sent to Dwight Brenner and Elsie Sanders scheduling the issue of the suspended water right for reconsideration by the Board.


Genny McMath
Water Rights Program
April 29, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

May 14, 2004

NOTICE

TO: Dwight Brenner, 28053 397th Ave, Armour SD 57313
Elsie Sanders, 3366 Midway Ave, Grants Pass, OR 97527

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Right No. 4535-3

On May 12, 2004, the Water Management Board passed a motion to reinstate Water Right No. 4535-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

4535-3

I hereby certify that on May 14, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 14, 2004 regarding Notice of reinstatement of Water Right No. 6165-3, 6073-3, 2696-3A, 4414-3, 4658-3, 2366-3, & 4535-3 addressed as stated below:

6165-3
Alex & Ann Falk
1301 N 4th St
Aberdeen SD 57401

6165-3
Brent Wilbur
May Adam Gerdes & Thompson LLP
PO Box 160
Pierre SD 57501-0160

6073-3
Lew Weeks President
Six Mile Creek Golf Course
PO Box 66
White SD 57267-0066

6073-3
Curt Mortenson
Mortenson Law Office
32 E Main Ave
Ft Pierre SD 57532

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

2366-3
Wayne W Brown
48113 SD Hwy 48
Akron IA 51001

4535-3
Dwight Brenner
28053 397th Ave
Armour SD 57313

4535-3
Elsie Sanders
3366 Midway Ave
Grants Pass OR 97527

A copy of the above described Notice was sent Inter-office to:

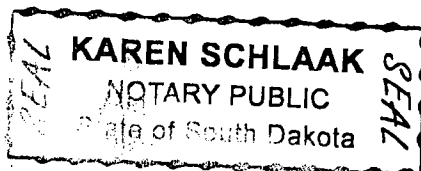
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of May, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





4535-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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523 EAST CAPITOL
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www.state.sd.us/denr

January 20, 2005

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires has not been submitted for Permit Nos. 4528-3 & 4535-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires 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 Nos. 4528-3 & 4535-3 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 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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 Permit Nos. 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12. Due to past violations, the Water Rights Staff is recommending: **Water Right No. 4528-3 be suspended for one year for the first violation and Water Permit No. 4535-3 be suspended for three years for the second violation;**
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 questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of the permits and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

c: **ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527**
JERRY PEACOCK, 2032 CENTRAL BLVD, RAPID CITY, SD 57709-6300

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.



4535-3

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Current Status

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3366 MIDWAY AVE
GRANTS PASS OR 97527

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4535-3

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

January 28, 2005

4528-3
4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Elsie Sanders
Jerry Peacock



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3 & 4535-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 4528-3 & 4535-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on the number of violations, the Water Rights Staff will recommend to the Board that No. 4528-3 be suspended for one year and No. 4535-3 be suspended for three years.**
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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527

c: JERRY PEACOCK, 2032 CENTRAL BLVD, RAPID CITY, SD 57709-6300

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.

4535-3

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3366 MIDWAY AVE
GRANTS PASS OR 97527

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and NATURAL RESOURCES**

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

January 28, 2008

4535-3

4528-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 4535-3 and 4528-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Elsie Sanders
Jerry Peacock



4535-3
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, 2009

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3 & 4535-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4528-3 & 4535-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation on Water Right No. 4535-3, Water Rights Staff will be recommending that the water right be suspended for three years;**
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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

c: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, 2032 CENTRAL BLVD, RAPID CITY, SD 57709-6300

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.

4535-3

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2009

4528-3

4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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

If you have any questions, please contact me.

Sincerely,

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

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

c: Elsie Sanders, 3366 Midway Ave, Grants Pass OR 97527
Jerry Peacock, 3700 Lacosta Dr, Rapid City, SD 57703-6926



4535-3
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 22, 2010

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3 & 4535-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(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) 4528-3 & 4535-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4528-3 & 4535-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation on No. 4535-3 (for Elsie Sanders), the Water Rights Program is recommending it be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

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

c: ELSIE SANDERS, 3366 MIDWAY AVE, GRANTS PASS, OR 97527
JERRY PEACOCK, 3700 LACOSTA DR, RAPID CITY, SD 57703-6926

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.

4535-3

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 18, 2010

4528-3
4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 4528-3 and 4535-3.

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

c: Elsie Sanders
Jerry Peacock



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

January 20, 2023

NOTICE

TO: DWIGHT BRENNER, OPERATOR, 28053 397TH AVE, ARMOUR, SD 57313
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4528-3, 4535-3 & 4528A-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 4528-3, 4535-3 & 4528A-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 8, 2023 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) 4528-3, 4535-3 & 4528A-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous suspension for Water Right No. 4535-3, the Board could suspend No. 4535-3 for a period of three years.**
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 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VFAOFA**

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

January 31, 2023

4528-3
4528A-3
4535-3

Dwight Brenner
28053 397th Ave
Armour SD 57313

Dear Mr. Brenner:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 4528-3, 4535-3 & 4528A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us