



4646B-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: LELAND Y STODDARD
830 N UNION
MADISON SD 57042

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

RE: Violation of Water Permit No(s) 4646B-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4646B-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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) 4646B-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation 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) 4646B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

LELAND K STODDARD
830 N UNION
MADISON SD 57042

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4. Article Number

b. Service Type

- ☒ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☒ Express Mail ☐ Return Receipt for Merchandise

Date of Delivery

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

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Return Receipt Service.
Thank you for using



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

February 26, 1993

4646B-3

Leland K Stoddard
830 N Union
Madison, SD 57042

Dear Mr. Stoddard:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 4646B-3. The questionnaire was returned by Roger Ihnen, Hurley, SD. You may disregard the January 29, 1993, Notice of Violation of Water Permit.

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

418882

Pierre, February 25, 1997

RECEIVED OF Leland or Betty Stoddard 350 N. Union, Madison, SD 57042
the following amount in fees for services rendered as provided for by law:

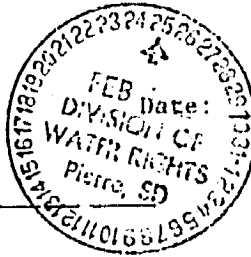
Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 4016-SD</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By [Signature]
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4646-3B



I\We request that Water Right No. 4646-3B

formerly owned by: L K Stoddard

be transferred to: (name & address) Leahard K. Stoddard - 830 11th Ave
MACHISON, S.D. 57042 (Telephone No.) 605-256-4609

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

NE 1/4 Section 1, T98N, R53W

I\We understand that the validity of Water Right No. 4646-3B 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.

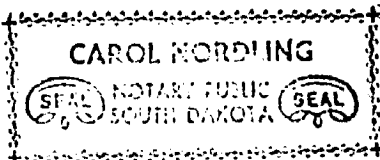
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of LAKE)

I\We Leahard K. Stoddard 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.

Leahard K. Stoddard
(Signed)

Subscribed and sworn to before me this 22nd day of February, 1992.



Carol Nordling
(Notary Public)

My Commission Expires 6-26-97

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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4646B-3

DIVISION AND TRANSFER OF NO. 4646-3 INTO NOS. 4646A-3 & 4646B-3

(1) I. K Stoddard of Parker, SD 57053 was issued Water License No. 4546-3, November 23, 1981 for a water right to appropriate 3.33 cubic feet of water per second from groundwater (two wells), Turner County, South Dakota for irrigation of the N 1/2 Section 1, T98N, R53W. Water License No. 4646-3, with a priority date of September 23, 1981 was issued to the Mr. Stoddard for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

February 25, 1992, the NE 1/4 Section 1 was transferred to Leland K Stoddard.
October 5, 1992, the NW 1/4 Section 1 was transferred to William A Stoddard.

Water License No. 4646-3 is being divided and reissued as follows:

No. 4646A-3, William A Stoddard, will authorize diversion of 1.67 cfs from groundwater (one well) to irrigate 150 acres in the NW 1/4 Section 1, T98N, R53W.

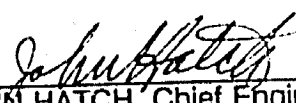
No. 4646B-3, Leland K Stoddard, will authorize diversion of 1.67 cfs from groundwater (one well) to irrigate 150 acres in the NE 1/4 Section 1, T98N, R53W.

(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 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is 50 feet NE of the center of the NE 1/4 Section 1 T98N, R53W.

(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	NE 1/4	150 acres
T98N, R53W			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Leland K Stoddard of 830 N Union, Madison, SD 57042 the holder and/or owner of Water Right No. 4646B-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from groundwater (one well) with a priority date of September 23, 1981 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. 4646-3 and subject to South Dakota State Law.



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

JUN 11 1992



4646B-3

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

JUN 11 1993

4646B-3

Leland K Stoddard
830 N Union
Madison, SD 57042

Dear Mr. Stoddard:

Enclosed is your Water License No. 4646B-3.

Water License No. 4646-3 has been divided and reissued as follows:

No. 4646A-3 - William Stoddard - authorizing diversion of 1.67 cfs from one well to irrigate 150 acres in the NW 1/4 Section 1, T98N, R53W;

No. 4646B-3 - Leland K Stoddard - authorizing diversion of 1.67 cfs from one well to irrigate 150 acres in the NE 1/4 Section 1, T98N, R53W.

The license was reissued based upon the "Notice of Transfer of Ownership" you submitted on February 25, 1992. As long as you use the water beneficially, as stated in the License, SD Water Laws provide that you have a continuing right to use the water.

If you have any questions concerning the enclosed water license, please contact us.

Very truly yours,

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

enclosure



4646B-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1995

4646B-3

Leland Stoddard
830 N Union
Madison, SD 57042

Dear Mr. Stoddard:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 4646B-3.

You indicated during our telephone conversation that you were in the process of selling the land covered under No. 4646B-3. The "new owner" will need to complete the form and then sign it in the presence of a notary public. A \$2.50 filing fee is required for filing the transfer and should accompany the form when it is returned to our office.

If you or the new owner have any questions concerning the water right or filing the ownership change, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1995

SECOND NOTICE
Permit No. 4646B-3

Leland Stoddard
830 N. Union
Madison, SD 57042

Dear Mr. Stoddard:

On February 9, 1995, notice was sent to you concerning the transfer of Water Right No. 4646B-3 in the name of Leland Stoddard. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, 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,

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

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & 5.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front, if the multipiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the multipiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

46464-3

4a. Article Number

P 318 052 702

Leland Stoddard
830 N. Union
Madison, SO 57042

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1993-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414501

Pierre, _____ May 15, 19 95

RECEIVED OF Leland Stoddard, 830 N Union, Madison, SD 57042

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 Right No. 4646B-3		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *James H. Haddock*
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4646B-3

Date: 5-11-95

I/We request that Water Right No. 4646B-3

formerly owned by: Leland Stoddard

be transferred to: (name & address) ILC Enterprises Inc.

Box 184 Lennox SD 57039 (Telephone No) 605-647-2102

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

150 acres in the NE 1/4 Section 1, T93N, R53W

I/We understand that the validity of Water Right No. 4646B-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.

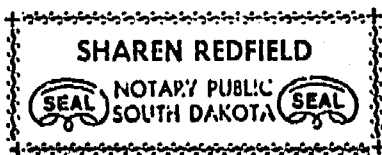
STATE OF SOUTH DAKOTA)

County of LINCOLN)

I/We I 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.

ILC Enterprises Inc.
Shenise Stover LLC
(Signed)

Subscribed and sworn to before me this 11th day of MAY, 19 95.



Sharen Redfield
(Notary Public)

My Commission Expires 12-15-01

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.



4646B-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 30, 1995

No. 4646B-3

Leland Stoddard
830 N. Union
Madison, SD 57042

Dear Mr. Stoddard:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4646B-3.

Our records now show ILC Enterprises, Inc. as the owner of Water Right No. 4646B-3.

Sincerely,

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

enclosure

c: Denise Ihnen, Secretary, ILC Enterprises, Inc., Box 184, Lennox, SD 57039.

COPY

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 3410-3 & 4646B-3

Date: March 12, 2003

I/We request that Water Right/Permit No. 3410-3 & 4646B-3 formerly owned by:

ILC Enterprises of Hurley, Inc. be transferred to:

New Owner Name: Horner Family Limited Partnership

Address: 501 E. Meadowlark Trail

City, State, Zip: Sioux Falls, South Dakota 57108 Telephone No.

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

The Northeast One-Quarter (NE 1/4) of Section One (1),
Township Ninety-Eight (98) North, Range Fifty-Three (53)
West of the Fifth P.M., Turner County, South Dakota.

and
The Northwest One-Quarter (NW 1/4) of Section Twenty (20),
Township Ninety-Eight (98) North, Range Fifty-Two (52) West
of the Fifth P.M., Turner County, South Dakota.

RECEIVED

MAR 31 2003

WATER RIGHTS
PROGRAM

☒ I understand that the validity of Water Right/Permit No. 3410-3 & 4646B-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

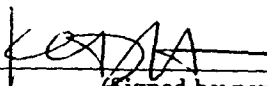
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

Kevin Horner, general partner of

1. ~~Horner Family Limited Partnership~~ the new owner, certify that the above information is true and correct.

Horner Family Limited Partnership

by 
(Signed by new owner)

Kevin Horner, Gen. Ptnr.

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 March 31, , 20 03

RECEIVED OF Turner County Title Company, PO Box 489,)Parker SD 57053

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	2	50	
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>4646B-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. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

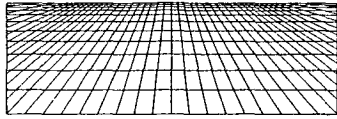
No.

000698

By

Darland Elbek
Chief Engineer

TURNER COUNTY TITLE COMPANY



205 N. Main Street, PO Box 489, Parker, SD 57053-0489

Telephone: (605) 297-5555 Fax #: (605) 297-5505

Title Insurance • Closings • Escrows • Abstracts

March 27, 2003

South Dakota DENR
Water Rights Program
Attn: Glenda
523 East Capitol
Pierre, SD 57501

RE: ILC Enterprises of Hurley – Horner Family Limited Partnership

Dear Glenda,

Please find enclosed check number 3491 in the amount of \$2.50 for the additional transfer fee for the Water Rights Program for above referenced matter. I originally sent you the application and a check for \$2.50. You had notified me that an additional \$2.50 would be needed. If you have any questions, feel free to contact our office at (605) 297-5555. Thanks for your cooperation with this matter.

Sincerely,

Dawn Leber
Turner County Title Company

encl.

RECEIVED
MAR 31 2003
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

March 31, 2003

3410-3
4646B-3

Kevin Horner
Horner Family Limited Partnership
501 E Meadowlark Trail
Sioux Falls SD 57108

Dear Mr. Horner:

I am writing to acknowledge receipt of the transfer of ownership and filing fees for Water Right Nos. 3410-3 and 4646B-3. The transfers have been completed. The water rights formerly listed in the name of ILC Enterprises Inc., are now listed in the name of Horner Family Limited Partnership.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

Receipt Nos. 000697 and 000698 in the amount of \$2.50 each are being forwarded to the Turner County Title Company along with a copy of this letter. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Turner County Title Company

NOT TO SCALE

L. K. Stoddard Irrigation System #1 49

Owner: L. K. Stoddard
Parker, S. D. 57053

Opr: Roger R. Ihnen
Hurley, S. D. 57036

IRRIG.

WELL #1

OWELL

Area To Be Irrigated:

The N $\frac{1}{2}$ 1-98-53 consisting of
320 ac. more or less

IRRIG.
WELL
#2

76.6

47.8

6.3

85.2

49.8

By J. W. Ragle

98-53

11.1

6.3

3.9

5.6

136.3

5.0

5.6

133.7

NE $\frac{1}{4}$ = 4646B-3

(No. 4646-3)

13R 5.7



4646B-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

3410-3
4646B-3

Kevin Horner, General Partner
Horner Family Ltd Partnership
2515 W Sleigh Creek Circle
Sioux Falls SD 57108-3003

Dear Mr. Horner:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 501 E Meadowlark Trail, Sioux Falls SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



4646B-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: HORNER FAMILY LTD PARTNERSHIP, KEVIN HORNER, GENERAL PARTNER, 2515 W
SLEIGH CREEK CIRCLE, SIOUX FALLS, SD 57108 3003

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 3410-3 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) 4646B-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 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. 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) 4646B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3410-3 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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 19, 2015

3410-3
4646B-3

Kevin Horner
Horner Family Ltd Partnership
2515 W Sleigh Creek Circle
Sioux Falls SD 57108 3003

Dear Horner:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 3410-3 and 4646B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



4646B-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: HORNER FAMILY LTD PARTNERSHIP, KEVIN HORNER, GENERAL PARTNER, 2515 W
SLEIGH CREEK CIRCLE, SIOUX FALLS, SD 57108 3003

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 3410-3 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) 4646B-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) 4646B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3410-3 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 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.



4446B-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 21, 2016

3410-3
4646B-3

Kevin Horner
Horner Family Ltd Partnership
2515 W Sleigh Creek Circle
Sioux Falls SD 57108-3003

Dear Mr. Horner:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires. Darrin Ihnen submitted them online over the weekend but unfortunately the letters scheduling a hearing had already gone out.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 3410-3 and 4646B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Everything is up to date. If you have any questions, please contact me.

Sincerely,

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