

1. Considered MAY 21 19 81
2. Name of Applicant RICHARD BEARE
3. Post Office Address ESTELLINE
4. Amount of Water Claimed 20
5. Source of Water Supply 98' DEEP WELL
6. Water to be used for IRRIGATION
7. Acres to be irrigated 140 maximum
acre feet
8. Water to be diverted and used in ~~BROOKINGS~~ ^{HAMLIN} County
about 6 W. 1 miles NORTH of ESTELLINE
9. PROOF OF PUBLICATION Received 5-22-81

Not Received _____

APPLICATION

Approved 5-27-81

Subject to WI-10

Not Approved _____

Action deferred _____

Priority

Date Received 5-6-81 Application Complete yes no _____ FEE 250.00

Remarks _____

Date information and/or
fee or corrected Application received _____

Period of Annual use APR TAU OCTOBER

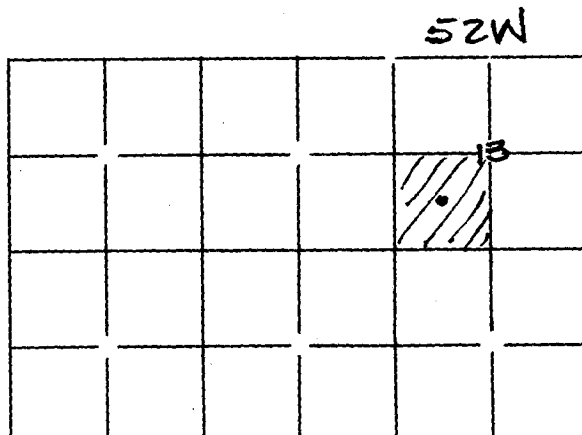
WATER
QUALITY

Received yes 5/6/81 no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____



Diversion Point _____

Center SW⁴, Sec 13, T113N,

R52W

Lands to be irrigated _____

SW⁴, Sec 13, T113N, R52W

WELL
LOG

Remarks _____

Driller Stadheim Licensed yes ✓ no _____

Depth 98'

MAP Map No. 3965-3 Map located in Water Right ✓ Map file _____
Type of Map Aerial Photo Prepared by Thierema

+++++

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 5-8-81.
[Signature]
(Signed)

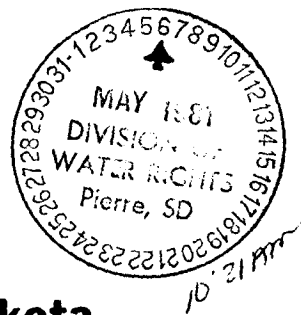
+++++

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

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

No. 4754-3Map No. 3965-3 Water Division No. 3 BIG SIOUX RIVER District

Above for Office Use



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 Richard Beare Phone No. 873-2726
 Post Office Address Estelline RR # 2 State S. Dak 57234
 (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) Contract & Direct Labor3. Name of diversion work Richard Beare Irrigation Project #14. Amount of water claimed (cubic feet per second) 2.05. Source of water supply Well6. Location of point of diversion 1860' N45°E of SW corner Sec 13-113-52County Hamlin7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 140

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NW¹ of SW⁴ of Sec 13-113-52</u>	<u>32</u>		
<u>NE⁴ of SW⁴ of Sec 13-113-52</u>	<u>36</u>		
<u>SW⁴ of SW⁴ of Sec 13-113-52</u>	<u>36</u>		
<u>SE⁴ of SW⁴ of Sec 13-113-52</u>	<u>36</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water ESTELLINE JOURNAL
Brookings Register

12. Principal Features of the Proposed Water Supply System.

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

Well with deep well turbine

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machineEstimated Total Cost \$ 55,000

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

STATE OF SOUTH DAKOTA)

County of Brookings) ss.

I, Richard Beare 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 Richard BeareSubscribed and sworn to before me this 2 day of May, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4754-3

RICHARD BEARE

(Applicant)

Rt #2 ESTELLINE

(Post Office Address)

SOUTH DAKOTA 57234

(State)

With the following qualifications.

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.

Date of first receipt of application May 5, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application May 8, 1981

Approved May 27, 1981, Recorded in Book 22 Page 207

WATER RIGHT PERMIT NO. 4754-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4754-3 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 May 5, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 27, 1983
3. The whole of said work is to be completed on or before May 27, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 1989
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.0 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 May 27, 1986, said water to be used during the following described

annual period: APRIL thru OCTOBER

Witness my hand this 3rd day of June, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____ 19____

D. Well Information

- (1) Drill Hole, Diameter 24", Depth 98'
- (2) Casing, Type PVC, Diameter 12", Thickness 3/8"
(wood, concrete, steel, etc.)
- (3) Screen, Type Cont. Slot, Diameter 12", Length 15'
- (4) Gravel Pack, Thickness 2", Length of gravel pack 50'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

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

Depth to top of water bearing material 45'

Depth to bottom of water bearing material 98'

Depth to water (ground surface to water level) 41'

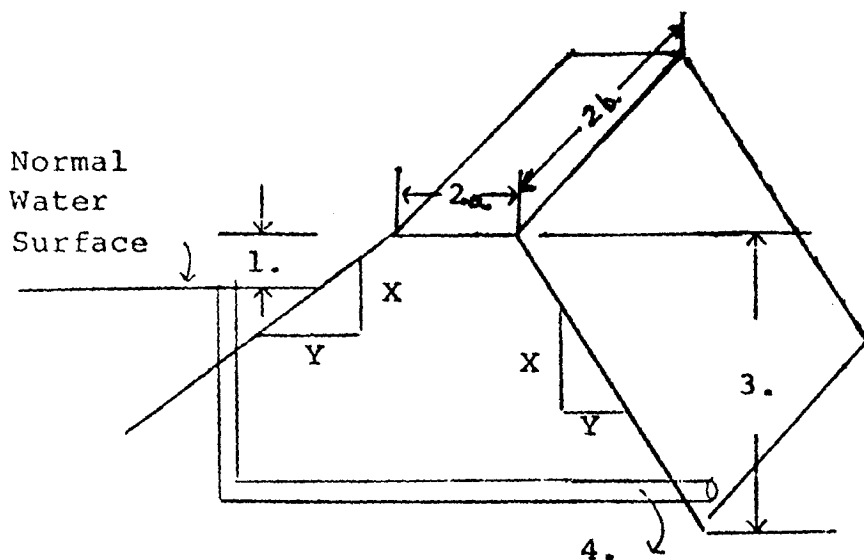
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 90 rds.

On property owned by others 320 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.



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

Richard Beane
Signature of Applicant

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Richard Beare OWNERS ADDRESS: Estline S.D. 41.
COUNTY LAND LOCATED IN: Hamlin PHONE: 873-2726 57234
TENANT'S NAME AND ADDRESS: (If Other Than Owner) 2878-HN

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

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

1. WELL LOCATION OR DIVERSION POINT: Center of SW 1/4 Sec 13 - 113 - 52
2. SURFACE WATER SOURCE —
3. LOCATION OF AREA TO BE IRRIGATED: SW 1/4 Sec 13 - 113 - 52
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY — TOWLINE — ☒ CENTER PIVOT ☒ GUN — OTHER (Specify) —
6. CROPS TO BE IRRIGATED Corn & alfalfa
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: —
LAND: —
IN WHAT NAME: —

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

8. SAMPLE NUMBER: 81-434
9. SALINITY (EC X 10⁶) 860
10. SODIUM (SAR) 0.88 ADJUSTED (SAR) 2.28 1.60

RECEIVED

MAY 06 1981

South Dakota

Division of Conservation

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 4:40 P.M., on April 29, 19 81, at the following location: at well site
by applicant (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 has been acquired from Hamlin 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
5 DAY OF May, 19 81.

John L. W. W.
(NOTARY PUBLIC)



Richard Beare
APPLICANT'S SIGNATURE

Jack M. Shell
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT

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

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

4754-3

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Richard Beare

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

All Tanka soils should be drained or kept in permanent vegetation
to prevent problems with craction and ponding.



RECOMMENDED MANAGEMENT

2-104

R5IW

Acres Irrigated 54⁹ sec 13 - 113-52
Acres Irrigated 140
Water claimed 2 cfs

1865
N 45

113-52

Scale - 4" = 1 Mile

5-6-81

John F. Wasson

3-4/5

550

МРР-3 АРР № 4754.3

Publish first publication, on or before May 14, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981Notice is hereby given that Richard Beare whose post office

address is Estelline, 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 2.0 cubic feet of water per second of time from groundwater

(one well) through the Beare Project #1, the point ~~(xx)~~ of diversion of which is ~~(xxxx)~~ to be located in the center of the SW $\frac{1}{4}$

of Section 13, Twp. 113N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, Section 13, T113N, R52W

This Application No. 4754-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building,
Church & Illinois Street, Pierre, SD upon the 27th day of May 1981

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

WATER MANAGEMENT BOARD

cc: **Richard Beare**
Rt. # 2
Estelline, SD 57234

~~XXXXX~~ **BURTON F. JONES**
Water Rights Specialist

No. 4754-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, M. R. HAUSMAN hereby

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

Water was taken from the ESTELLING JOURNAL

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

City of Estelline

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

May 14, 1981

May 21, 1981

[Signature]

(Signature)

[Signature]

(Title)

5/22/81

(Date Signed)

Cost of Printing: 69 Lines x \$11.00 =

2 Times at

Legal line rate.

\$21.49

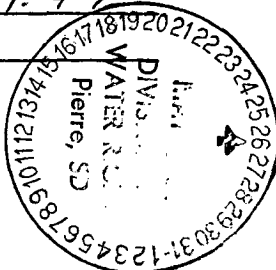
No. 4754-3
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
May 8, 1981

Notice is hereby given that
Richard Beare whose post of-
fice address is Estelline, 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 2.0 cubic feet
of water per second of time from
groundwater (one well) through
the Beare Project #1, the point
of diversion of which is to be
located in the center of the SW 1/4
of Section 13, Twp. 113N, Range
52W. Said water to be used for
the purpose of providing irri-
gation on portions of the follow-
ing described land:

SW 1/4, Section 13, T113N, R52W
This Application No. 4754-3 will
be considered by the Water Man-
agement Board at Meeting Room
#1, Kneip Building, Church &
Illinois Street, Pierre, SD upon
the 27th day of May 1981 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 wit-
nesses 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. De-
cisions of the Board may be
appealed to the Courts as pro-
vided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Divi-
sion, DWRN, Joe Foss Building,
Pierre SD, prior to the hearing
date for assistance to assure ac-
cess to the hearing.
WATER MANAGEMENT BOARD
BURTON F. JONES
Water Rights Specialist
Publ. May 14 & 21, 1981



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8209

PIERRE, _____, 19____

RECEIVED OF _____
 _____, R# 1, Box 117, Estelline, SD 57234

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

Fee for Application for Permit to Appropriate Water No. <u>4754-3</u> (examination, processing, recording and filing) _____	
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing _____	
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	

WATER RIGHTS COMMISSION

By _____
 Chief Engineer, Executive Officer

Water Rights Division (605) 773-3352

July 13, 1981

Roger Smith
Lease North West Inc
NW Bank Bldg.
Minneapolis, MN 55480

Dear Mr. Smith:

Enclosed is a copy of Richard Beare's water permit no. 4754-3. The Permit was approved May 27, 1981, by the Water Management Board and is presently just awaiting signature by the Chief Engineer.

As per your phone call July 13, 1981, this letter is to verify that Mr. Richard Beare has a water permit to use 2.0 cfs of water to irrigate 140 acres of land in the SW $\frac{1}{4}$, Section 13, T113N, R52W, from a 98 foot deep well located in the approximate center of the SW $\frac{1}{4}$.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/gy

encl

[illegible]

 **Department of
Water & Natural Resources**

Joe Fass Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

4754-3
Richard Beare
RR 2
Estelline SD 57234

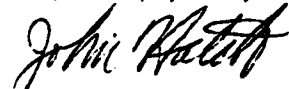
Dear Sir:

Water Permit No. 4754-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure



Dakota Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

4754-3
Richard Beare
Rt 2
Estelline SD 57234

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4754-3. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure



Department of Water & Natural Resources

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

NOTICE

September 13, 1983

TO: Richard Beare
RR #2
Estelline, South Dakota 57234

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

Re: Violation of Permit No. 4754-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearings be held to determine what action the Board should take for violation of the Water Permit No. 4754-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No. 4754-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

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.

Equal Opportunity Employer

Following the hearing, the Water Management Board can:

1. Suspend Permit No. 4754-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Postpone any actions;
3. Take no action.

These hearings are 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.

S312.bR

NOTICE OF ONE YEAR SUSPENSION OF PERMIT

October 11, 1983

**TO: Richard Beare
RR #2
Estelline, South Dakota 57234**

**FROM: John Hatch, Chief Engineer
Water Rights Division**

**SUBJECT: One Year Suspension of Water Permit No. 4754-3, if 1982
Irrigation Questionnaire is not submitted within 30 days.**

Pursuant to the provisions of the notice dated September 13, 1983, and following the hearing October 3, 1983, the Water Management Board ordered:
That Water Permit No. 4754-3 is **SUSPENDED** until October 3, 1984, unless the required 1982 Irrigation Water Use Questionnaire is submitted by November 11, 1983.

Suspension of a permit means water cannot be pumped during the 1984 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

A01104JLvr

4754-3

PS Form 3826, Dec. 1980

• **SENDER:** Complete Part 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):

- ☒ Show to whom and date delivered _____
- ☐ Show to whom, date, and address of delivery _____
- ☐ **RESTRICTED DELIVERY** _____
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

2. **ARTICLE ADDRESSED TO:**
Richard Blare,
RPO
Bullfinch St. 57234

3. **TYPE OF SERVICE:**

☐ Registered	☐ Insured	ARTICLE NUMBER 11111 P 301 937 483
☐ Certified	☐ COD	
☐ Signature Mail		

(Signatures on this envelope of addressee or agent)

4. I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized Agent
Richard Blare

5. **DATE OF DELIVERY**
10/12/92

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **REASON FOR DELIVERY PROBLEM:**

POSTMASTER'S OFFICE
COST 95J
EST

TYPE OR PRINTED COPY OF THIS FORM

Water Rights Division
605 773-3352

November 10, 1983

4754-3

Richard Beare
RR #2, Box 117
Estelline SD 57234

Dear Mr. Beare:

This letter will acknowledge receipt of your 1982 Irrigation Questionnaire. You were notified by letter dated October 11, 1983 of the action taken by the Water Management Board to suspend your permit for a period of one year if the required 1982 Irrigation Questionnaire was not submitted by November 11, 1983.

Our records now show that you have returned the 1982 Irrigation Questionnaire and are no longer in violation of your permit. Receipt of the Questionnaire rescinds actions taken by the Board to suspend your Permit No. 4754-3.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Richard Beare
April 15, 1985
Page 2

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

Sincerely,



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40407KS.wr

 **Department of
Water & Natural Resources**

Johnson Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 17, 1985

Notice of One Year Suspension of Water Permit

To: Richard Beare
RR 2, Box 117
Estelline, SD 57234

FROM: John Hatch, Chief Engineer
Water Rights Division



SUBJECT: One Year Suspension Of Water Permit No(S). 4754-3, If The 1984
Irrigation Questionnaire Is Not Received By June 1, 1985.

Pursuant to the provisions of the notice dated April 15, 1985, and following the
Hearing May 15, 1985, the Water Management Board ordered:

That Water Permit No(s). 4754-3 be suspended until December 31, 1985, unless the
required 1984 Irrigation Water Use Questionnaire is received by June 1, 1985.

Suspension of a permit means water may not be pumped during the 1985 Irrigation
season. Decisions of the Board may be appealed to the Circuit Court and the
Supreme Court as provided by law.

PS Form 3811, Dec. 1980

SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
☒ Show to whom and date delivered	
☐ Show to whom, date, and address of delivery	
2. ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Richard Beare RR#2, Box 117 Estelline, SD 57234	
4. TYPE OF SERVICE:	ARTICLE NUMBER
☐ REGISTERED ☐ INSURED	P 535 724 498
☒ CERTIFIED ☐ COD	
☐ EXPRESS MAIL	
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent	
Mrs Beare	
DATE OF DELIVERY	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



Department of Water & Natural Resources

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

April 15, 1985

Richard Beare
RR 2 Box 117
Estelline SD 57234

NOTICE

Re: Violation of Water Permit No(s). 4754-3

Our records indicate that the 1984 Irrigation Questionnaire has not been received for Permit No(s). 4754-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4754-3 qualification:

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

The hearing(s) will be at 10:30 a.m., May 15, 1985, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4754-3 until either the 1984 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

Richard Beare
RR#1, Box 117
Estelline, SD 57234

4754-3

This is the Water Management Board data
sheet for recording 1984 GROUNDWATER
source irrigation estimates.

October, 1984

For Dept. Use Only

Please fill out and return at once.

No. acres actually irrigated with Groundwater 107

R	0
---	---

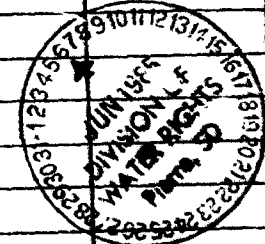
If you did not irrigate during 1984-check this box ☐

If your system has not been constructed-check this box ☐

of	No. acres
ir	irrigated
Electric	_____
Gravity	_____
Gasoline	_____
Nat. Gas	_____
Pipeline	_____
Diesel	<u>107</u>
Propane	_____
Other	_____

Type of System
Hand Moved Sprinklers
Portable booms
Center pivots (# of) <u>1</u>
Gated pipes
Sidewheel
Towlines
Gun type
Hydromatic
Siphons
Flood
Other

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June	5	15	700 gpm	Corn	57	3,150,000			
July	20	15	700 gpm	Corn	57	126,000,000			
				alf	50				
August	20	15	700 gpm	Corn	57	126,000,000			
				alf	50				
Sept.	12	15	700 gpm	Corn	57	756,000,000			
				alf	50				
Oct.									
Other Month									



Season Static Water Level: beginning 40 ft. end 42 ft.

COMMENTS:

My well water level
this spring is about 25 ft
the highest it has ever been

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre, SD 57501

or address change, if any:

Department of & Natural Resources

Phone 57501-3181

May 1987

BEARE

Box 117

Box 57234

NOTICE

Violation of Water Permit No(s). 4754-3

Records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4754-3. The request for the Questionnaire was received on November 3, 1986. The Water Management Board has directed that all water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4754-3.

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

Hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

Hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested cases pursuant to procedures contained in SDCL 1-26.

At the hearing(s) the Water Management Board can:

- 1. Suspend Permit No(s). 4754-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
- 2. Suspend any action;
- 3. Take no action.

Hearing(s) is an adversary proceeding. The permit owner has the right to appear in person 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.


Chief Engineer
Permits Division
57502

When the questionnaire(s) is received in this office before the hearing(s), you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of
Water & Natural Resources**

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

April 24, 1987

4754-3

Richard Beare
RR #2 Box 117
Estelline, SD 57234

Dear Mr. Beare:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4754-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

January 29, 1988

RICHARD BEARE
RR #2 BOX 117
ESTELLINE, SD 57234

NOTICE

Re: Violation of Water Permit No(s). 4754-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4754-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4754-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4754-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: RICHARD BEARE
RR #2 BOX 117
ESTELLINE, SD 57234

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



SUBJECT: One Year Suspension Of Water Permit No(s). 4754-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4754-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

SOUTH DAKOTA DEPARTMENT OF
WATER & NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Claim Check
No. 623081

☐ Hold

Date 3/5/89
ST Notice 3/21/89
Notice 3/22/89
Return

Fold at line over top of envelope to the
of the return address.

CERTIFIED
P-501 738 937
MAIL

RETURNED TO
SENDER
UNCLAIMED

RICHARD BEARE
RR #2 BOX 117
ESTELLINE, SD 57234



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

April 1, 1988

NOTICE

TO: Richard Beare
RR 2, Box 117
Estelline SD 57234

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



SUBJECT: 1987 Irrigation Questionnaire

The attached notice was sent certified mail return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you March 15 and March 21, 1988 to pick up and sign for the certified mail.

If you have any questions, please contact us.

CERTIFICATION

I hereby certify that on April 1, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice concerning the 1987 Irrigation Questionnaire addressed as follows:

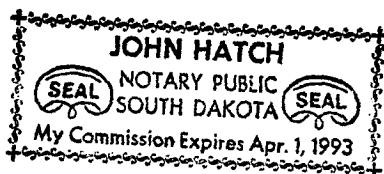
Richard Beare
RR 2, Box 117
Estelline SD 57234

Baron Schlaatz

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 4th day of April, 1988.



John Blatch
Notary Public

 **Department of
Water & Natural Resources**

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

April 8, 1988

4754-3

Richard Beare
RR #2 Box 117
Estelline, SD 57234

Dear Mr. Beare:

Enclosed is a 1987 irrigation questionnaire for Water Permit No. 4754-3. You indicated during our recent telephone conversation that you had mailed your questionnaire a couple weeks ago. We do not have any record of receiving your irrigation questionnaire.

The Water Management Board took action to suspend your water permit at their March 2, 1988 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing. If you want to petition the Water Management Board to rescind the suspension, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board Meeting to be held May 11, 1988 in Pierre. The letter should include your reasons for not returning your irrigation questionnaire prior to the March Board Meeting.

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

4754-3



For reason I was
late with my
questionnaire. As that
I was so busy
and just put it
away and forgot
to mail it.

I am very sorry
about that, and
will get it in
time next time

Thank a lot
Richard Bane

Richard Beare
RR 1 - Box 117



Estelene S. O.

TO - Water Management Board

I regards to my water permit No. 4754-3. I made the Questionnaire out, and put it in an envelope to be mailed. The letter was placed with other letters in my home, which was to be mailed also. Some how ~~or~~ by mistake, the Questionnaire was lost or misplaced, and never got mailed. I thought it was mailed, and never thought any more about it. I am sorry for the honest mistake which was made.

I am going to try and make the hearing, if all possible. My Dad is in very poor condition. I have been with him in the hospital and nursing home the last days. I have 60 cows and have a lot of chores to do, plus all the field work.

It keeps me going about
all day & nite. I need to
irrigate this year, because
of feed for my animals. I
irrigate alfalfa and corn. The
weather is very dry and windy
ever day. We are in bad
condition.

I am very sorry for this
violation. and that is why
I am writing this letter. I
will try to make it there
on May 11. But if I can't
possible ~~make~~ make it please
~~consider~~ consider my permit. I
need it very much.

Thank you very much
for reading my letter.

Richard Beane

**South Dakota Department of
Water & Natural Resources**

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

May 6, 1988

NOTICE

TO: Richard Beare
RR 2, Box 117
Estelline SD 57234

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Notice of Hearing to Consider request for
Reconsideration of Suspended Water Permit No. 4754-3

The hearing on your request to the Water Management Board to reconsider suspension of Water Permit No. 4754-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

cc: Harold Deering, Assistant Attorney General



CERTIFICATION

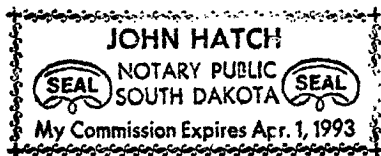
I hereby certify that on May 6, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of of Hearing to Consider Reqeust for Reconsideration of Suspended Water Permit No. 4754-3 addressed as follows:

Richard Beare
RR 2, Box 117
Estelline SD 57234

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 1988.



John Hatch
Notary Public

Richard Beare
Water Permit No. 4754-3

GENERAL

Application submitted by: Richard Beare
RR #2
Estelline, SD 57234

Permit Approved: May 27, 1981

Permit was approved with the "irrigation questionnaire" qualification.

SIX YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Year	Date Request Mailed	Date Irrigation Questionnaire Returned	Date of Any Board Action
1982	September, 1982	November 7, 1983	October 5, 1983
* 1983	November, 1983	November 7, 1983	None
1984	October, 1984	June 6, 1985	May 15, 1985
**1985	November, 1985	SUSPENDED FOR 1985	None
1986	November, 1986	April 14, 1987	None
1987	October, 1987	May 6, 1988	March 2, 1988

*The 1983 questionnaire reflected an address change of Box 117 which should be added to the RR #2, Estelline, SD address.

**Permit No. 4754-3 was suspended until December 31, 1985 by action of the Water Management Board for non-return of the 1984 irrigation questionnaire by June 1, 1985.

PAST VIOLATIONS

1. 1982 Irrigation Questionnaire Violation:

December, 1982, a follow-up request was sent to Mr. Beare advising that his 1982 questionnaire had not been received.

March 22, 1983, Mr. Beare was notified that we still had not received his questionnaire and that submission of the questionnaire was a qualification of his permit and failure to return the form was a violation of the conditions under which the permit was approved.

July 19, 1983, the Board directed owners of permits not in compliance with the irrigation questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. (Another blank questionnaire was sent along with this notice.)

September 13, 1983, Mr. Beare was given notice of permit violation for non-return of his 1982 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held October 5, 1983.

October 5, 1983, the Water Management Board suspended Water Permit No. 4754-3 until October 5, 1984, unless the required 1982 irrigation water use questionnaire was submitted by November 11, 1983.

November 7, 1983, the 1982 irrigation questionnaire was submitted. Mr. Beare was notified that receipt of the questionnaire rescinded action taken by the Board to suspend Water Permit No. 4754-3.

2. 1984 Irrigation Questionnaire Violation

April 15, 1985, Mr. Beare was given notice of permit violation for non-return of his 1984 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 15, 1985.

May 15, 1985, The Water Management Board suspended Water Permit No. 4754-3 until December 31, 1985, unless the required 1984 irrigation questionnaire was received by June 1, 1985.

May 17, 1985, Mr. Beare was notified of the Board action to suspend his permit.

June 6, 1985, the 1984 irrigation questionnaire was returned. The questionnaire was returned after June 1, the permit was still suspended.

3. 1986 Irrigation Questionnaire Violation

March 23, 1987, Mr. Beare was given notice of permit violation for non-return of his 1986 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 6, 1987.

April 14, 1987, Mr. Beare contacted the office by telephone and provided the 1986 irrigation questionnaire.

3. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Beare was given notice of permit violation for non-return of his 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Permit No. 4754-3 until December 31, 1988.

March 14, 1988, Mr. Beare was notified of the Board action to suspend his water right. This notice was sent by Certified Mail Return-receipt requested. The post office returned the envelope to the office marked "unclaimed".

April 1, 1988, the March 14th Notice was returned to Mr. Beare by First Class Mail with a notification that the post office had returned the March 14, 1988 notice to our office marked unclaimed.

April 8, 1988, Mr. Beare telephoned the office and advised he had received our notice; however, he had mailed the questionnaire in a couple weeks ago. The files were rechecked and Mr. Beare was sent another questionnaire to complete. He was advised that if he wished to irrigate, he would need to petition the Water Management Board to rescind the suspension.

May 6, 1988, the 1987 irrigation questionnaire was received along with a letter explaining his reasons for not returning his questionnaire prior to this time.

May 6, 1988, Mr. Beare was sent Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 4754-3.



Department of Water & Natural Resources

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

May 13, 1988

NOTICE

TO: Richard Beare
RR 2, Box 117
Estelline SD 57234

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

SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also **NOTIFIED** that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



CERTIFICATION

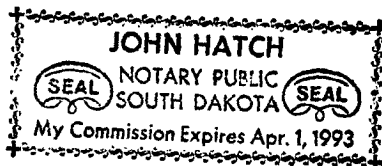
I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Reinstatement of Suspended Water Permits addressed as follows:

Richard Beare
RR 2, Box 117
Estelline SD 57234

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.



John Hatch
Notary Public

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this 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.
- This 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:

RICHARD BEARE
RR 1 BOX 117
ESTELLINE SD 57234

4754-3

4a. Article Number

P 378 081 416

4b. Service Type

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

7. Date of Delivery

2-20-97

5. Received By: (Print Name)

Mike Beare

6. Signature: (Addressee or Agent)

X Mike Beare

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



7134-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: RICHARD BEARE, RR 1 BOX 117, ESTELLINE, SD 57234

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 4754-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4754-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 4754-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 4754-3 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 February 28, 1997, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1997

4754-3

Richard Beare
RR 1 Box 117
Estelline, SD 57234

Dear Mr. Beare:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 4754-3.

I completed a questionnaire for you based on our February 21st 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 Program
(605) 773-3352

4754-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: RICHARD BEARE, RR 1 BOX 117, ESTELLINE, SD 57234

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4754-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 4754-3 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, February 25, 1998 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) 4754-3 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 February 20, 1998, 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.

Is your RETURN ADDRESS completed on the reverse side?

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

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to: **4754-3**

RICHARD BEARE
RR 1 BOX 117
ESTELLINE SD 57234

4a. Article Number
119 141 192
4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ GDS

7. Date of Delivery
1-10-98

8. Received By: (Print Name)

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

9. Signature (Addressee or Agent)
X Richard Beare

Postage and Fees Due



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 1998

4754-3

Richard Beare
RR 1 Box 117
Estelline, SD 57234

Dear Mr. Beare:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, Notice concerning reporting requirements for Water Permit No. 4754-3.

I completed a questionnaire for you based on our January 12th 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,

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

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

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

(signature) NR Shah

LICENSE FOR PERMIT NUMBER 4754-3

1. Legal location of wells: Center of SW 1/4 Sec 13-T113N-R52W

dams & structures: _____

2. Well Information: Well Drilling Firm Grimshaw Drilling Co.

Completion Report Yes ___ No ___ No. of Wells 1 Depth 91'

Casing a) diameter 16" Screen a) type Stainless Steel

b) length ~~PVC~~ 91 b) length _____

c) type PVC Static Water Level 44

Pump a) make Western Land Roller Motor a) make Allis Chalmers

b) model _____ b) model No. 49-08257

c) size _____ c) horsepower rating 100-110

d) capacity 850 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 8"

b) type Al

c) length 30'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make Valley
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1280
- 5) end gun (Y/N) Y
- 6) high or low pressure H 20
- 7) make & size of nozzles _____

- 8) capacity (GPM) 800

g) siphons

- 1) size _____
- 2) number _____

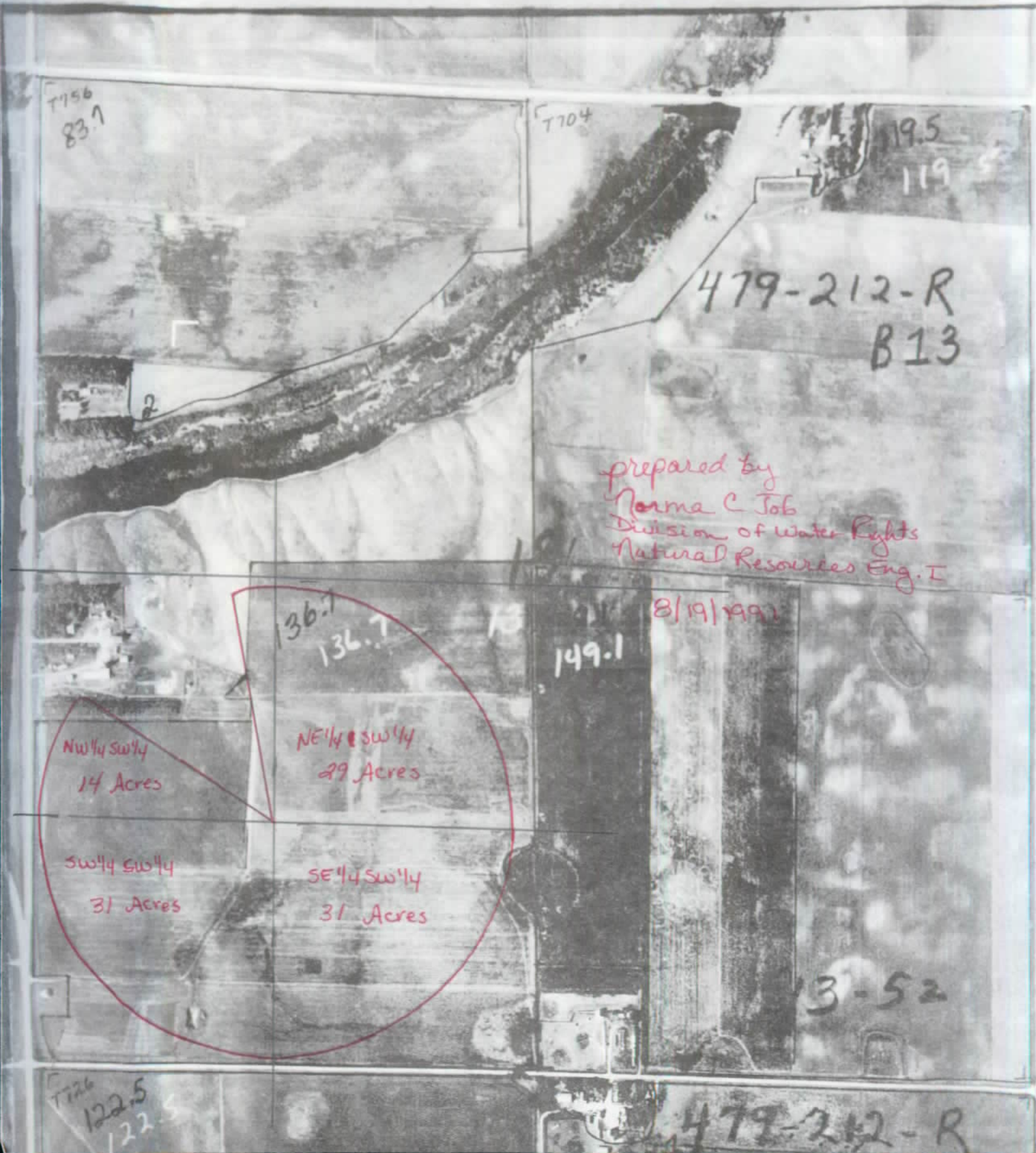
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
<u>X</u>	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1991

4754-3

Richard Beare
RR #2
Estelline, SD 57234

Dear Mr. Beare:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4754-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1992

SECOND NOTICE

Permit No. 4754-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Richard Beare
RR 2
Estelline, SD 57234

Dear Mr. Beare:

On August 19, 1991, you were notified the final inspection fee of \$50.00 is due before Water License No. 4754-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

CERTIFICATION

I hereby certify that on July 6, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 15, 1992, regarding Second Notice of Water License Inspection Fee Requirement on Water License No. 4754-3, which was sent Certified and came back unclaimed on July 6, 1992, addressed as stated below:

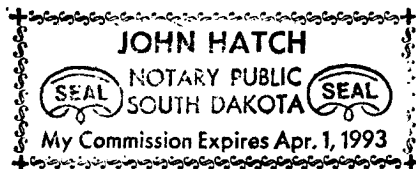
Richard Beare, RR 2, Estelline, SD 57234.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 1992.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

CERTIFIED

P 757 566 255

MAIL

JUN 15 '92

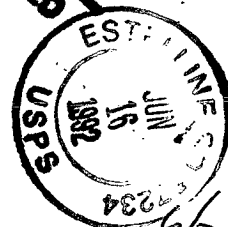
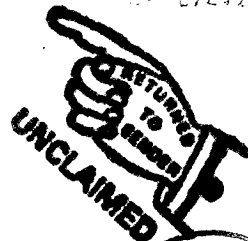
U.S. POSTAGE



Richard Beare

RR 2

Estelline, SD 57234



6/22/92
7-1-92

Fold at line over top of envelope to the
right of the return address.

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

Richard Beare
RR 2
Estelline, SD 57234

4a. Article Number

P 757 566 255

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)

Is your **RETURN ADDRESS**
completed on the reverse side?

Thank you for using
Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 1992

THIRD NOTICE

PERMIT NO. 4754-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 4754-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

Richard Beare
RR 2
Estelline, SD 57234

Dear Mr. Beare:

On August 29, 1991 and June 15, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 4754-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 4754-3 until the \$50.00 fee is paid.

Very truly yours,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

CERTIFIED

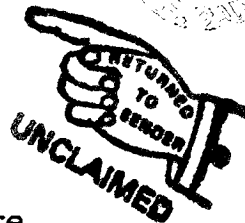
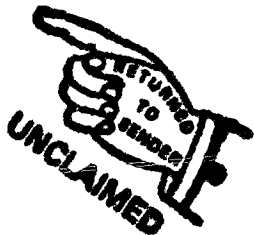
P 906 559 533 PM

MAIL

YOUNG RUSHMORE
PRESERVATION FUND

P2882

PB METER
5789924



Richard Beare
RR 2 *RR Box 17*
Estelline, SD 57234



9/30/92
10/9/92

Fold at line over top of envelope to the
right of the return address.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4754-3

Richard Beare
RR 2
Estelline, SD 57234

4a. Article Number

P 906 559 933

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)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 1994

THIRD NOTICE

Permit No. 4754-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 4754-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

Richard Beare
RR 1, Box 117
Estelline, SD 57234

Dear Mr. Beare:

On August 29, 1991, and June 15, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 4754-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 4754-3 until the \$50.00 fee is paid. Please remit the License fee to the Department of Environment and Natural Resources, Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181.

Very truly yours,

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

CERTIFICATION

I hereby certify that on April 22, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 22, 1994, regarding NOTICE OF ORDER TO STOP DIVERTING WATER UNDER PERMIT NO. 4754-3 FOR FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE, which was sent Certified and came back unclaimed on October 13, 1992, addressed as stated below:

Richard Beare, RR 1, Box 117, Estelline, SD 57234.

Cheryl F. Frost

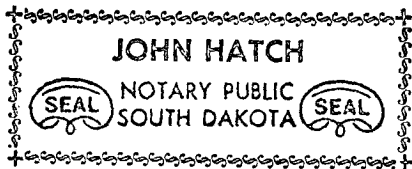
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of April, 1994.

John Hatch

Notary Public



JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

Conversation or File Documentation

NAME OF PERSON OR FILE: RICHARD BEAREADDRESS: ESTELLINE, SD COUNTY HAMLINDATE: 8/15/96 TELEPHONE _____RE: STATUS of 4754-3

COMMENTS:

I WAS UNABLE TO MAKE CONTACT WITH MR BEARE. I DROVE
PAST THE LAND LISTED AS BEING IRRIGATED. THERE WAS A
CORN FIELD WITH A CENTER PIVOT THERE. THERE WERE NO
WHEEL TRACKS, INDICATING THAT THE CENTER PIVOT HAD BEEN
USED THIS YEAR

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

NAME: Paul D. H.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 11, 1998

4754-3

Richard Beare
RR 1 Box 117
Estelline, SD 57234

Dear Mr. Beare:

I am contacting you in regard to your Water Permit No. 4754-3. In 1986 an investigation was conducted of your water use system and in 1991, a follow-up investigation was conducted. The investigations were conducted for the purposes of issuing a water license for the system as it was developed.

On August 29, 1991, June 15, 1992 and April 22, 1994, notices were mailed to you requesting payment of a \$50.00 fee. The fee was for the investigation and issuance of the water license. As outlined in SDCL 46-5-30.1, **no permit holder may divert water until the assessed license fee has been paid.** The notice dated April 22, 1994 was an order issued by the Chief Engineer to stop diverting water for failure to submit the license fee.

A review of irrigation questionnaire records indicate you continue to irrigate even though you have been ordered to stop diverting water. Staff members will be in the area doing routine investigations this summer and will monitor to insure the order to cease pumping is followed.

Payment of the required fee would eliminate future legal entanglements. Once the fee is received, a water license will be issued and you are legally entitled to irrigate. Please remit the required \$50.00 fee by July 15, 1998. Your check or money order should be issued to "Water Rights Program". Please add your permit number to any correspondence.

If you have any questions, contact Genny McMath, with our program at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Richard Beare

ADDRESS: Estelline, SD

COUNTY: Hamlin

DATE: July 15, 1998

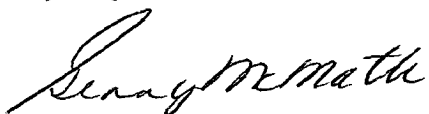
RE: license fee

COMMENTS:

In follow-up to a letter sent June 11, 1998 requesting payment of the license fee, I contacted the Hamlin County Register of Deeds to see if Mr. Beare was still the owner of the land.

The lady told me that the land is still listed in the names of Richard T and Elizabeth Beare – however both are now deceased. Richard passed away a month ago and Elizabeth sometime earlier this year.

Wait till later in the year and check with the assessor or register of deeds office to find out if anything has been filed by the Estate and if they have a name of a contact person for the estate.



Genny McMath
Environmental Scientist

*called Reg of Deeds 12/17/98. Marlene said
nothing had been filed yet. She remembered
seeing something about an auction recently.
Said to check back in a couple of months.
Karen Schlaack*

4754-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Richard Beare

ADDRESS: Estelline, SD

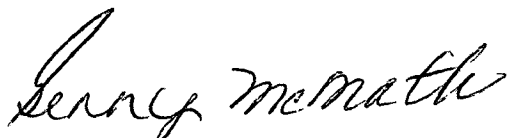
COUNTY: Hamlin

DATE: June 29, 1999

RE: status of trust or sale of land

COMMENTS:

I called and spoke with Marlene with the Hamlin County Register of Deeds. She indicated the land is still listed in the name of Richard Beare – no trust has been established to date and the land has not been sold. Check back in a couple months.

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

Genny McMath
Environmental Scientist

R52W

2-104

R51W

Richard Beave
Irrigation Project #1
Estolline S.D.
Hamline Co.

Area Irrigated 5th sec 13 - 113-52
Acres Irrigated 140
Water claimed 2 cfs

1860
N 45° E

113-52

5-6-81

John J. Williams

Scale - 4" = 1 Mile



MAP NO. 3465-3 APRIL 25 4754-3

McMath, Genny

From: Schaefer, Marlene
Sent: Tuesday, May 24, 2005 9:44 AM
To: McMath, Genny
Subject: RE: Land ownership

The last thing we have on that land is Elizabeth J Beare deceased to Richard T Beare. Recorded 8-14-2000.

-----Original Message-----

From: McMath, Genny
Sent: Monday May 23, 2005 3:23 PM
To: Schaefer, Marlene
Subject: Land ownership

Ms. Schaefer,
I am contacting you in regard to land ownership in Hamlin County. The legal description of the land is the **SW 1/4 Section 13, T113N, R52W.**

The above land is authorized for irrigation under a water permit held by Richard Beare. In 1998 and 1999, we contacted you concerning ownership because Mr. Beare had passed away and updated ownership information was needed. At that time, no trust had been established and the land was still listed in his name.

Today, I am going thru old files and found no followup was done since that date. Can you tell me who now owns the land and also a mailing address of the current owner.

Thank you in advance for your help.

Genny McMath
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 2005

4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare:

Thank you for visiting with me regarding Water Permit No. 4754-3. The water right is currently listed in the name of Richard Beare. There have been several years of inactivity with this water permit because we did not know who to contact concerning ownership. Enclosed are the following copies for your review:

- Application and Permit No. 4754-3 issued in 1981;
- A report of examination of works (including a map);
- Correspondence to Richard Beare concerning payment of a \$50.00 fee due for the investigation and issuance of the water license (the fee was not paid and shutoff orders were issued)

In order to bring the water right up to date, the license fee must be paid and the water permit should be transferred to your name. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review and sign the form. The fee for filing an ownership change is \$2.50.

The total due for transfer and licensing of the water permit would be **\$52.50**. The check or money order for the fee can be made payable to the Water Rights Program. There are no yearly fees to pay for water rights. The only fee that may be necessary in the future would be additional transfer fees if the land is sold (a transfer fee \$2.50).

Once we receive the signed transfer form and the required fees, the permit will be transferred to your name and a water license issued. Please take a look at the enclosed examination of works and the map and let us know if changes have occurred to your system or if your setup is the same as it was back when the initial inspection took place. We want to ensure that the water license will accurately reflect your current irrigation. As long as the water is beneficially used for the purpose it was appropriated, you have a continuing right to the use of the water.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 28, 2005

REMINDER NOTICE

4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare

On July 26, 2005, we advised you that a \$50.00 fee was due for the completed investigation of Water Permit No. 4754-3. The fee also covers issuance of the water license which is the final document in obtaining and perfecting a water permit. To date, we have not heard from you regarding this issue.

A "Notice of Transfer of Ownership" form was also sent to you for changing ownership on the water permit from Richard Beare to your name. A \$2.50 filing fee is required for filing an ownership change. In the event you do not have the original, an additional form is enclosed for your use.

As soon as we receive the completed transfer form and the filing fees (total of \$52.50), the permit will be transferred and a water license issued. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2006

FINAL NOTICE
Permit No. 4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare:

On July 26, 2005 and September 28, 2005, we advised you that a \$50.00 fee was due for the completed investigation of Water Permit No. 4754-3. The fee also covers issuance of the water license which is the final document in obtaining and perfecting a water right. A transfer of ownership form and filing fee is also required and to date, the fees and the transfer have not been received.

A billing statement is enclosed. If the fee is not paid within 30 days from the date of this letter, the water license will not be issued and the bill will be turned over to a collection agency. Please remit the required fees to the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181. The check or money order for the fee should be made payable to the "Water Rights Program".

Enclosed is another "Notice of Transfer of Ownership" form in the event you do not have the original one. Just a reminder, we have not yet received your 2005 irrigation questionnaire. The notices scheduling a hearing for delinquent questionnaires will go out next week.

If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

**DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM BILLING STATEMENT**

Name: Mike Beare
Mailing Address: 19258 459th Ave
City, State, Zip: Estelline SD 57234

Fee due by: February 9, 2006

Any account over 30 days old will be charged interest by the department plus any and all costs. A \$20.00 administration fee for the State Collections' cost shall be charged in addition to the interest and department costs.

Type of Fee	Amount Due	Permit Number
License	\$50.00	4754-3
Transfer	\$2.50	4754-3
Total due \$52.50		

Cut on line below - Keep the top portion for your records

↓-----↓-----↓-----↓-----↓-----↓-----

Please make payments payable to the "Water Rights Program". Return this portion with payment to the Water Rights Program, Department of Environment & Natural Resources, 523 East Capitol, Pierre, SD 57501-3181

Please make any changes to the name & mailing address that are not correct.

Name: Mike Beare
Mailing Address: 19258 459th Ave
City, State, Zip: Estelline SD 57234

Type of Fee	Amount Due	Permit Number
License & Transfer	\$52.50	4754-3

Signature _____ Date _____

Should you have any questions regarding the above fees, please contact Genny McMath (605) 773-3352
Water Rights Program, Department of Environment & Natural Resources

4754-3

4754-3

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Mike Beare
 Street, Apt. No.,
 or PO Box No. 19258 459th Ave
 City, State, ZIP+4 Estelline SD 57234

PS Form 3811, July 1999 Set Backs for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Michael Beare</u> B. Date of Delivery <u>1-13-06</u> C. Signature <u>Mike Beare</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: MIKE BEARE 19258 459TH AVE ESTELLINE SD 57234		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from se <u>7003 3110 0003 7461 1140</u>)		4. Restricted Delivery? (Extra Fee) ☐ Yes	



4754-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: MIKE BEARE, OPERATOR, 19258 459th AVE, ESTELLINE, SD 57234

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4754-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 4754-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 4754-3 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 **February 24, 2006**, 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.

4754-3



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4701

Your item was delivered at 8:49 am on January 26, 2006 in ESTELLINE, SD 57234. The item was signed for by M BEARE.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

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▶ Request Proof of Delivery

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4701

MIKE BEARE, OPERATOR
19258 459th AVE
ESTELLINE SD 57234

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4754-3

Date: 1-26-06

I/We request that Water Permit No. 4754-3

formerly owned by: Richard Beare

be transferred to: (name & address) Mike Beare, 19258 459th Ave, Estelline SD 57234

Telephone No. 605 873-2720

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

SW ¼ Section 13, T113N, R52W

I/We understand that the validity of Water Permit No. 4754-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Mike Beare
(Signed by new owner)

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

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

RECEIVED
JAN 30 2006
WATER RIGHTS
PROGRAM

Please make payments payable to the "Water Rights Program". Return this portion with payment to the Water Rights Program, Department of Environment & Natural Resources, 523 East Capitol, Pierre, SD 57501-3181

Please make any changes to the name & mailing address that are not correct.

Name: Mike Beare
Mailing Address: 19258 459th Ave
City, State, Zip: Estelline SD 57234

Type of Fee	Amount Due	Permit Number
License & Transfer	\$52.50	4754-3

Signature

Mike Beare

Date

1-26-06

Should you have any questions regarding the above fees, please contact Genny McMath (605) 773-3311
Water Rights Program, Department of Environment & Natural Resources

RECEIVED

JAN 30 2006

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Estate of Richard Beare, RR 1 Box 117, Estelline SD 57234 Date January 30, 20 06

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4754-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

02245

By

Darland White
Chief Engineer *gm*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 30, 20 06

RECEIVED OF Estate of Richard Beare, BR 1 Box 117, Estelline SD 57234

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>4754-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02220

By

J. Darland Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2006

4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit No. 4754-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We have also received the "Notice of Transfer of Ownership" form and filing fees for the transfer and licensing of Water Permit No. 4754-3. They are being processed and will be sent to you under separate cover.

If you have any questions, please contact me.

Sincerely,

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4754-3

(1) Richard Beare, Estelline SD made Application No. 4754-3, May 5, 1981 for a water permit to divert 2.0 cubic feet of water per second from groundwater (one well), Hamlin County, South Dakota for irrigation purposes. Permit No. 4754-3, with a priority date of May 5, 1981 was approved May 27, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 27, 1986 and for the application to beneficial use of water on or before May 27, 1989.

On January 30, 2006, Water Permit No. 4754-3 was transferred to Mike Beare, 19258 459th Ave, Estelline SD.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4754-3 is issued a license, bearing a priority date of May 5, 1981 to appropriate 1.50 cubic feet of water per second from groundwater (one well) to irrigate 105 acres.

The diversion point is located: 1,320 feet north and 1,320 feet east of the southwest corner of Section 13-T113N-R52W (center SW ¼). The acres authorized for irrigation are as follows:

Section 13-T113-R52W	SE ¼ SW ¼	31 acres
	NE ¼ SW ¼	29 acres
	SW ¼ SW ¼	31 acres
	NW ¼ SW ¼	14 acres
Total 105 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4754-3 including the following now applicable qualifications:

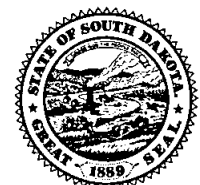
- The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic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

Garland Erbele

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

APR 07 2006

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 07 2008

4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare:

Thank you for following up on the ownership change for Water Right No. 4754-3. Enclosed is Water License No. 4754-3 which is now listed in your name. This is the final water right document completing the process of obtaining a Water Right.

Also, enclosed are Receipt Nos. 2245 and 2246 which you paid for the investigation and issuance of the Water License and the Notice of Transfer fees.

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

Sincerely,

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

enclosures



4754-3
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 26, 2018

NOTICE

TO: MIKE BEARE, 19258 459th AVE, ESTELLINE, SD 57234
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4754-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 4754-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4754-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 29, 2018

4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 4754-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4754-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: MIKE BEARE, 19258 459th AVE, ESTELLINE, SD 57234

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4754-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4754-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4754-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

4754-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2019

4754-3

Mike Beare
19258 459th Ave
Estelline SD 57234

Dear Mr. Beare:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 4754-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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