

4833A-

Table 3

Summary of Diversion points

(WR No. 4833-3 issued for a point between NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T108N, R73W and the W $\frac{1}{4}$ Corner of Section 7, T107N, R73W)

EP		Legal	Capacity (based on a 1979 inspection)
		NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T108N, R73W	Total capacity 5000 gpm (est.)
GC #1	●	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 T108N, R73W	Total Capacity
GC #2	●	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26 T108N, R73W	8,500 gpm
BM	●	N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1 T107N, R73W	three pumps 1 - 1150 gpm 2 - 1050 gpm 3 - 1950 gpm Total - 4150 gpm

Total pumping capacity based on old inspection -- 17,650 gpm = 39.3 cfs
Total pumping authorized by No. 4833-3 = 36.4 cfs

Table 4

Comparison of Diversion Rate versus irrigated acreage

	Chaterson	Eagle Pass	M... ..	Totals
Acreage (based on original inspection)	1,227 acres	722 acres	548 acres	2,547 acres
Acreage from ASCS aerial	1,130 acres	706 acres	573 acres	2,409 acres
Digitized acreage from ASCS aeriels	1,222 acres	710 acres	610 acres	2,542 acres
Diversion capability	8,500 gpm = 18.2 cfs	5,000 gpm = 11.1 cfs	4,150 gpm = 9.2 cfs	17,650 gpm = 39.3 cfs
Statutory limit based on digitized acreage	7,840 gpm = 17.5 cfs	4,553 gpm = 10.2 cfs	3,905 gpm = 8.7 cfs	16,300 gpm = 36.3 cfs
Acreage under Permit No. 1873-3			71 acres = 1.0 cfs	
Statutory limit if including No. 1873-3			4,473.8 gpm = 10.0 cfs **	

** This is greater than the diversion capability based on past inspection. Diversion capability is limiting factor

1246

710

654
591
661
593
Section 7

4833A-3

REPORT ON INSPECTION OF RIGHT/PERMIT NO. 1135-3, 1873-3, 2023-3 and Bill**Martin's Property listed under Water Right No. 4833-3****DATE: APRIL 18, 1996**

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: N½ NW¼ Section 1, T107N, R13W from the Missouri River**Pumps used to divert from the Missouri River**

PUMP	# 1	# 2	# 3
MAKE	CORNELL	CORNELL	CORNELL
MODEL	6H 75 -4	5H 60 - 4	6H 100 - 4
SERIAL NO.	E1807	E1746	E1576
SIZE	13 3/16	13 3/16	14 1/4
CAPACITY *	1150 GPM	1050 GPM	1950 GPM

* capacities used based on LeRoy Mernaugh's inspection in 1979 (all information same as 1979 inspection)

MOTOR	# 1	# 2	# 3
MAKE	General Electric	General Electric	General Electric
MODEL	5K365YK275B1	5K364YP268	5K404YK232
HP	75	60	100

SYSTEM TYPE: Center pivots:

	W½ NW¼ Sec 7 (½ circle)	W½ SW¼ Sec 6 (½ circle)	N½ Sec 6 (smaller pivot)	NW¼ Sec. 6	N½ Sec. 1	SE¼ Sec. 31
Type	Raincat	Raincat	Valley 6000	Valley 6000	Electogator	Alumigator
Model	G727	G727			65G	Reinke 5E5
Length (ft)	approx. 1300	approx. 1300	approx. 1100	approx. 1300	1289	1284
No. of Towers	8	8	7	7	7	10
End Gun	Yes	Yes	Yes	Yes	Yes	Yes
Capacity					900	850
Pressure	High	High	High	High	High	High
Booster Pump and Motor	U.S. Electric 50 Hp	U.S. Electric 50 Hp	Cornell - 4WB40-2 General Electric 5K286JL162 40 HP		GE 5K326JN1300A 60 HP	Cornell 5W1 GE 5K324YK156 50HP

Towline: Mr. Martin utilizes small towline system to irrigate the two irregular shaped areas**CHEMIGATION EQUIPMENT: No Chemigation**

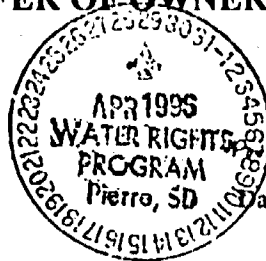
PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOTE: It appears that when Water Right No. 4833-3 was applied for that all irrigated acres were included. This means that some acres that were previously covered by existing rights were included on No. 4833-3. In the investigation process the earliest priority date was given to a particular quarter section

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4833-3
of Northwest Irrigation District
Date: April 24, 1996

I/We request that Water Permit/Right No. 4833-3 portion of acres

formerly owned by: portion of Northwest Irrigation District

be transferred to: (name & address) William Sr. and Michele Martin

HC R 69 Box 10 Ft. Thompson SD 57339 Telephone No. 605-245-2486
605-734-4136

Title to the following described land(s)/property has been transferred as described above: N $\frac{1}{2}$ Section 1, T101N, R73W
covered by Permit No. 1873-3 T107N, R72W

W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 7, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, N $\frac{1}{2}$ Section 6, SE $\frac{1}{4}$ Section 31, T108N, R72W

I/We understand that the validity of Water Permit/Right No. 4833-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Brule)

I/We William Sr. and Michele Martin being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

William E. Martin Sr.

Michele Martin

(Signed)

Subscribed and sworn to before me this 24 day of April, 1996.

[Signature]
(Notary Public)

Notary Public

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

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

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

414934

Pierre, _____ April 29, 19 96

RECEIVED OF William Sr. and Michele Martin, HCR 69, Box 10, Ft. Thompson, SD 57339
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____ Water Right No. 4033-3

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By *John A. Martin*
Chief Engineer

Missouri River - Water District

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

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

I have this day, April 18, 1996, made a thorough examination of the water use system constructed by Bill Martin of 722 Van Antwerp, Chamberlain, SD 57325 holder of Permit/Right Nos. 1135-3, 1873-3, 2023-3 and Bill Martin's Property listed under Water Right No. 4833-3, bearing the priority date of October 23, 1964, April 19, 1971 and August 4, 1972 authorizing the diversion of 2.0 cfs (10/23/64 -- WR 1135-3); 6.95 cfs (4/19/71 -- WP 1873-3); 2.28 cfs (10/5/73 -- WP 2023-3); and 36.4 cfs (8/24/72 -- WR 4833-3) of the waters of the Missouri River for irrigation purposes, in Buffalo County.

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

A. Works used to divert the water:

Water is diverted from the Missouri River by three parallel pumps and motors. Specifics on the pumps and motors are listed on attached sheet.

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

Water is transported through underground pipelines to the various pivots.

C. Works used to apply water to beneficial use:

A total of 6 pivots exist on Mr. Martin's land for irrigation (see attached sheet). Mr. Martin also uses a small towline system to irrigate the irregular shaped parcels on the map. During the inspection, I saw the towline system but did not gather specific information on the towline. Mr. Martin stated he moved the towline around to irrigate the acreage

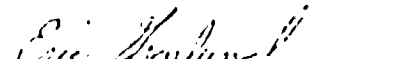
The system is in the following condition good. The point of diversion is located N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1, ~~N~~^T107N, R73W. The works are capable of diverting and conveying to the place of use 9.22 cu. ft. per second of water (Mr. Martin's portion) to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SEC/TWN/RNG	QUARTER	ACRES
6-107-72	W $\frac{1}{2}$ SW $\frac{1}{4}$	68
	NW $\frac{1}{4}$	137
	NE $\frac{1}{4}$	58
7-107-72	W $\frac{1}{2}$ NE $\frac{1}{4}$	68
1-107-73	NW $\frac{1}{4}$	49
	NE $\frac{1}{4}$	149
31-108-72	SE $\frac{1}{4}$	132
TOTAL		661 acres

comprising a total of 661 acres of land and the license should be issued for 9.22 cfs (diversion capability) with the following priority dates of 2.0 cfs (10/23/64), 1.94 cfs (4/19/71), and 5.28 cfs (8/4/72). Priority dates were apportioned according to senior priority dates from the existing water permit/rights.

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: Date Report Completed: 7/12/96



Eric Gronlund, Natural Resources Engineer, DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

4833A-3

William Sr., & Michele Martin
HCR 69 Box 10
Ft Thompson, SD 57339

Dear Mr. & Mrs. Martin:

Enclosed is your Water License No. 4833A-3 and Receipt No. 414934 in the amount of \$2.50 which you paid for filing a transfer on portions of land described in No. 4833-3. Water Right No. 4833-3, issued to the Northwest Irrigation District, has been divided and reissued as follows:

- No. 4833A-3, William E Martin Sr., and Michele Martin, authorizing diversion of 9.22 cfs from the Missouri River to irrigate 661 acres;
- No. 4833B-3, Gretel Chatterson, authorizing diversion of 17.6 cfs from the Missouri River to irrigate 1,232 acres;
- No. 4833C-3, Rocky Creek Limited Partnership, a South Dakota limited partnership, authorizing diversion of 10.3 cfs from the Missouri River to irrigate 722 acres

The applicable portions of Water Right No. 1135-3 and Water Permit Nos. 1873-3 and 2023-3 were incorporated into Water License No. 4833A-3.

As long as you use the water beneficially as stated in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water. If you have any questions concerning your water license, please contact us.

Very truly yours,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4833A-3
DIVISION OF NO. 4833-3 INTO NOS. 4833A-3, 4833B-3 & 4833C-3

(1) Northwest Irrigation District was issued Water License No. 4833-3, June 8, 1982 for a water right to divert 2.22 cubic feet of water per second from the Missouri River, Buffalo County, South Dakota for irrigation purposes. Water License No. 4833-3, with a priority date of August 4, 1972 was issued to the District for diversion of water with construction of the described water supply system completed the application to beneficial use completed.

Land irrigated by the Northwest Irrigation District has been transferred to three separate owners. The water right is being reissued to reflect separate ownership as follows:

- No. 4833A-3, William F. Martin Sr. and Michele Martin, authorizing diversion of 9.22 cfs from the Missouri River to irrigate 661 acres (will incorporate applicable portions of Nos. 1135-3, 1873-3 and 2023-3);
- No. 4833B-3, Gretel Chatterson, authorizing diversion of 17.6 cfs from the Missouri River to irrigate 160 acres;
- No. 4833C-3, Rocky Creek Limited Partnership, a South Dakota limited partnership, authorizing diversion of 10.3 cfs from the Missouri River to irrigate 722 acres (will incorporate applicable portions of Water Right No. 966-3).

The Water Right and Water Permits associated with irrigation done under Water License No. 4833A-3 are as follows:

- Water Right No. 1135-3 - carrying a priority date of October 23, 1964, authorizes diversion of 2.0 cfs from the Missouri River to irrigate 178 acres in the N½ Section 1, T107N, R73W.
 - Water Permit No. 1873-3 - carrying a priority date of April 19, 1971, authorizes diversion of 6.95 cfs from the Missouri River to irrigate 480 acres in S½ Section 6 and N½ Section 7, T107N, R72W.
 - Water Permit No. 2023-3 - carrying a priority date of October 5, 1973, authorizes diversion of 2.28 cfs from the Missouri River to irrigate 160 acres in the NW¼ Section 6, T107N, R72W.
- applicable portions of Water Right No. 1135-3 and Water Permit Nos. 1873-3 and 2023-3 are incorporated into this Water License No. 4833A-3. Priority dates are apportioned according to seniority priority dates from the existing water permits/rights.

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to the completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is in the N½ NW¼ Section 1, T107N, R73W.

Continued

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

T107N, R72W Section 6	W $\frac{1}{2}$ SW $\frac{1}{4}$	68.00 acres
	NW $\frac{1}{4}$	137.00 acres
	NE $\frac{1}{4}$	58.00 acres
T107N, R72W Section 7	W $\frac{1}{2}$ NW $\frac{1}{4}$	68.00 acres
T107N, R73W Section 1	NW $\frac{1}{4}$	49.00 acres
	NE $\frac{1}{4}$	149.00 acres
T108N, R72W Section 31	SE $\frac{1}{4}$	132.00 acres
	TOTAL	661.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 William, Sr. & Michele Martin, HCR 69 Box 10, Ft. Thompson, SD 57339 the holders and/or owners of Incorporated Water Right No. 4833A-3 are issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from the Missouri River with priority dates of October 23, 1964 (2.0 cfs), April 19, 1971 (1.94 cfs) and August 4, 1972 (5.28 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 4833-3 and subject to South Dakota State Law.


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

AUG 8 1997

date





4833A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 1997

George Spiels
US Army Corps of Engineers
Pierre Real Estate Office
PO Box 670
Pierre, SD 57501-0670

RE: Water License Nos. 4833A-3, 4833B-3 & 4833C-3

Dear George:

Enclosed are copies of Water License Nos. 4833A-3 (William E Martin), 4833B-3 (Gretel Chatterson) and 4833C-3 (Rocky Creek Limited Partnership). These water licenses originated from Water Right No. 4833-3 for Northwest Irrigation District. The license was reissued to reflect separate ownership.

Several months ago, we had numerous conversations relative to the ownership of land under the Northwest Irrigation District. I made a notation in my files that you had wanted copies of the licenses once they were divided and reissued.

If you have any questions concerning the licenses, please give me a call. Thanks for your patience.

Sincerely,

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

enclosures

4833A-3

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

BILL MARTIN
HCR 69 BOX 10
FT THOMPSON SD 57339

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
1-20-01

C. Signature
X *Bill Martin* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2263

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-44-0952

BILL MARTIN'S IRRIGATION (IN GREEN)

EAGLE PASS DIVERSION POINT

GRETEL CHATTERSON'S
DIVERSION POINTS

BILL MARTIN
DIVERSION POINT

COVERED UNDER A SEPARATE WATER PERMIT

SUMMARY OF BILL MARTIN'S IRRIGATION

IRRIGATED - 661 ACRES
593 under NW
68 under 1135-3
DIVERSION RATE - 9.2 CFS
(based on diversion capability at River)

NOT TO SCALE

T108N, R72W
T107N, R72W
T107N, R73W

Eric Hurlund
Water Rights Program

4833A-3

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 4833A-3

Date: 2-28-07

I/We request that Water Right/Permit No. 4833A-3 formerly owned by:
William E Martin and Michele Martin be transferred to:

New Owner Name:

Address:

City, State, Zip

The Boys, a partnership

Box 156

YANKTON

SD 57075

Telephone No. 665-4918

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

☒ I understand that the validity of Water Right/Permit No. 4833A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, The Boys, the new owner, certify that the above information is true and correct.

The Boys by Gary Myers
(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.

11/2002

RECEIVED

MAR - 5 2007

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 5, 2007, 20__

RECEIVED OF The Boys, A Partnership PO Box 156, Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>No. 4833A-3</u>		2.50
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02978

By

Garland Erbele

Chief Engineer Garland Erbele



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2007

4833A-3

Larry F Ness
The Boys, A Partnership
PO Box 156
Yankton SD 57078-0156

Dear Mr. Ness:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 4833A-3. The transfer has been completed. The water right formerly listed in the names of William E and Michele Martin is now listed in the name of **"The Boys, a Partnership"**.

Enclosed is your Receipt No. 02978 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

4833A-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 18, 2008

NOTICE

TO: THE BOYS, LARRY F NESS, PO BOX 156, YANKTON, SD 57078 0156
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4833A-3, 4833C-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4833A-3, 4833C-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4833A-3, 4833C-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2008

4833A-3
4833C-3

Larry F Ness
The Boys
PO Box 156
Yankton SD 57078-0156

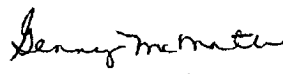
Dear Mr. Ness:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 4833A-3 and 4833C-3.

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

If you have any questions, please contact me.

Sincerely,


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



4833A3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: THE BOYS, ROBERT H NESS, PO BOX 156, YANKTON, SD 57078 0156
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4833A-3, 4833C-3 & 7141-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 4833A-3, 4833C-3 & 7141-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 4833A-3, 4833C-3 & 7141-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

4833A-3
4833C-3
7141-3

Aaron Ness
The Boys
PO Box 156
Yankton SD 57078 0156

Dear Mr. Ness:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 4833A-3 & 4833C-3 and Water Permit No. 7141-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



4833A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: THE BOYS, ROBERT H NESS, PO BOX 156, YANKTON, SD 57078 0156

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4833A-3, 4833C-3 & 7141-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 4833A-3, 4833C-3 & 7141-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 4833A-3, 4833C-3 & 7141-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2014

Robert or Aaron Ness
The Boys
PO Box 156
Yankton SD 57078 0156

RE: Water Permit or Right Nos. 4833A-3, 4833C-3 & 7141-3

Dear Sirs:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 4833A-3 and 4833C-3 and Water Permit No. 7141-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

