

4833-3

SUMMARY OF EAGLE PASS IRRIGATION SYSTEM
(Harmon unit of Northwest Irrigation District)

Report prepared for the purpose of transferring applicable portion of Water Right No. 4833-3 among members of the Northwest Irrigation District

CONTACT PERSON: Steve Munger
PO Box 107
Warner, SD 57479
Phone - (O) 229-2802 -- (H) 226-1537

Manger at Farm -- Scott Walker

DVIERSION POINT: From the Missouri River at a point in the SE 1/4 SW1/4 Section 24, T108N, R73W

DIVERSION RATE: Leroy Mernaugh's 1979 investigation estimated diversion cabability at 5,000 gpm (11.1 cfs). Statutory rate for irrigation of 722 acres is 10.3 cfs. The 1995 irrigation questionnaire for Water Right No. 966-3 indicates a diversion rate of 2,000 gpm.

ACREAGE IRRIGATED: 722 acres matches Leroy Mernaugh's 1979 investigation

SEC/TWN/RNG	QUARTER	ACRES
		**
30-108-72	NW1/4	100
	NE 1/4	23
	SW 1/4	150
	SE 1/4	142
31-108-72	NW 1/4	32
25 -108-73	NW 1/4	90
	NE 1/4	120
	SE 1/4	65
TOTAL		722

- * Breakdown of acreage by quarter section based on interpretation of map
- ** Acreages vary from 1979 investigation may be based on changes in method of irrigation (flood irrigation where previously center pivots operated)
- *** Land is also irrigated and reported under Water Right No. 966-3 (appropriated 11.93 cfs for irrigation of 835 acres. Past years irrigation questionnaires indicate 700 acres irrigated)

NOTE: NOT BASED ON AN ACTUAL FIELD INVESTIGATION. INFORMATION BASED ON INFORMATION FROM PREVIOUS INVESTIGATION BY LEROY MERNAUGH, REVIEW OF FILE AND INFORMATION PROVIDED BY MEMBERS OF NORTHWEST IRRIGATION DISTRICT.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501 3101

December 5, 1996

966-3

4833C-3

Bob Riter
Riter, Mayer, Hofer Law Firm
PO Box 280
Pierre, SD 57501-0280

Dear Mr. Riter:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 966-3 and 4833C-3. Also enclosed is a copy of Water Right No. 966-3 and a summary of acreage that will be described in Water Right No. 4833C-3.

Water Permit No. 4833-3 is listed in the name of Northwest Irrigation District. When the district was formed, it applied for a water permit to cover the irrigation done by all of its members, even though they may have had an existing permit of their own. Currently, No. 4833-3 is being reviewed and in the process of being divided and reissued as 4833A-3, Bill Martin; No. 4833B-3, Gretel Chatterson; and No. 4833C-3, Eagle Pass Ranch.

A majority of land that will be described in No. 4833C-3 is also covered under Water Right No. 966-3. At some point in time, it may be possible to incorporate the two water rights into one. If you have any questions concerning the enclosed material, please contact me.

Sincerely,

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

48330-3

LAW OFFICES
RITER, MAYER, HOFER, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P. O. Box 280
Pierre, South Dakota 57501-0280

R. C. RITER (1912-1994)
E. D. MAYER
ROBERT D. HOFER
ROBERT C. RITER, JR.
JERRY L. WATTIER
JOHN L. BROWN

DAVID A. PFEIFLE

TELEPHONE
605-224-5825
TELECOPIER
605-224-7102



March 25, 1997

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

Dear Sir:

Enclosed herewith please find two Notices of Transfer of Ownership, one for Water Permit No. 966-3 and one for No. 4833C-3. Those permits and water rights have been assigned by Eagle Pass Ranch, LP to Rocky Creek Limited Partnership, a South Dakota limited partnership. Also enclosed is a fee of \$5.00, which is intended to cover the two filing fees required by SDCL 46-2-13.

Thank you for your cooperation on this matter. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

RITER, MAYER, HOFER, WATTIER &
BROWN, LLP

By: *Robert C Riter Jr*

RCR Jr-wb

Enclosures

cc: Lawrence Coss
Garry Nietz
Brian Jones

NOTICE OF TRANSFER OF OWNERSHIP



Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3131

No. 4833C-3

Date: 3/24/97

I/We request that Water Right No. 4833C-3

formerly owned by: Northwest Irrigation District

be transferred to: (name & address) Rocky Creek Limited Partnership, a South Dakota limited partnership, 31734 County 24 Boulevard, Cannon Falls,

MN 55009

Telephone No. 612-293-3537

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

722 acres in portions of Section 30; NW¼ Section 31, T108N, R72W and N¼ and SE¼ Section 25, T108N, R73W

I/We understand that the validity of Water Right No. 4833C-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 Hughes)

of Rocky Creek Ranches, Inc., which is a general partner of Rocky Creek Limited Partnership,

I/We Lawrence M. Coss, President 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.

Lawrence M. Coss
(Signed)

Subscribed and sworn to before me this 24th day of March, 1997.

Wendy Brotherton
(Notary Public) Wendy Brotherton

My commission expires: 11-7-2000

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

415290

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 26, 1997

RECEIVED OF Ritter, Mayer, Hofer, Wattier & Brown, P.O. Box 280, Pierre, SD 57501-0880
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>W.R.H.</u> <u>4833C-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

4833C-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 17, 1997

966-3
4833C-3

Robert C Riter
RITER, MAYER, HOFER, WATTIER & BROWN
PO Box 280
Pierre, SD 57501-0280

Dear Mr. Riter:

I am contacting you in regard to the "Notice of Transfer of Ownership" forms you submitted in March for Water Right Nos. 966-3 and 4833C-3. The transfers were effective the day they were received, however I just realized you had not received notification from us that the transfers were completed.

Enclosed are the receipts for the filing fees you paid for the transfers. Water Right Nos. 966-3 and 4833C-3 were transferred from Eagle Pass Ranch to Rocky Creek Limited Partnership, a South Dakota Limited Partnership.

We are currently in the process of reissuing water licenses to the three owners of land described under the former Northwest Irrigation District. They will be issued as follows: No. 4833A-3, Bill Martin; No. 4833B-3, Gretel Chatterson and 4833C-3, Rocky Creek Limited Partnership. Each of the owners will receive a license as soon as they are written up and signed by our Chief Engineer.

Thank you for handling the transfer of ownership for Nos. 966-3 and 4833C-3. If you have any questions, please contact me.

Sincerely,

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

enclosures

c: Rocky Creek Limited Partnership, a South Dakota Limited Partnership



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

4833C-3

Lawrence M Coss
Rocky Creek Limited Partnership
31734 County 24 Blvd
Cannon Falls, MN 55009

Dear Mr. Coss:

Enclosed is your Water License No. 4833C-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. 966-3 were incorporated into Water License No. 4833C-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

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4833C-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 36.4 cubic feet of water per second (cfs) 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 water completed.

Land irrigated by the Northwest Irrigation District has been transferred to three separate owners. The water license is being reissued to reflect separate ownership 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 (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 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 (will incorporate applicable portions of Water Right No. 966-3).

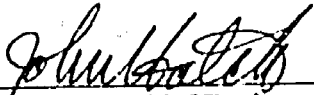
Water Right No. 966-3, carrying a priority date of February 9, 1962, authorizes diversion of 11.93 cfs from the Missouri River to irrigate portions of Section 30 and 31, T108N, R72W and Section 25, T108N, R73W. Water Right No. 4833C-3 covers the same land as irrigated under No. 966-3. The applicable portions of Water Right No. 966-3 have been incorporated into Water License No. 4833C-3.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 10.3 cubic feet of water per second for beneficial use. The location of the diversion point is in SE 1/4 SW 1/4 Section 24, T108N, R73W.

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

Legal Description		Acres irrigated	Priority Date
T108N, R72W Section 30	NW 1/4	100 acres	February 9, 1962
	NE 1/4	23 acres	August 4, 1972
	SW 1/4	150 acres	February 9, 1962
	SE 1/4	142 acres	February 9, 1962
T108N, R72W Section 31	NW 1/4	32 acres	February 9, 1962
T108N, R73W Section 25	NW 1/4	90 acres	February 9, 1962 (75 acres)
	NE 1/4	120 acres	August 4, 1972 (15 acres)
	SE 1/4	65 acres	February 9, 1962
	TOTAL	722 acres	February 9, 1962

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rocky Creek Limited Partnership, a South Dakota Limited Partnership, 31734 County 24 Boulevard, Cannon Falls, MN 55009 the holder and/or owner of Incorporated Water Right No. 4833C-3 is issued a license to appropriate water, the right to use 10.3 cubic feet of water per second from the Missouri River with priority dates of February 9, 1962 (9.77 cfs) and August 4, 1972 (0.53 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



4833C-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,

A handwritten signature in cursive script, appearing to read "Genny".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3103

October 21, 1997

48330-3

Steve Munger
Eagle Pass Ranch
PO Box 107
Warner, SD 57479-0107

Dear Mr. Munger:

Enclosed is the 1997 Irrigation questionnaire pertaining to Water Right No. 48330-3. I have also included a copy of the cover letter that accompanied the form. Gary, with Rocky Creek Ltd Partnership, called and indicated you operate the irrigation system for them and would be better able to answer the questions.

Please complete the form and return it to our office by December 1, 1997. Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

Jenny McMath
Environmental Scientist
Water Rights Program
(605) 773-3353

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 1999

4833C-3

Lawrence Coss, President
Rocky Creek Limited Partnership
42 160th St
River Falls, WI 54022-5405

Dear Mr. Coss:

I am contacting you in regard to Water Right No. 4833C-3 currently listed in your name. The water right authorizes diversion of water from the Missouri River to irrigate 722 acres in portions of Section 30 & Section 31, T108N, R72W and Section 25, T108N, R73W, Buffalo County, SD.

I am enclosing the 1999 irrigation questionnaire pertaining to Water Right No. 4833C-3. I originally sent the form to Steve Munger with Eagle Pass Ranch in Warner, SD. He wrote and indicated he no longer leased the land.

Please complete the form and return it to our office by December 1, 1999. If you have another renter or manager you would like me to direct correspondence to, please let me know.

Thank you in advance for your help.

Sincerely,

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

enclosures

Rocky Creek Limited Partnership

42 - 160th Street
River Falls, WI 54022
(715) 426-1600

4833C-3

November 2, 2005

Garland Erbele
Water Rights Program
Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol Ave.
Pierre, SD 57501-9980

Re: 2005 Irrigation Questionnaire re Permit No. 4833C-3

RECEIVED

NOV - 7 2005

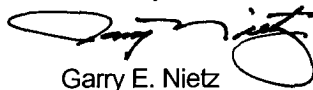
**WATER RIGHTS
PROGRAM**

Dear Mr. Erbele:

Rocky Creek Limited Partnership no longer owns the irrigated property regarding Permit No. 4833C-3. The property was sold to Larry F. Ness, P.O. Box 156, Yankton, SD 57078. Enclosed is a portion of the closing statement that makes reference to the buyer and the legal description of the property purchased. The closing took place on February 15, 2005. Please forward the irrigation questionnaire onto the new owner.

If you have any questions, please let me know.

Sincerely,



Garry E. Nietz

C-6
a1

TITLES OF DAKOTA, INC.
STATEMENT OF SETTLEMENT FOR SELLERS

PROPERTY ADDRESS: , ,

PURCHASER/BORROWER(S): Larry F. Ness
Yankton, SD 57078

PO Box 156

SELLER(S): Rocky Creek Limited Partnership,
a South Dakota Limited Partnership

SETTLEMENT DATE: February 15, 2005

DISBURSED: February 15, 2005

PRORATION DATE: February 15, 2005

LEGAL DESCRIPTION:

BUFFALO COUNTY, SOUTH DAKOTA:

Township 108 North, Range 72 West of 5th P.M.
Section 30: W1/2NE1/4, NW1/4 and SW1/4 and E1/2SE1/4
AND W1/2SE1/4, except for an undivided 2/9ths interest held by the
Little Day Woman Estate;
Section 31: NW1/4NW1/4;
Township 108 North, Range 73 West of 5th P.M.
Section 25: NE1/4, East 20 acres of Lot 2, E1/2SE1/4, E1/2NW1/4,
Excepting therefrom the triangular portion of the NW1/4NE1/4NW1/4 bounded by
the North and West sides of said NW1/4NE1/4NW1/4 and by a diagonal line
extending from the Southwest corner to the Northeast corner of the
NW1/4NE1/4NW1/4.

End of Schedule A.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 2005

4833C-3

Larry F Ness
PO Box 156
Yankton SD 57078-0156

Dear Mr. Ness:

I am writing in regard to ownership of land described in Water Right No. 4833C-3 (copy enclosed). Garry Nietz with Rocky Creek Limited Partnership has notified our program that you purchased the property back in February 2005.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2005 irrigation questionnaire pertaining to this property. Please complete the form with any water use that occurred during this past irrigation season. The completed form is due back in our office by December 2nd.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 23, 2005

RECEIVED OF The Boys, 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	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>4833C-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.

002018

By

Darland Ebele
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
NOV 23 2005
WATER RIGHTS
PROGRAM

No. 4833C-3

Date: 10 Nov 2005

I/We request that Water Right No. 4833C-3

formerly owned by: Rocky Creek Limited Partnership

be transferred to: (name & address) The Boys, A Partnership
Box 156, Yankton, SD 57078

Telephone No. 605-665-4918

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

722 acres: Section 30, T108N, R72W; NW ¼ Section 31, T108N, R72W;

NW ¼ & E ½ Section 25, T108N, R73W

I/We understand that the validity of Water Right No. 4833C-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 The Boys, the new owner, certify that the above information is true and correct.

The Boys by Gary Meyer
(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2005

4833C-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 2005 irrigation questionnaire and the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 4833C-3.

The transfer has been completed. The water right, formerly held by Rocky Creek Limited Partnership is now listed in the name of "The Boys, A Partnership".

Enclosed is your Receipt No. 002018 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

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



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.

4833C-3



FIRST DAKOTA^{NA}

BANKING • INVESTMENTS • TRUST SERVICES

LARRY NESS

CHAIRMAN OF THE BOARD &

CHIEF EXECUTIVE OFFICER

TELEPHONE: 605-665-7432

FAX: 605-665-9057

lness@firstdakota.com

My apologies -

I have been laid
up with health problems

Larry Ness

4833C-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3639
Status: **Delivered**

Your item was delivered at 9:13 AM on January 22, 2008 in YANKTON, SD 57078. The item was signed for by D GEDITZ.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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**THE BOYS
LARRY F NESS
PO BOX 156
YANKTON SD 57078 0156**

Waiver of Signature ☐ YES ☐ NO

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2008

4833A-3
4833C-3

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

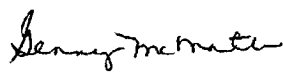
Dear Mr. Ness:

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



4833C-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, 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,

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



4833C-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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

