

Considered: _____

WATER PERMIT NO. 4891A-3

MAP No. 4891A-3

Name of Applicant Penrhos Farms, Inc.

Post Office Address Rt. 2, Box 141, Britton 57430

Amount of Water Claimed No additional 140 ac ft storage Total Acres No Add'l (281)

Source of Water Supply dry draw, add'l diversion on 4891-3

Water to be used for IRR County Marshall

About 5W 4 miles South of Britton

PROOF OF PUBLICATION: Received 125 7-6-84 Not Received _____

APPLICATION: Approved 7-11-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

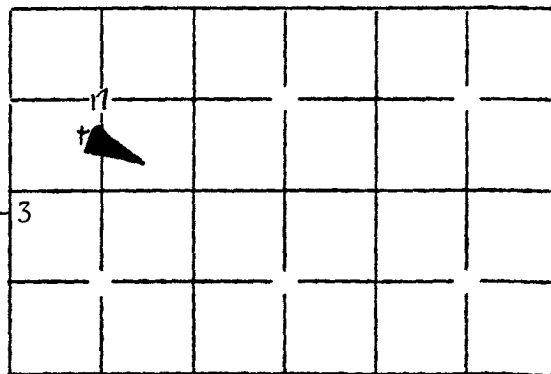
PRIORITY 4-28-82 Date Received 5/2/84 Fee 50.00 Remarks add add'l dry draw to irrigate lands covered under permits Nos 3440-3 and 5000-3

Corrected Application Received _____ Period of Annual Use 4/1 to 10/31
S/w not required, contacted Jim Stukel Irr program, meets Rules and Regs, SCC.
WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

(copy of Buck sheet sent to Dept of Ag.)
W-1 Description same as Application YES NO REMARKS _____

Diversion Point _____
SW $\frac{1}{4}$, Section 17-T126N-R57W

Land to be Irrigated _____
lands covered under permits nos 3440-3 and 5000-3



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map topo PREPARED BY Kevin Larson, DWNr Reviewed and the Number
assigned on 5/16/84 By Betsy Westlund

cc: Larson and Stukel

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 4891A-3 Hydrologic Unit 10160003
Map No. 4891A-3 Basin JR
Newspaper JOURNAL Box 68 BRITTON 57430

Application For Permit To Appropriate Water Within The State of South Dakota

Type of Application: Check one or more of the following;

New ☐ Vested Right ☐ Future Use ☐

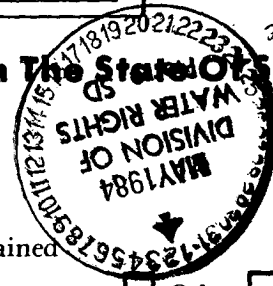
☒ Application to amend Permit No. 4891-3 with old priority date retained

☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant Penrhos Farms, Inc Phone No. 448-5687

Post Office Address Box 141
Rt 2, Britton State SD 57430
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 140 ac. Feet Total acres irrigated _____

3. Source of Water supply dry draw

4. Location of point of diversion SW 1/4 Section 17, T126N, R57W

County Marshall

5. Counties where water will be used Marshall

6. Annual period during which water is to be used April - October

7. 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 covered by	
Permit No. <u>3440-3 & 5000-3</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Water to be diverted from storage dam to center pivot.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (See instruction)

STATE OF SOUTH DAKOTA
County of Hughes ss

I, Penrhos Farms Inc by Quita Jones (pres) the applicant, certify that I have read the foregoing application, 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 _____

Subscribed and sworn to before me this 2nd day of May 1984

Kevin P. Larson Engineer - Water Rights
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 4891A-3
Penrhos Farms Inc. RT. 2 Box 141 Britton
(Applicant) (Post Office Address)
South Dakota 57430 With the following qualifications.
(State) (Zip Code)

Low flows as needed for downstream use, including livestock watering and prior water rights must be by-passed.

This Permit authorizes storage of 140 acre-feet of water annually. Permits Nos. 3340-3, 4891-3 and 4891A-3 authorize storage of 300 acre feet of water annually.

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

Date of first receipt of application May 2, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved July 11, 1984.

The Water Management Board hereby approves this Water Permit No. 4891A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 28, 1982.
2. One-fifth of the work is to be completed on or before January 11, 1987.
3. The whole of said work is to be completed on or before July 11, 1989.
4. The time limit for proof of beneficial use of water is July 11, 1993.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 140 ^{Acre Feet Annually} ~~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. 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 July 11, 1993; said water to be used during the following described annual period: April 1st to October 31st

WATER MANAGEMENT BOARD

By: John Hatfield
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

August 2, 1984

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

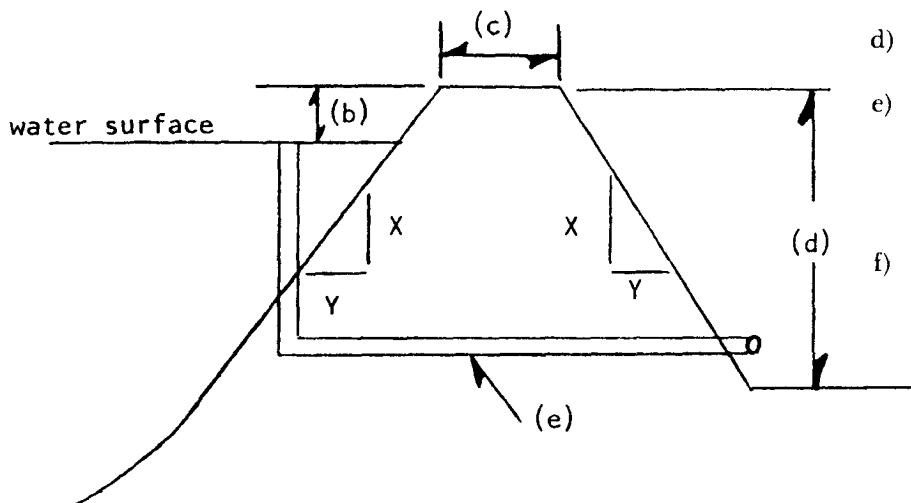
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address
- _____
- _____

- b) Freeboard 4 feet
- c) Crest Width 12 foot
Crest Length 550 feet
- d) Height 24 feet
- e) Outlet Dimensions:
Pipe diameter 8 inch
Spillway width 200 feet
- f) X & Y Slope
Upstream 1:6
Downstream 1:4

Surface Area of Impoundment 17 acresStorage 140 acre feet

Drainage area above dam _____

Penshaw Farm Inc.
Signature of Applicant
Curtis Jones Pres.



Approx. location of
Dam

School No 2

By: Kevin P. Larson
Nat. Resources Eng.
5-7-84

A/M # 4891A-3

RECEIPT

Division of Water Rights

No 4 9655

South Dakota Department of Water and Natural Resources

Pierre, May 2, 1984

RECEIVED OF Curtis Jones, RR#2, Box 113, Britton, SD 57430

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Hatch

Chief Engineer

JOHN HATCH (ms)

Water Rights Division
605 773-3352

May 9, 1984

Curtis Jones
Penrhos Farms, Inc.
Rt 2, Box 141
Britton SD 57430

Dear Mr. Jones:

Your application was received May 2, 1984 to amend permit No. 4891-3 and add a diversion point to irrigate lands covered by Permits No. 3440-3 and 5000-3. Further processing of this application will proceed as soon as the soil/water compatibility approval has been received from the State Conservation Commission.

To maintain your priority date of May 2, 1984, on your application for Permit to Appropriate Water, in accordance with SDCL 46-5-16, you will now have sixty days from the date of this letter to have the above information submitted to this office.

Sincerely,

BETTY WESTLUND
Natural Resources Analyst

BW:ks



4891A-3

Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

May 17, 1984

Curt Jones
Penrhos Farms Inc.
Britton, SD 57540



Dear Mr. Jones:

Per our discussion on the afternoon of May 16, 1984 concerning the permitting of a second storage dam for irrigation water, and the pertinent information given at that time. We have determined that the second storage dam is an extra point of diversion based on the following:

1. The water source is the same as permitted.
2. No additional waters are being appropriated.
3. No additional lands are to be irrigated.
4. The project is in the five year development period.
5. It is within 2000' of the original storage dam.

The irrigation staff will advise the State Conservation Commission of the second dam, and the staff's determination based on 1-6 listed above at their July 12, 1984 Commission meeting.

If you have any questions please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 4891A-3, Penrhos Farms, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4891A-3, Penrhos Farms Inc., Rt 2, Box 141, Britton SD.

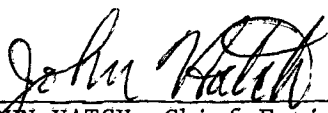
The Chief Engineer is recommending APPROVAL of Application No. 4891A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

Low flows as needed for downstream use, including livestock watering and prior water rights must be by-passed.

This Permit authorizes storage of 140 acre feet of water annually. Permits Nos. 3340-3, 4891-3 and 4891A-3 authorize storage of 300 acre feet of water annually.

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

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 23, 1984

REPORT ON NO. 4891A-3

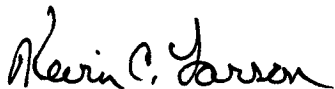
PENRHOS FARMS, INC.

May 22, 1984

Water Permit Application No. 4891A-3 is to amend Water Permit No. 4891-3 to designate the location of a new dam to store 140 acre feet of water already appropriated by No. 4891-3. Permit No. 4891-3 increased the total water appropriated for storage to 300 acre feet annually. Permit No. 3440-3 authorized storage of 140 acre feet in two dams. Permit No. 4891-3 authorized a diversion dam to be constructed in Section 15 to divert up to 300 acre feet of water to the storage dams in Sections 17 and 19.

Conclusions

1. This application is to designate the location of point of diversion (new dam).
2. The water has already been appropriated.
3. No existing water rights will be unlawfully impaired.



KEVIN C LARSON
Water Resources Engineer

Printers

Publishers

Office Outfitters

Britton Journal



Since 1883

Charles L. Card, Publisher

706 7th Street

Britton, S. Dak. 57430
May 25, 1984

Water Rights Division
Joe Foss Bldg.
Pierre, SD 57501

Dear Mr. Larson:

Re: Notice of Intent to Appropriate Water by Penrhos Farms

We received your letter of May 23 today but since our paper is published on Wednesdays it is impossible to publish your notice on or before May 29 as requested. Our next edition will be dated May 30. I contacted Curtis Jones here this morning and he said to run it May 30 and June 6 unless we hear otherwise from you. This we will do unless you call us at 448-2281 no later than Tuesday morning.

Thank you

Shirley Schneider
Shirley Schneider



Instruction to Newspaper - Publish first publication of the following Notice on or before May 29, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 489A-3 to ~~Appropriate Water~~
~~and/or~~ to Amend Water Permit ~~or Water Rights~~ No. 4891-3

Notice is hereby given that Penrhos Farms, Inc. whose mailing address is Route #2, Box 141, Britton, South Dakota has made an application for a permit

to amend Water Permit No. 4891-3 to designate the location of a dam to store 140 acre feet of water appropriated by No. 4891-3. The dam will be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T126N, R57W. The water may be used to irrigate lands authorized by Water Permits No. 3440-3, 4891-3 and 5000-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4891A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Foss Building,
Room 216, 523 E. Capitol, Pierre, South Dakota, July 11 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by June 29, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) ~~46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWN R, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 29, 1984.

No. 4891A-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marshall) ss.

I, C. L. Card hereby

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

Water was taken from the Britton 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 Britton

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

May 30, 1984 and
June 6, 1984

C. L. Card
(Signature)

publisher
(Title)

June 6, 1984
(Date Signed)

Cost of Printing: _____



21 (May 20-June 6)

DWNR 808-7-88
WP 4891A-3

NOTICE OF HEARING
on Application No.
4891A-3 to Amend Water
Permit No. 4891-3

Notice is hereby given that
Penrhos Farms, Inc. whose
mailing address is Route No. 2,
Box 141, Britton, South Dakota
has made an application for a
permit to amend Water Permit
No. 4891-3 to designate the
location of a dam to store 140
acre feet of water appropriated
by No. 4891-3. The dam will be
located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec-
tion 17, T126N, R57W. The water
may be used to irrigate lands
authorized by Water Permits
No. 3440-3, 4891-3 and 5000-3.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
Approval of Application No.
4891A-3 because 1) unap-
propriated water is available,
2) will be no unusual im-
pairment of existing rights, 3) is
beneficial use of water and 4) is
in the public interest.

This application will be
considered by the Water
Management Board at Foss
Building, Room 216, 523 E.
Capitol, Pierre, South Dakota,
July 11, 1984 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this ap-
plication after it reaches a
conclusion based upon facts
presented at the public hearing.
Any interested person who may
be affected by a Board decision
and who intends to participate
in the hearing before the Board
and present evidence or cross-
examine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the Ap-
plicant and the Chief Engineer
by June 29, 1984. The petition
may be informal but it must
include a statement describing
the petitioner's interest in the
application, the reason for the

petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe P. King, Pierre, SD (605-773-8852) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 29, 1984.



4891A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: PENRHOS FARMS INC, CURT JONES, 42196 115TH ST, BRITTON, SD 57430 5625

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3, 3440-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3440-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4891-3, 4891A-3, 5000-3 & 5291-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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) 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3440-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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
www.state.sd.us/denr

February 9, 2000

Curt Jones
Penrhos Farms, Inc
42196 115th St
Britton, SD 57430-5625

RE: Water Right/Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 & 5291-3

Dear Mr. Jones:

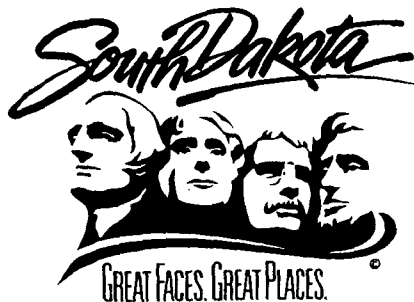
I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right/Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 & 5291-3.

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



4891A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: PENRHOS FARMS INC, CURT JONES, 42196 115TH ST, BRITTON, SD 57430 5625

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 4891-3, 4891A-3, 5000-3, 5291-3 & 3440-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 3440-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 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, 2001 in 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 Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 3440-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2001

Curt Jones
Penrhos Farms Inc
42196 115th St
Britton, SD 57430-5625

RE: Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3

Dear Mr. Jones:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

5291-3

Penrhos Farms Inc
%Curt Jones
42196 115th St
Britton SD 57430

Dear Mr. Jones:

Enclosed is Water License No. 5291-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000482 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

NOTE: The applicable portions of Nos. 3440-3, 4891-3, 4891A-3 and 5000-3 are incorporated into Water License No. 5291-3.

enclosures