

1. Considered: _____, 19____ Water Right No. Permit 4955-3
2. Name of Applicant C THOMAS HUBER
3. Post Office Address Box 79, Conde, SD 57434
4. Amount of Water Claimed 2.00 maximum acre feet _____
5. Source of Water Supply one 100' well existing on permit 2833-3
6. Water to be used for IRR acres to be irrigated 140
7. County Clark about 6E 6 miles south of Conde
8. PROOF OF PUBLICATION: Received 7-7-83 ^{bu 9/19/83} Not Received _____
 APPLICATION: Approved 7-20-83 Subject to Well Interference, I. G.
 Not Approved _____ Action Deferred _____

PRIORITY
5-9-83

Dated Received 11/22/82 Application complete-yes _____ no _____ FEE 250.00
 Remarks _____

Corrected Application received ^{fee} 5/17/83 Period of Annual Use 3/1 to 11/1

WATER
QUALITY

Received ^{5/9/83} yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes xx no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point _____
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32-T119N-R59W

Land to be irrigated _____
SE $\frac{1}{4}$ Section 29-T119N-R59W

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth 100' existing well on Permit 2833-3

Remarks _____

MAP Map No. _____ Map located in Water Right _____ Map file _____
 Type of Map aerial Prepared by _____

+++++

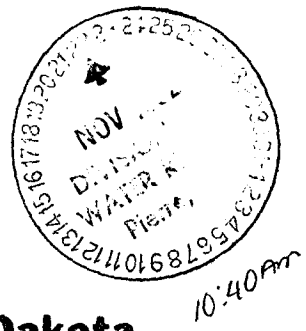
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

BW-KCL
 (Signed)

+++++

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

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



No. 4955-3
 Map No. 4955-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use 10160006

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____
 Change in Diversion _____ Additional Diversion _____
 Change in Acreage ☒ Additional Acreage _____

1. Name of Applicant C. Thomas Huber Phone No. _____
 Post Office Address Box 79 Conde _____ State South Dakota 57434
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Tom Huber Unit #14. Amount of water claimed (cubic feet per second) No Additional (3.0) (2.0 cfs)5. Source of water supply Groundwater

6. Location of point of diversion 1920'W and 1320'S of the NE Corner, Section 32, T119N,
R59W (Existing Well) (SW¹NE⁴)

County Clark7. Annual period or periods during which water is to be used March-November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 305-140 AC

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 Sec. 32, T119N, R59W	125		
NW 1/4 Sec. 32, T119N, R59W	40		
<u>SE 1/4 Sec. 29, T119N., R59W</u>	<u>140</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Completed 5 years. Additional time required
 to complete application of water to the proposed beneficial use Completed 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Clark County Courier

12. Principal Features of the Proposed Water Supply System.

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

Well, Pump & Motor

~~This application proposes the transfer
 of the 140 acres in the SE 1/4, Section 32,
 listed in Permit No. 2833-3 to the
 SE 1/4, Section 29, T119N, R59W. No
 additional water is requested.~~

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

Mainline

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
) ss.
 County of Spink)

I, C. Thomas Huber the applicant, certify that I have read the foregoing application
 and have examined the attached map and that the matters therein stated are true and that I intend, and am able to
 complete the necessary construction.

Signed X C. Thomas HuberSubscribed and sworn to before me this 19th day of Nov, 1982Terry J. Vogt

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4955-3

C. Thomas Huber

(Applicant)

Box 79

Conde

(Post Office Address)

South Dakota

(State)

With the following qualifications

The irrigation well approved under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

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

Date of first receipt of application November 22, 1982

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

Date of receipt of corrected application _____, 19__

Approved July 20, 1983, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4955-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4955-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 9, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 20, 1986
3. The whole of said work is to be completed on or before July 20, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 20, 1992
5. The water appropriated shall be used for the purpose of irrigation

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

7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before July 20, 1992; said water to be used during the following described

annual period: March 1 thru November 1

Witness my hand this 2nd day of August, 1983

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19__

Water License Issued _____, 19__



Department of Water & Natural Resources

2833-3

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501

WATER RIGHTS DIVISION

(605) 773-3352

November 17, 1982

C. Thomas Huber
Conde, South Dakota 57434

Dear Mr. Huber:

Earlier this fall I made an inspection of the irrigation developed under Permit No. 2833-3. As issued the permit calls for irrigation for portions of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 32, T119N, R59W. You indicated that the application was incorrect and the intention had always been to irrigate the SE $\frac{1}{4}$, Section 29 rather than the SE $\frac{1}{4}$, Section 32.

I am enclosing the necessary forms for making application to correct the permit. All copies should be signed where indicated before a notary public and returned to this office with the required fee of \$150.00. I am also enclosing the Form WI-1 for soil-water compatibility which can be returned with the application forms.

Upon receipt of the above we will continue with processing of the change.

Should you have further questions, feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Burton F. Jones".

Burton F. Jones
Water Rights Specialist

BFJ:ms

Enc. Forms 2 (2)

WI-1

Water Rights Division
605 773-3352

November 23, 1982

C. Thomas Huber
Conde SD 57434

Dear Mr. Huber:

Your application dated November 19, 1982 for a change in acreage permit to appropriate water from an existing well on Permit No. 2833-3 through the Tom Huber #1 was received November 22, 1982.

We have not, as of this date, received the filing fee of \$150 and the soil/water compatibility approval from the State Conservation Commission. When this information is received further processing of your application will proceed.

To maintain your priority date 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
Water Rights Specialist

BW:ks

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9049

PIERRE, December 3, 1982

RECEIVED OF C. Thomas Huber, Box 79, Conde, South Dakota 57434

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

Fee for Application for Permit to Appropriate Water No. 4955-3 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH/ms



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

January 21, 1983

C Thomas Huber
RR
Conde, SD 57434

Dear Mr. Huber:

We have been notified by the Division of Water Rights that in order to bring your permit #2833-3 into compliance with state law you need soil and water compatibility for the SE $\frac{1}{4}$ 29-119-59 = 140 acres. We have received your application for this area however, no soils information was included with it. Before we can begin processing your application it will be necessary for you to submit this information to us.

Because Clark County does not have an up-to-date soil survey it will be necessary for you to contact the Clark County Conservation district, Earl Henderson (District Conservationist), and request technical assistance in securing the necessary soils information. Upon receipt of this information we will begin processing your application.

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

Sincerely,

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

Jim Stukel
Irrigation Program Director

cf

cc: Water Rights Division





Department of Agriculture

DIVISION OF CONSERVATION

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

April 26, 1983

C. Thomas Huber
RR #2
Conde, S.D. 57434

Dear Mr. Huber:

In reviewing your soil and water compatibility application for the SE $\frac{1}{4}$ of Sec. 29-119-59, the irrigation staff foresees no major problem provided good management practices are implemented. Therefore we are recommending a Straight Approval of your application to the State Conservation Commission at their May 5, 1983, meeting. You should be aware of a small area of Parnell in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29 which may need special management. Our management recommendations are as follows:

MANAGEMENT RECOMMENDATIONS:

We recommend that the above mentioned area of Parnell silty clay loam (4A) be maintained in grass and/or alfalfa because of excess wetness and trafficability problems. You may wish to provide drainage for this area.

We also recommend leaving crop residue on the field and conservation tillage to control soil erosion and to conserve soil moisture.

If you have any questions concerning your application, please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

JS/ah



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER: _____	10. ADJUSTED (SAR): _____
8. SALINITY (EC X 10 ⁶): _____	11. PERCENT SODIUM _____
9. SODIUM (SAR): _____	

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19_____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

_____ DAY OF _____, 19_____.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



WATER RIGHTS DIVISION
(605) 773-3352

May 11, 1983

C. Thomas Huber
Box 79
Conde, South Dakota 57434

Dear Mr. Huber:

Since your application to appropriate 2.00 cfs of water to irrigate 140 acres in the SE $\frac{1}{4}$, Section 29, T-119N, R-59W must be considered as a new application an additional \$100.00 filing fee will be required. The fee for this amount of acreage and water is \$250.00, we have received \$150.00 (Receipt #4-9049).

In order to advertise this application for the July 19th Water Management Board meeting the additional \$100.00 filing fee must be received before the end of May.

If you have any questions feel free to contact our office.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:ms

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9252

PIERRE, May 18, 1983

RECEIVED OF C. Thomas Huber, Box 79, Conde, SD 57434

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

Fee for Application for Permit to Appropriate Water No. 4955-3 (examination, processing, recording and filing) -----	100	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
Fee for issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	100	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

REPORT ON APPLICATION No. 4955-3

C. Thomas Huber

May 26, 1983

Application No 4955-3, C. Thomas Huber proposes to irrigate 140 acres in the SE $\frac{1}{4}$ Section 29, T114N, R59W with 2.0 cfs of water from one well (1920 feet west and 1320 feet south of the NE corner Section 32, T119N, R59W) withdrawing water from the Altamont aquifer. The well exists under Permit No. 2833-3 and is and will be used on both quarters.

The original application was modified to delete lands already covered under Permit No. 2833-3.

The Altamont aquifer in Clark County has an estimated 3,326,400 acre feet of recoverable groundwater (Hedges, Burch, Illes 1982) but because of the discontinuous nature of the Altamont only a 15 mi² area will be considered for water availability calculations.

100 feet (saturated thickness) x 15 mi² x 640 ac/mi² x 0.15
(storage coefficient) = 144,000 acre feet

5% x 144,000 = 7200 acre feet available for appropriation

7200 acre feet available - 4500* acre feet appropriated =

2700 acre feet available *assuming No. 4954-3 is approved

The Altamont in this area is under both artesian and water table conditions. A review of observation well records indicate that the artesian pressure wells have dropped approximately 5 feet dating from 1976 and the water table wells have remained essentially the same.

Conclusion

Based on observation well data, test hole logs, estimated water in storage and water use data unappropriated water is available for this application.

Recommendation

The staff recommends that Application No. 4955-3 be approved with the well interference and irrigation questionnaire qualification.

Gale N Selken

GALE N SELKEN PE
Hydrologist

Hedges, Burch, Illes, Evaluation of Groundwater Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, 1982.

DWNR, Division of Water Rights, Observation well files and domestic well files, unpublished.

DWNR, Division of Water Rights, Water Right Permit files.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION

NO. 4955-3, C. Thomas Huber

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4955-3, C. Thomas Huber, Box 79, Conde, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 4955-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

and other ^{irrigation} wells
The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights. *JH*

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

The attached report is a part of this recommendation.

John Hatch

JOHN HATCH, Chief Engineer
June 1, 1983

Instructions to Newspaper - Publish first publication of following Notice on or before
June 8, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 4955-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that C. Thomas Huber whose mailing address is Box 79
Conde, South Dakota has made an application pursuant to the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legis-
lature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10,
thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4,
5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(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, Section 71 of HB 1001; ~~(transfer lands)~~
~~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 74:02:01:26, (10,000 AFA) 74:02:01:15:02~~
~~thru 74:02:01:15:05;~~ (several of the preceeding SDCL Sections are amended by HB 1001 & 1002
of 1983 Legislature) for a permit to appropriate 2.00 cubic feet per second from ground-
water, one existing well 100' deep (Altamont Aquifer), the point of diversion to be
located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T119N, R59W. Said water to be used for the purpose
of providing irrigation on 140 acres located in the SE $\frac{1}{4}$, Section 29, T119N, R59W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends
Approval of Application No. 4955-3 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 Community Room, Basement
Day Co. Courthouse, 710 W 1, Webster SD upon the 19 day of July, 1983 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 con-
clusion 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 the Chief Engineer and the Applicant by July 8, 1983.
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. 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 July 8, 1983.

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 Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance
prior to the hearing date.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 4955-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Dart Moritz hereby

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

Water was taken from the Clark County Courthouse

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 Clark

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

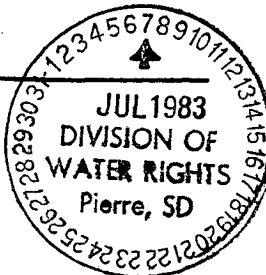
June 9, 1983

June 16, 1983

Dart Moritz
(Signature)

publisher
(Title)

7/5/83
(Date Signed)



Cost of Printing: \$ 37.67

9 lines
2 times

Dated: 7-6-83

Jeanne W. Bengner

Notice of Hearing on Application No.
4955-3 to Appropriate Water

Notice is hereby given that C. Thomas Huber whose mailing address is Box 79 Conde, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (several of the preceding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit to appropriate 2.00 cubic feet per second from groundwater, one existing well 100' deep (Altamont Aquifer), the point of diversion to be located in the SW 1/4 NE 1/4 of Section 32, T119N, R59W. Said water to be used for the purpose of providing irrigation on 140 acres located in the SE 1/4, Section 29, T119N, R59W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4955-3 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 Community Room, Basement Day Co., Courthouse, 710 W 1, Webster, SD upon the 19 day of July, 1983 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 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 the Chief Engineer and the Applicant by July 8, 1983. 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

WNR-808-7/79

Proof of Publication

My commission expires July 8, 1988

obtained. The applicant need not file a petition. 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 July 8, 1983.

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 Right Division, DWNR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

6-9-2t



SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

August 3, 1983

C. Thomas Huber
Box 79
Conde, South Dakota 57434

Dear Mr. Huber:

Enclosed herewith is your Water Permit No. 4955-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4955-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

Permit No.

2833-3

4954-3

4955-3

Water Division

3

James River

Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by C. ThomasHuber

of

Conde, S. D.

holder

of Permit No.

2833-3
4954-3
4955-3

bearing date of priority of

July 7, 1976
April 20, 1983
May 9, 1983

, 19

authorizing the diversion of 3.0
2.38
2.0 cu. ft. per second of the waters of Groundwater (Altamont)for Irrigation

purposes, in

Clark

County.

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

The Water Use System consists of,

A. Works used to divert the water:

Well no. 1: 5 stage Western Land Roller Turbine pump. Size 12C
75 HP GE Electric motor. Model no. 5K6258 X H 1AWell no. 2: 4 stage Western Land Roller Turbine pump. Size 12C
60 HP U.S. Electrical motor. No. R-6254-04-629
R-1009818 M

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

2640 ft. of 8" buried PVC from well no. 1 To center SE⁴29-119-59990 ft. of 8" buried PVC from well no. 2 To center SE⁴32-119-59

C. Works used to apply water to beneficial use.

One Olson Cable Hung hydraulic drive center pivot. 13 Tower, 1320' Length, 100' spans,
Nelson End gun, 70 psi operating pressure, 900 gpm.
ONE Olson electric drive center pivot. 10 Tower, 1360' Length, 130' spans, Nelson E. G.
55 psi operating pressure, 900 gpm.
ONE Reinke Electric motor center pivot, 8 Tower, 1350' Length, 170' spans, Nelson E. G.,
55 psi, 900 gpm.The system is in the following condition: GoodThe point of diversion is located Well no. 1: 2380' S. 56° 19' W. of N.E. Cor. S. 32 T 119 N R. 59 W.Well no. 2: 1360' N. 22° 50' W. of S.E. Cor. S. 32 T 119 N R. 59 W.

The works are capable of diverting and conveying to the place of use

4.01cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: Irrigation of the following.

S. 32 T 119 N R. 59 W	32-119-59	32-119-59	S. 29 T 119 N R. 59 W
NW ⁴ SE ⁴ - 31.8 acres	NW ⁴ NE ⁴ - 39.9 ac.	NE ⁴ NW ⁴ - 13.5 ac.	NW ⁴ SE ⁴ - 34.1 ac
SW ⁴ SE ⁴ - 30.4 acres	SW ⁴ NE ⁴ - 40.0 ac.	SE ⁴ NW ⁴ - 12.9 ac	SW ⁴ SE ⁴ - 37.4 ac
SE ⁴ SE ⁴ - 31.4 acres	SE ⁴ NE ⁴ - 17.0 ac.		SE ⁴ SE ⁴ - 33.8 ac
NE ⁴ SE ⁴ - 33.0 acres	NE ⁴ NE ⁴ - 17.3 ac.		NE ⁴ SE ⁴ - 32.4 ac

comprising a total of 404.9 acres of land.Note: The N¹/₂ SE⁴ S. 32 is owned
by Steve Huber.

Well information:

- Well no. 1: Driller - Hurm Drilling
Total Depth - 104 ft.
Casing - 74 ft. of 16" pvc
Screen - 30 ft. Johnson irrigator
Static Level -

The applicable portions of Permit Nos
2833-3 and 4954-3 have been
incorporated into this License No.
4955-3

Well no. 2: Driller - Pullman

Depth - 86 ft.

Casing - 60 ft. of 16" pvc

Screen - 25 ft. Johnson

Static Level - 24 ft.

Date

July 27, 1983Frank Smith

(Signature)

LICENSE FOR PERMIT NUMBER 4954-3

1. Legal location of wells: 1254'N 528'W of SE Corner Section 32, T119, R59
1360ft N 22° 50'W of SE Corner Section 32, T119 R59

dams & structures: _____

2. Well Information: Well Drilling Firm Pullman Drilling

No. of wells 1 Depth 86'

Casing a) diameter 16" Screen a) type S.S.
b) length 60' b) length 25'
c) type Plastic Static Water Level 24'

Pump a) make Western land roller Motor a) make U.S.
b) model _____ b) model no. ID# R-6254-04-629
c) size 12 C R 1009818M
d) capacity 900 GPM c) horsepower rating 60
e) turbine pump d) motor efficiency rating _____
no. of stages 4

3. Distribution lines:

a) size of lines 8"
b) type PUC
c) length 990'

4. Dam Information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

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

- b) towline:

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

5. System Type: c) center pivot

- 1) make Electrogating
- 2) number of towers 8
- 3) distance between towers
170'
- 4) overall length 1352'
- 5) End gun (Y/N) Nelson
- 6) high or low pressure 55 lb
- 7) make & size of nozzles

- 8) PSI reading while system is
running _____
- 9) GPM 900

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

x

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

x

2. Special Qualifications to permit being abided by.

x

3. All Structures, wells and lands on map.

REMARKS:

LICENSE FOR PERMIT NUMBER 4955-3
2833-3

Well supplies pivot in SE $\frac{1}{4}$ 29

1. Legal location of wells: 1320'S 1980'W of NE Corner Section 32, T119, R59
2380' S 56° 19'W of NE Corner Section 32 T119 R59

dams & structures: _____

2. Well Information: Well Drilling Firm Huron Drilling

No. of wells 1 Depth 104'

Casing a) diameter 16" Screen a) type SS

b) length 74' b) length 30

c) type PVC Static Water Level _____

Pump a) make Western LR Motor a) make G.E.

b) model _____ b) model no. 5K6258XH1A

c) size 12 C c) horsepower rating 75

d) capacity 900 GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages 5

3. Distribution lines:

a) size of lines 50' 8" steel 1/2 mile 8" PVC buried

b) type PVC

c) length _____

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

N-System 1) make Olson Cable Lug Hydraulic
 Olson Electric 2) number of towers 13
 10 tower 3) distance between towers _____
 1360' L _____
 Nelson 4) overall length $\frac{1}{4}$ mile
 55 lb 5) End gun (Y/N) Nelson
 900 gpm 6) high or low pressure 70 lb
 7) make & size of nozzles _____
 8) PSI reading while system is running 70
 9) GPM 900

g) Gun

1) make _____
 2) serial number _____
 3) nozzle size _____
 4) capacity (GPM) _____
 5) PSI _____
 6) hose size _____
 7) hose length _____

d) Gate Pipe

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

e) Siphons

1) number _____
 2) size _____

f) Portable boom

1) make _____
 2) serial number _____
 3) nozzle size _____
 4) capacity (GPM) _____
 5) PSI _____

h) Hydromatic

1) make _____
 2) model _____
 3) serial number _____
 4) length _____
 5) nozzle size _____
 6) spacing _____
 7) PSI _____
 8) capacity (GPM) _____

YES NO Check Items

X 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
X 2. Special Qualifications to permit being abided by.
X 3. All Structures, wells and lands on map.

REMARKS:

System owned in partnership

Steve Huber

SE $\frac{1}{4}$ S32

N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, T119 R59



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4955-3

August 25, 1983

C. Thomas Huber
Conde,
South Dakota 57434

Dear Mr. Huber:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4955-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

KAREN SCHLAACK
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Conde SD

Date 9-7-83

RR#2
Box 79

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4955-3

Water Right Permit No. 4955-3 states that the diversion system is to be constructed by Jan 20, 1986, and that the water is put to beneficial use by 7-20-1992

The diversion system was completed on October 1976. Applying the water to beneficial use was completed on October 1976.

You may schedule an inspection so that ~~the Certificate of Construction and/or~~ the Water License may be issued, thus completing my acquisition of a water right.

C. Thomas Huber
(Signature)



RECEIPT

Division of Water Rights

No 4 9330

South Dakota Department of Water and Natural Resources

Pierre, September 6, 1983

RECEIVED OF C. Thomas Huber, RR#2, Box 79, Conde, SD ~~55555~~

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4955-3</u>	50	00
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



No. 4955-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

October 6, 1983

C. Thomas Huber
Rural Route #2, Box 79
Conde, South Dakota 57434

Dear Mr. Huber:

Enclosed herewith is, Water License No. 4955-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JHms

Enclosures

Applicable portions of Permit Nos 2833-3 and 4954-3 have been incorporated into this Water License No. 4955-3.

State of South Dakota
Water License No. 4955-3

(1) C. Thomas Huber
of Rural Route #2, Box 79, Conde, South Dakota 57434
made Application No. 4955-3, November 22, 1982 for a water permit to appropriate
2.00 cubic feet per second of water from groundwater (one existing well),
Clark County, South Dakota for irrigation purposes.
Permit No. 4955-3, with a priority date of May 9, 1983
was approved July 20, 1983 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before July 20, 1988 and for the application to beneficial use of said
water on or before July 20, 1992.

The applicable portions of Permit Nos 2833-3 and 4954-3 have been incorporated into
this Water License No. 4955-3, with priority dates of July 7, 1976 for the NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$,
Section 32 (Permit No. 2833-3), T119N, R59W; April 20, 1983 for the SE $\frac{1}{4}$, Section 32,
T119N, R59W (Permit No. 4954-3), and May 9, 1983 for the SE $\frac{1}{4}$ of Section 29, T119N, R59W
(Permit No. 4955-3).

and

(2) It is certified that the application 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 4.01 cubic feet per second of water
for beneficial use. The location of the diversion point(s) are well #1 - 2380'S 56° 19'W of the NE
Corner (AB); well #2 - 1360'N 22° 50'W of the SE Corner (DD), Section 32, T119N, R59W

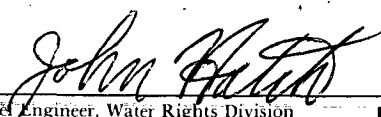
and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T119N, R59W

Section 32				Section 29			
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.8	Acres	(DB)	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.1	Acres	(DB)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	30.4	Acres	(DC)	SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.4	Acres	(DC)
SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.4	Acres	(DD)	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.8	Acres	(DD)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0	Acres	(DA)	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.4	Acres	(DA)
NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.9	Acres	(AB)	TOTAL	404.9	Acres	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0	Acres	(AC)				
SE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0	Acres	(AD)				
NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.3	Acres	(AA)				
NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.5	Acres	(BA)				
SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.9	Acres	(BD)				

(4) Pursuant to §46-5-30.1 C. Thomas Huber
of Rural Route #2, Box 79, Conde, South Dakota 57434
the holder(s) and/or owner(s) of Water Permit No. 4955-3 is issued a license to appropriate water, the right to use 4.01 cubic feet per second of water from groundwater (two wells) with a priority date of July 7, 1976; April 20, 1983; and May 9, 1983 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4955-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

October 6, 1983

**Department of
Water & Natural Resources**

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

February 17, 1989

C. Thomas Huber
RR 2, Box 79
Conde, SD 57434

Dear Mr. Huber:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

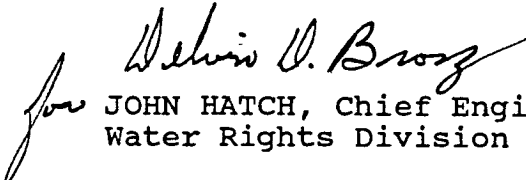


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for JOHN HATCH, Chief Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

C. THOMAS HUBER
RR 2, BOX 79
CONDE, SD 57434

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 4955-3

The first notice to file chemigation report(s) for Permit No(s) 4955-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 4955-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the 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). 4955-3 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.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1992

C. THOMAS HUBER
RR 2, BOX 79
CONDE, SD 57434

Dear Mr. HUBER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 4955-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads 'Don Frye'.

DON FRYE, Natural Resources Analyst
Water Rights Division

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

C THOMAS HUBER
RR #2 BOX 79
CONDE SD 57434

4a. Article Number

Z 161 984 044

4b. Service Type

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

7. Date of Delivery

2-2-96

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

XCT Thomas Huber



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: C THOMAS HUBER, RR #2 BOX 79, CONDE, SD 57434

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

SUBJECT: Violation of Water Permit No(s) 4955-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4955-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4955-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4955-3 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 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: C THOMAS HUBER
RR #2 BOX 79
CONDE SD 57434

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4955-3

The first notice to file chemigation report(s) for Permit No(s) 4955-3 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 4955-3. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 4955-3 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 chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 1996

4955-3

C Thomas Huber
RR 2 Box 79
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire and information concerning chemical use. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No. 4955-3 and the Notice of Failure to Report Chemical Use.**

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

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

C THOMAS HUBER
RR 2 BOX 79
CONDE SD 57434

4a. Article Number

P 378 081 443

4b. Service Type

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

7. Date of Delivery

2-6-94

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *David Huber*

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

4955-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: C THOMAS HUBER
RR 2 BOX 79
CONDE SD 57434

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4955-3

The first notice to file chemigation report(s) for Permit No(s) 4955-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 4955-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 4955-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: C THOMAS HUBER, RR 2 BOX 79, CONDE, SD 57434

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

SUBJECT: Violation of Water Permit No(s). 4955-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4955-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4955-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1997

4955-3

C Thomas Huber
RR 2 Box 79
Conde, SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire and chemical reporting form. You may disregard the February 4, 1997, **Notices of Violation of Water Permit No. 4955-3 and Failure to Report Chemical Use.**

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



4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: C THOMAS HUBER, RR 2 BOX 79, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4955-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 4955-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4955-3

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
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www.state.sd.us/denr

February 19, 2003

4955-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of the 2002 irrigation questionnaire for Tom Huber. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 4955-3.

The information was received in our office prior to the Water Management Board meeting and the issue 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

January 14, 2004

NOTICE

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4955-3, 2851-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 27, 2004, 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.



4955-3

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RR 2 BOX 79B
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4955-3
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www.state.sd.us/denr

January 29, 2004

2851-3
4955-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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



4955-3
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 20, 2005

NOTICE

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 25, 2005, 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.



4955-3

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Current Status

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PS Form 153, February 2001



4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 15, 2005

2851-3
4955-3

David Huber
RR 2 Box 79B
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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

NOT TO SCALE

CANC-287-2833
C. Morris Huber

2710-3

4.9

1.0

3.4

150.6

579-119L

132.5

4.4

5.6

29

50.0

20.0

4.6

66.3

5.0

Neim C. Person Eng.
Water Resources Eng.

24

119-59

76.8

5.8

43.2

Map & Appl # 4955-3136.8

579-119L

NOT TO SCALE

119-59

5.8

43.2

136.8

579-119L

6.4

32

59.3

36.8

45.6

78.0

74.5

5.5

119-59

NOT TO SCALE

4.9

1.0

3.4

150.6

579-119L

132.5

4.4

5.6

29

50.0

20.0

4.6

66.3

5.0

34.1

32.4

37.42

33.80

76.8

✓

119-59

5.8

43.2

136.8

579-119L

NOT TO SCALE

119-59

W

5.8

43.2

39.9

136.8

579-119L

#1 Well

13.5

12.9

17.0

40.0

6.4

32

59.3

36.8

45.6

78.0

31.8

33.0

74.5

#2 Well

30.4

31.4

5.5

119-59



January 26, 2007

NOTICE

4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: DAVID HUBER, RR 2 BOX 79B, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, 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/E0455V5-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**

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

February 1, 2007

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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



4955-3

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: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office 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 11, 2008

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

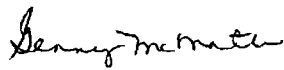
Dear Mr. Huber:

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. 2851-3 and 4955-3.

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**

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

January 23, 2009

NOTICE

TO: DAVID HUBER, OPERATOR, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 2851-3 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) 4955-3 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, 2009** 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, 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/E0455V7-IQ.pdf>

c: C THOMAS HUBER, 15901 413th AVE, CONDE SD 57434

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
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 2, 2009

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: DAVID HUBER, OPERATOR, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2851-3 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) 4955-3 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 10, 2010** 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

cc: C THOMAS HUBER, 15901 413th AVE, CONDE SD 57434

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.



4955-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9877

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 4:26 PM on February 1, 2010 in MESA, AZ 85208. The item was signed for by A HUBER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 01, 2010, 4:26 pm, MESA, AZ 85208
- Processed through Sort Facility, January 31, 2010, 12:15 am, PHOENIX, AZ 85043
- Processed through Sort Facility, January 28, 2010, 5:30 pm, MINNEAPOLIS, MN 55413
- Forwarded, January 23, 2010, 9:23 am, CONDE, SD
- Arrival at Post Office, January 23, 2010, 8:10 am, CONDE, SD 57434

Notification Options

Track & Confirm by email

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

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 9877	C THOMAS HUBER 15901 413 TH AVE CONDE SD 57434	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service		
☐ First-Class Mail® parcel		
☐ Package Services parcel		



**DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 23, 2010

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3.

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

c: C Thomas Huber



4955-3

**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 3, 2011

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

Enclosed are your 2010 irrigation questionnaires for Water Right Nos. 2851-3 and 4955-3.

I apologize for the delay in getting them to you. I did not realize I mailed them to the wrong person and address until they returned them to me with the notation indicating the error.

Please complete and return them to me by the end of the month. I have enclosed a postage paid envelope for your use in sending them back to me.

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

enclosures

4955-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2011

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

On January 3rd, I mailed the 2010 irrigation questionnaires to you and have not received anything back from you (copy of letter attached).

Please take a few minutes to complete them and get them sent back in to us.

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



4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2012

NOTICE

TO: DAVID HUBER, OPERATOR, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office 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>

c: C THOMAS HUBER, 15901 413th AVE, CONDE SD 57434

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.

4955-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2012

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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. 2851-3 and 4955-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Right No. 4955-3 which authorizes irrigation of land in Sections 29 and 32, T119N, R59W is still listed in the name of C Thomas Huber. Should it still be in his name or do you now own the land? If you own the land, let me know and I can forward you a transfer form for use in filing the ownership change.

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



4955-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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:

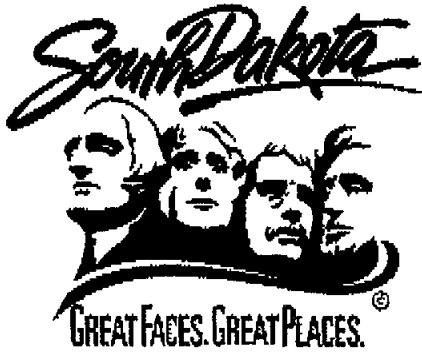
1. Suspend or cancel Permit No(s) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.



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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 4, 2013

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. 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



4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 2851-3 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) 4955-3 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) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office 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

March 4, 2014

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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. 2851-3 and 4955-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2851-3 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) 4955-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

4955-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 5, 2015

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2015

4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

Thank you for taking the time to visit with me concerning the ownership change needed for Water Right No. 4955-3. I have enclosed a copy for your review.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Kevin Huber has already filed an ownership change for the land in Section 29, T119N, R59W. Once the transfer of ownership form is received from you for the land in Section 32, T119N, R59W, the water right will be divided and reissued as separate water rights to reflect the separate ownership.

If I can answer any questions for you, 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

enclosures

RECEIVED

MAR 12 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4955A-3

Date: _____

I/We request that portions of Water Right No. 4955-3

formerly owned by: C Thomas Huber

be transferred to: (name & address) _____

Telephone No. _____

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

267.2 acres in the E ½ and E ½ NW ¼ Section 32, T119N, R59W

I/We understand that the validity of Water Right No. 4955A-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.

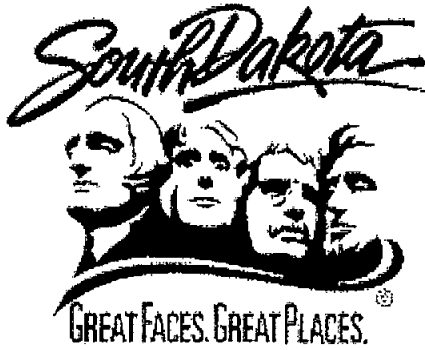
A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(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

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

July 23, 2015

4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

I am writing in reference to ownership of land described in Water Right No. 4955-3.

It is my understanding the water right listed in the name of C. Thomas Huber can now be transferred to you in its entirety. Enclosed is a partially completed transfer form. Please review and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/4, 20 15

RECEIVED OF DKH Farms Inc David Huber 16010 413th Ave Conde SD 57434

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4955-3</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	50 00

No. 07460

By James Goodman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG - 3 2015

WATER RIGHTS
PROGRAM

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

No. 4955-3

Date: 7-28-15

I/We request that portions of Water Right No. 4955-3

formerly owned by: C Thomas Huber

be transferred to: (name & address) David Huber, 41350 160th St, Conde SD 57434

Telephone No. 605 380-8787

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

404.9 acres in the SE ¼ Section 29 and E ½ and E ½ NW ¼ Section 32, T119N, R59W

I/We understand that the validity of Water Right No. 4955-3 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 Fifty Dollars (\$50.00) 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 David Huber, the new owner, certify that the above information is true and correct.

David Huber
(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.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

February, 2015

Water Right No. 4955-3 is currently listed in the name of C Thomas Huber. The water right authorizes irrigation of 404.9 acres in portions of Sections 29 and 32, T119N, R59W.

C Thomas Huber is deceased and David Huber has been farming the land. Kevin Huber filed an ownership change for the land in Section 29, T119N, R59W with the remaining land in Section 32 to be transferred to David Huber. This will require the water right to be divided and reissued to reflect separate ownership.

On February 18, 2015, a letter was sent to David Huber for the portion of land he owned. On March 12, 2015, David Huber filed the ownership change for his portion however the filing fee did not accompany the transfer form. When contacting David about the fee he indicated he was trying to purchase the remaining portion of the land. Any ownership change is on hold pending the sale.

July 23, 2015

The attorney for Kevin Huber informed the Water Rights Program the sale went through and David Huber now owns all of the land described in Water Right No. 4955-3. A letter with a partially completed transfer form was sent to David Huber to transfer the water right in its entirety.

August 3, 2015

David Huber submitted the ownership change and filing fee. The water right has now been transferred from C Thomas Huber to David Huber.



Genny McMath
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 2015

4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

Thank you for following up on the ownership change for Water Right No. 4955-3.

The transfer has been completed. Water Right No. 4955-3 formerly held by C Thomas Huber is now listed in your name.

Enclosed for your records is Receipt No. 07466 in the amount of \$50.00 which you paid for filing the ownership change. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



4955-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 2851-3 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) 4955-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.

4955-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2018

2851-3
4955-3

David Huber
41350 160th St
Conde SD 57434

Dear Mr. Huber:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 and 4955-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4955-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: DAVID HUBER, 41350 160th ST, CONDE, SD 57434

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2851-3 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) 4955-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2851-3 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 before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION OF WATER RIGHTS

TO: David Huber, 41350 160th St, Conde SD 57434

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program *Jeanne Goodman*

SUBJECT: Amendment of Water Right No. 2851-3 and One Year Suspension of Water Right No. 4955-3

On March 6, 2019, the Water Management Board took the following actions on Water Right Nos. 2851-3 and 4955-3:

The Board amended Water Right No. 2851-3 to add the following qualification effective immediately:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The Board also ordered:

Effective April 6, 2019, Water Right No. 4955-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place. Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2019

4292-3

4955-3

David Huber
16010 413th Ave
Conde SD 57434

Dear Mr. Huber:

On March 6th the Water Management Board ordered Water Right Nos. 4292-3 and 4955-3 suspended if the 2018 irrigation questionnaires were not received prior to April 6, 2019. The questionnaire information for the water rights was received March 27, 2019.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2019 irrigation season.

I noticed when you returned the questionnaires that we had two different addresses for you. I changed them all to the "16010 413th Ave" address you printed on the envelope. Thank you for letting us know about the discrepancy.

If you have any questions, please contact us.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352

c: Joe & Darla Schulz, 505 16th Ave NE, Independence IA 50644-2285



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: DAVE A HUBER, MGR, 16010 413TH AVE, CONDE, SD 57434

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2851-3, 4292-3 & 4955-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 2851-3, 4292-3 & 4955-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2851-3, 4292-3 & 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QTFTEG**

c: NORTHFIELD ESTATES LLC, 2400 BLAISDELL AVE, STE 100, MINNEAPOLIS MN 55402,

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.

4955-3

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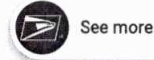
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Delivered: Sat, Jan 22, 11:13 AM

Processed In transit Delivered

DATE	TIME	LOCATION	STATUS
Jan 22	11:13 AM	Conde, SD, United States	Delivered, left with individual
Jan 21	9:21 PM	Huron Sd Distribution Center	Departed USPS regional facility
Jan 20	9:48 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

Data from usps.com

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DAVE A HUBER, MGR
16010 413TH AVE
CONDE SD 57434

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Tax Refund

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4955-3
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 3, 2022

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: David Huber, 16010 413th Ave., Conde SD 57434

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right Nos. 2851-3 & 4955-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right Nos. 2851-3 & 4955-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaires are received prior to April 4, 2022, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaires are submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2021 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

4955-3

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

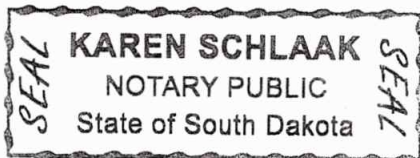
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak
 Notary Public

My Commission expires April 1, 2025





4955-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 7, 2022

2851-3
4955-3

Dave A Huber
16010 413th Ave
Conde SD 57434

Dear Mr. Huber:

On March 2, 2022, the Water Management Board ordered Water Right Nos. 2851-3 and 4955-3 suspended if the 2021 irrigation questionnaires were not received prior to April 4, 2022. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: David Huber, 16010 413th Ave., Conde SD 57434
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit Nos 2851-3 & 4955-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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 Nos. 2851-3 & 4955-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation.

Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit Nos. 2851-3 & 4955-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZNLFYS**

Note: Please contact the Water Rights Program, 523 E Capitol, Pierre SD 57501 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
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February 28, 2023

2851-3
4955-3

David Huber
16010 413th Ave
Conde SD 57434

Dear Mr. Huber:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 2851-3 & 4955-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us