

Considered: 4-25-84

WATER PERMIT NO. 5000-3

10160003 JR

MAP No. 5000-3

Name of Applicant Penrhos Farms, Inc.

Post Office Address Rt. 2, Britton, SD 57430

Amount of Water Claimed 2.16 Total Acres 151.00

Source of Water Supply dams authorized under permits Nos. 4891-2 & 3440-3

Water to be used for IRR County Marshall

About 5W 4 miles SOUTH of BRITTON

PROOF OF PUBLICATION: Received 3-23-84 Not Received _____

APPLICATION: Approved 4-25-84 Subject to _____

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

PRIORITY _____ Date Received 1/4/84 Fee 250.00 Remarks _____

1-4-84

Corrected Application Received _____ Period of Annual Use 4/1 thru 10/31

WATER QUALITY APPROVAL RECEIVED 1-16-84 APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point _____
SW Corner of SW 1/4, Section 15-T126N-R57W

Land to be Irrigated _____
SW 1/4 Sec. 18-126-57

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Topo PREPARED BY Kevin Larson DUNE Reviewed and the Number assigned on 1-18-84 By BJ Waslund

No. 5000-3 Hydrologic Unit 1016003
 Map No. 5000-3 Basin James River
 Newspaper Britton Journal

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

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

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Penrhos Farms, Inc. Phone No. 448-5687Post Office Address Rt 2 Britton State SD
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 2.16 Total acres irrigated 1513. Source of Water supply dam authorized under Permit No. 4891-3 & 3440-34. Location of point of diversion SW corner of the SW 1/4 Section 15, T126N, R57WCounty Marshall

5. Counties where water will be used _____

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

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

Land Description	No. Acres Irr.
SW 1/4 Section 18, T126N, R57W	151

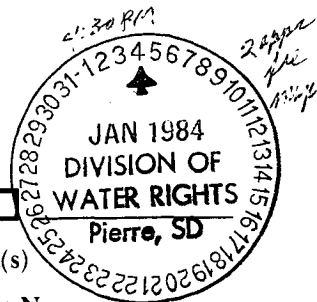
Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water to be diverted from dam to center pivot

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

STATE OF SOUTH DAKOTA
County of Hughes ssI, Penrhos Farm Inc. by Curtis Jones the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Penrhos Farming Inc.
by Curtis JonesSubscribed and sworn to before me this 4th day of January 19 84Kevin C. Farrer Division of Water Rights

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5000-3
Penrhos Farms Inc. RT. 2 Britton
(Applicant) (Post Office Address)
South Dakota 57430 With the following qualifications.
(State) (Zip Code)

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

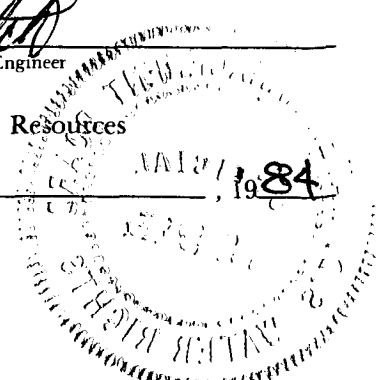
Date of first receipt of application January 4, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved April 25, 1984.

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

1. The date from which applicant may claim right is January 4, 1984.
2. One-fifth of the work is to be completed on or before September 25, 1986.
3. The whole of said work is to be completed on or before April 25, 1989.
4. The time limit for proof of beneficial use of water is April 25, 1993.
5. The water appropriated shall be used for the purpose of Irrigation.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.16 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before April 25, 1993; said water to be used during the following described annual period: April 1st to October 31.

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

May 7, 1984





Department of Agriculture

DIVISION OF CONSERVATION

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

January 11, 1984

Penrhos Farms Inc.
c/o Curtis Jones
Senate Chamber
Pierre, SD 57501

Dear Mr. Jones:

In reviewing your soil and water compatibility application for the SW $\frac{1}{4}$ 18-126-57, the Irrigation Staff is recommending a Conditional Approval of your application to the State Conservation Commission at their January 12, 1984 meeting. The Conditional recommendation is based on the clay content of the soils of the area and your application is for a dry-draw. The Management Recommendations are as follows:

MANAGEMENT RECOMMENDATIONS:

The area mapped as Kranzburg-Aberdeen silty loams (KrA) may present some problems with trafficability and crop production will be less than the rest of the quarter due to the presence of Aberdeen soils. To improve the water intake of this area the use of a ripper or a deep subsoiler may be advantageous. You may find that a form of drainage may be beneficial should this area be a particular problem.

The use of a form of conservation tillage is recommended to prevent wind erosion and conserve moisture.

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

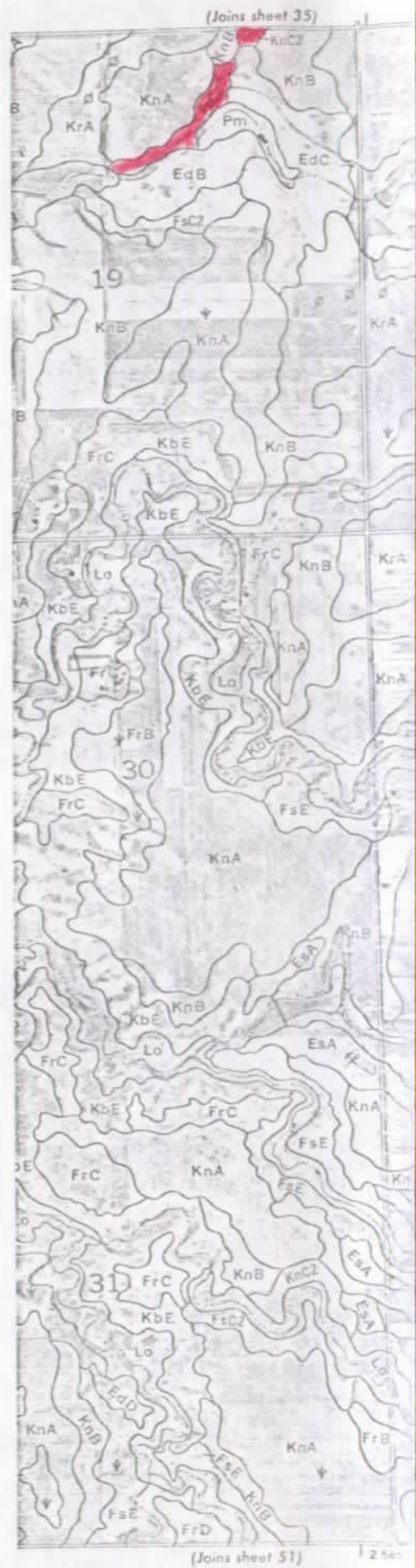
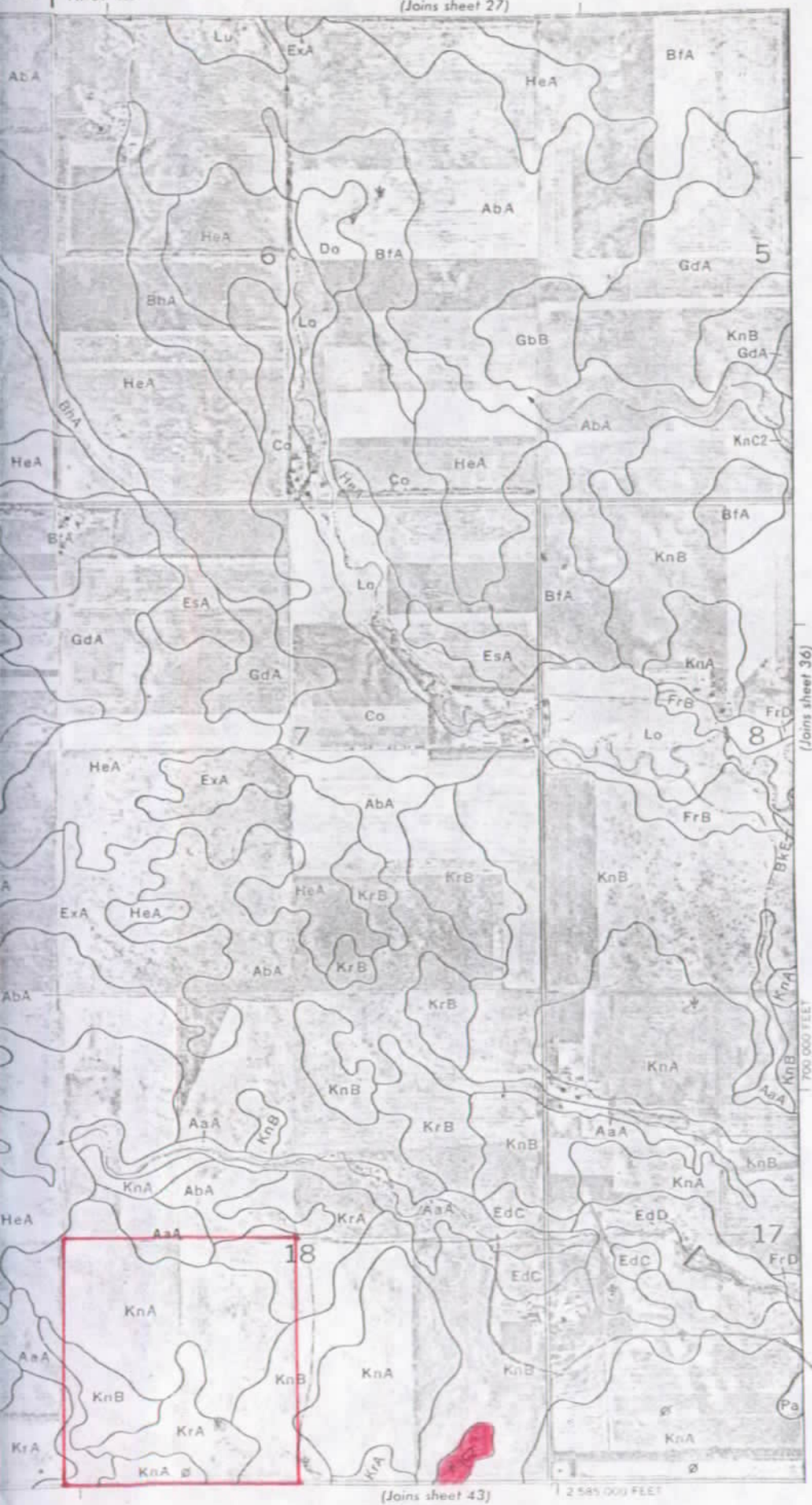
Sincerely,

A handwritten signature in cursive script, appearing to read "Jim", is written above the printed name.

Jim Stukel
Irrigation Program Administrator

cf

cc: Division of Water Rights

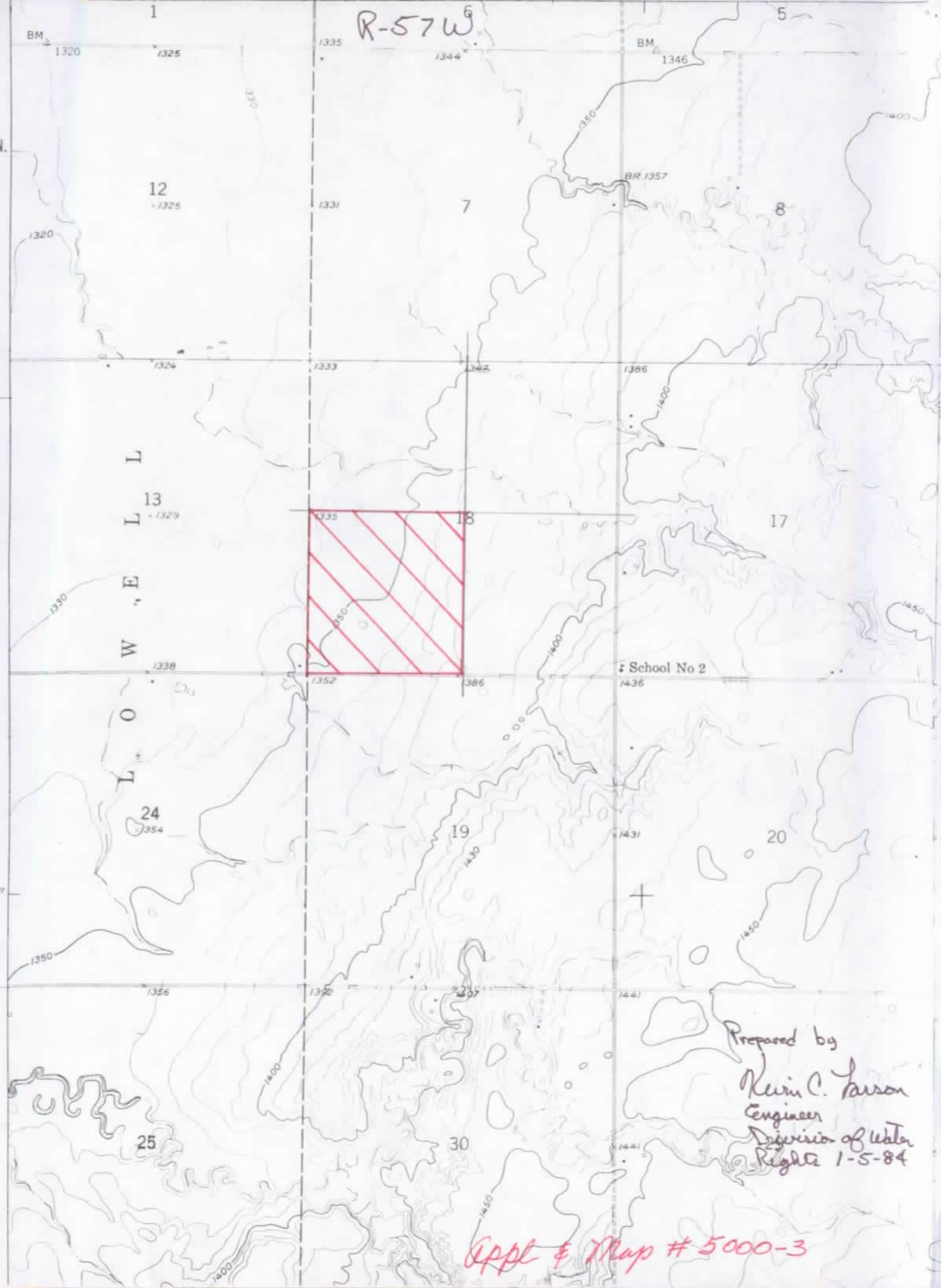


T-126 N

12'30"

5000m.N.

R-57W



Prepared by
Kevin C. Larson
Engineer
Division of Water
Rights 1-5-84

Appl & Map # 5000-3

94078

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Penrhos Farms c/o Curtis Jones

LEGAL DESCRIPTION: S4 18-126-57

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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



RECOMMENDED MANAGEMENT:

The area mapped as Kranzburg-Aberdeen silty loams (KcA) may present some problems with trafficability and crop production will be less than the rest of the quarter due to the presence of Aberdeen soils. To improve the water intake of this area the use of a ripper or a deep subsoiler may be advantageous. You may find that a form of drainage may be beneficial should this area be a particular problem.

The use of a form of conservation tillage is recommended to prevent wind erosion and conserve moisture.

T. W. L. L. L.
SIGNATURE

1-2-84
DATE

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4078

WR#

OWNERS NAME: Pancho Farms Inc.

OWNERS ADDRESS: Britton, SD 57430

COUNTY LAND LOCATED IN: Marshall

PHONE: _____

TENANT'S NAME AND ADDRESS: _____

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

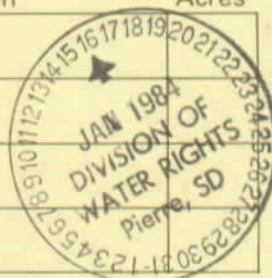
1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Dry-Draw - Dams

Diversion Location: SW 17-126-57 NW 19-126-57

Legal Description	Acres	Legal Description	Acres
<u>SW 18-126-57</u>			



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)**

OTHER: _____

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 10⁶): _____

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, of Water Sampler: _____

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 _____, 1984

(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.

RECEIPT

Division of Water Rights

No 4 9471 -

South Dakota Department of Water and Natural Resources

Pierre, January 4, 19 3

RECEIVED OF Penrhos Farms, Curtis Jones, RR#2, Box 113, Britton, SD 57003

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

Fee for Application for Permit No. 5000-3 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.		
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	

By

Chief Engineer

REPORT ON PERMIT APPLICATION NO. 5000-3

PENRHOS FARMS, INC.

March 2, 1984

Permit Application No. 5000-3 is for 150 acres to be irrigated from dry draw storage dams authorized under Water Permit Nos. 3440-3 and 4891-3. This permit application does not authorize any additional storage.

Conclusions

1. Water Permit No. 4891-3 authorizes 300 acre feet of storage.
2. This permit application does not authorize any additional storage.
3. Existing rights will not be adversely affected.
4. Soil/water compatibility permit has been received.

A handwritten signature in cursive script, reading "Kevin C. Larson".

KEVIN C LARSON
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR
WATER PERMIT APPLICATION NO. 5000-3, Penrhos Farms, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5000-3, Penrhos Farms, Inc., Rt 2, Britton, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 5000-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See attached report for additional information.



JOHN HATCH, Chief Engineer
March 6, 1984

Instruction to Newspaper - Publish first publication of the following Notice on or before March 15, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5000-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

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

to appropriate 2.16 cubic feet per second from dams authorized under Permit Nos. 4891-3 and 3440-3. The point of diversion to be located in the SW corner of SW 1/4, Section 15, T126N, R57W. Said water to be used for the purpose of irrigating 151 acres located in the SW 1/4, Section 18, T126N, R57W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5000-3 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 Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota April 25 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 13, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 13, 1984.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Marshall.

C. L. Card of said county, being first duly sworn on oath says that he is publisher of the BRITTON JOURNAL, a weekly newspaper printed and published in the City of Britton, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office at said place of publication;

that the

Notice of Hearing

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said news-

paper at least once each week for *two* successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

March 14, 1984
March 21, 1984



that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Thirty-six and 26/100 DOLLARS.

C. L. Card

Subscribed and sworn to before me this *21st* day of

March A. D. 19*84*

Lyle Eclor

Notary Public, Marshall County, S. D.

1052 36.26

3T (Mar. 14-31)

DWNR 806-7-8

**NOTICE OF HEARING
on Application No. 5000-3
To Appropriate Water**

Notice is hereby given that ~~Marthos~~ Farms, Inc. whose mailing address is Rt 2, Britton, South Dakota has made an application for a permit to appropriate 2.16 cubic feet per second from dams authorized under Permit Nos. 4891-3 and 3440-3. The point of diversion to be located in the SW corner of SW 1/4, Section 15, T126N, R57W. Said water to be used for the purpose of irrigating 151 acres located in the SW 1/4, Section 18, T126N, R57W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5000-3 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 Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota April 25, 1984 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 13, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and

the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 13, 1984.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

5000-3

May 8, 1984

Penrhos Farms, Inc.
Route #2, Box 113
Britton, South Dakota 57430

Dear Sirs:

Enclosed herewith is your Water Permit No. 5000-3 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. 5000-3.

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,

A handwritten signature in black ink, appearing to read "John Hatch".

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.

WNR-809-5/83

File No.

Water Rights Division -DENR
Conversation or File DocumentationNAME OF PERSON OR FILE: Penrhos Farms

ADDRESS: _____

COUNTY: MarshallDATE: July 27, 1993

TELEPHONE: _____

RE: Dam Failures

COMMENTS:

On July 20, 1993, I investigated 2 dam failures on the Penrhos Farms property. The dams that failed are Penrhos Farms #2, located in the SW 1/4 NW 1/4 Section 17-T126N-R57W, and Penrhos Farms #5, located in the NE 1/4 NE 1/4 Section 19-T126N-R57W.

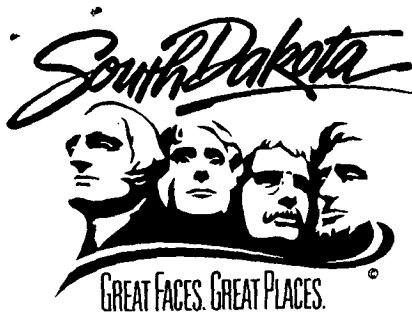
I talked to Leon ^{Jones} ~~Fester~~ about the failures. He said they had 6 to 7 inches of rain on the 17th. He said they both overtopped and failed gradually. It appeared that both dams had some settlement in the center of the embankments. They also had been grazed and had a poor grass cover on the downstream slope. About 3/4 of the embankment on Dam #5 was overtopped and the breach was about 50 feet wide. About 1/2 of the embankment on Dam #2 was overtopped and the breach was about 100 feet wide.

It was obvious that they had a large runoff event, roads were overtopped and culvert washed out in several places. The topography below these dams is very flat and the area received extensive low land flooding. I could not see where the dam failures added any to the flooding.

Mr. Jones said they will repair these dams, but would probably wait awhile before they do.

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

NAME: Timothy G. Schaal



5000-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

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

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

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

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3440-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2000

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

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

Dear Mr. Jones:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

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

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 4891-3, 4891A-3, 5000-3, 5291-3 & 3440-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 3440-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 3440-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2001

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

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

Dear Mr. Jones:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

5291-3

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

Dear Mr. Jones:

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

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

Sincerely,

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

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

enclosures