

Considered: _____

WATER PERMIT NO. 5447-3

Phone: 589-3851

Name of Applicant: Eleanor Bussey

Post Office Address: RR 1 Box 48, Tabor SD 57063

Amount of Water Claimed: 3.5 Total Acres: 247.3

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Bon Homme

About 6 miles NE of Springfield

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4/11/90 Fee: \$300 Remarks _____

Corrected Application Received 5/1/90 Period of Annual Use April 1 - Dec. 1

WATER QUALITY APPROVAL RECEIVED 5/14/90 APPROVED/CONDITIONAL (Circle one)

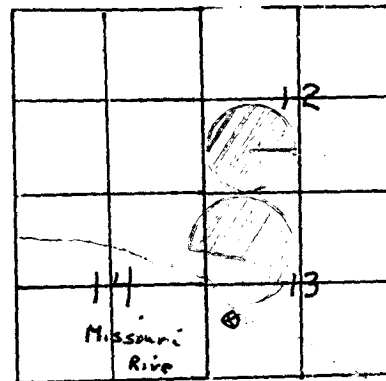
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: ^{NW 1/4}
SE 1/4 SW 1/4 Section 13 T93N-R59W

Land to be Irrigated: SW 1/4 Section 12,

NW 1/4, N 1/2 SW 1/4 Section 13; all in T93N-R59W

E 1/2 NE 1/4 Section 14.



Well Log: Driller: N/A Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

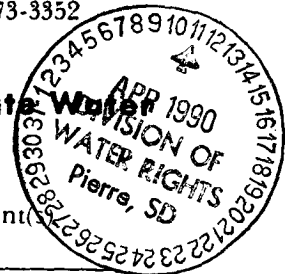
Type of Map: ASCS Aerial PREPARED BY: Gary LaCompu Reviewed and the Number

Assigned on 5/15/90 By Eric Gronlund

(See instructions)

No. 5447-3 Hydrologic Unit 10170101
Basin Missouri
Newspaper Springfield Times Box 365 57062 (TH)

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



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Eleanor Bussey Phone No. 589-3851
Post Office Address RR1 Box 48 Tabor State S.D. 57063
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) 3.75 3.50 Total acres irrigated 777 247.3

3. Source of Water supply Missouri River

4. Location of point of diversion See--HSCS--Map NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13-T93N-R59W

5. Counties where water will be used Bon Homme County Bon Homme

6. Annual period during which water is to be used April 1st To December 1st

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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13-93-59	39.2 32.7
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13-93-59	28.3 10.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13-93-59	38.5 24.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 13-93-59	17.3 15.0

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 13-T93-R59 4.5
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 13-T93-R59 9.0

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-93-59	29.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 12-93-59	30.2
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12-93-59	7.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-93-59	27.9

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 14-T93-R59 10.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 14-T93-R59 Other 0

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ (Specify) _____

9. Crops to be Irrigated: Corn, Beans

10. Give a description of proposed project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of BON HOMME)^{ss}

I, Eleanor Bussey, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Eleanor Bussey

Subscribed and sworn to before me this 9th day of April 19 90

Charles L. Campbell
Notary Public



NOT TO SCALE



Barry McLaury
Environmental Scientist
Division of Water Rights
Date December 16, 1994

**SOUTH DAKOTA
WATER PERMIT No. 5447-3 FOR IRRIGATION**

Date of first receipt of application April 11, 1990.

Date Soil/Water Compatibility Permit received May 14, 1990.

Date of return to applicant for corrections, amendments or changes April 25, 1990.

Date of receipt of corrected application May 1, 1990.

The Water Management Board approved Water Permit Application No. 5447-3 on July 25, 1990 for Eleanor Bussey, RR #1, Box 48, Tabor, SD 57063 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

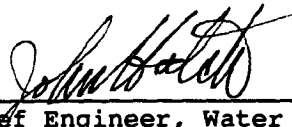
1. Water Permit No. 5447-3 appropriates 3.5 cubic feet of water per second from the Missouri River to irrigate 247.3 acres. The point of diversion is to be located in the NW1/4 SW1/4 Section 13 T93N-R59W. The land to be irrigated is located in the SW1/4 Section 12, N1/2 SW1/4, NW1/4 Section 13, E1/2 NE1/4 Section 14; all in T93N-R59W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - December 1.
3. The date from which applicant may claim right is April 11, 1990.
4. One-fifth of the construction is to be completed on or before January 25, 1993.
5. All construction is to be completed on or before July 25, 1995.
6. Water is to be put to beneficial use on or before July 25, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: _____


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

SEP 17 1990

(date)

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4497

WR#

OWNERS NAME: BUSKEY, ELEANOR OWNERS ADDRESS: RR 1, Box 48
Tabor, South Dakota 57063

COUNTY LAND LOCATED IN: Ben Homme PHONE: 589-3851

LEGAL DESCRIPTION: Missouri River / SE $\frac{1}{4}$ SW $\frac{1}{4}$ 13-T93N-R59W ☐ Well ☒ Surface

1. LOCATION _____
Depth _____

Legal Description	Acres	Legal Description	Acres
Portions of NW $\frac{1}{4}$ 13-T93N-R59W	122.3		
Portions of SW $\frac{1}{4}$ 13-T93N-R59W	13.5		
Portions of SW $\frac{1}{4}$ 12-T93N-R59W	95.0		
Portions of NE $\frac{1}{4}$ 14-T93N-R59W	15.5		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ~~257~~ CENTER PIVOT: X GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: Corn, Beans

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>Missouri River</u>	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): _____	8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____	

Requirements:

The areas mapped as Eltree-Crofton silt loam 9-15% slope (E₃E) found adjacent to the river are excessively steep and subject to an erosional hazard; these areas shall not be irrigated and shall remain in permanent vegetation.



[Signature]
Director, Division of Conservation

May 5, 1990

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

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

Conversation or File Documentation

NAME OF PERSON OR FILE: Eleanor BusseyADDRESS: _____ COUNTY BakerDATE: 4/23/90 TELEPHONE 589-3851

RE: _____

COMMENTS:

I talked with Mrs. Bussey on the legal description of those lands to be irrigated. She agreed that the legal description should include the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14 T93N-R59W. However, the portion that from the ASCS map appears to be in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 13 she claims is in the NW $\frac{1}{4}$ of Section 13. I have sent for the government lot maps in order to clear up this discrepancy.

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

NAME: Eric Hemlund

**SOUTH Dakota Department of
Water & Natural Resources**

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



April 25, 1990

Eleanor Bussey
RR1 Box 48
Tabor, SD 57063

Dear Mrs. Bussey:

This letter is in regards to your application for a water permit and our subsequent conversation on the phone. The following issues must be resolved before your application can be processed.

1. The point of diversion on the application must be described by its legal description. From looking at the map you submitted it appears that the diversion point is located in the SE1/4 SW1/4 of Section 13-T93N-R59W.
2. As we discussed on the phone, the legal descriptions under Item No. 7 of the application do not coincide with the map. The discrepancy appears in Section 13 of the land to be irrigated. I digitized the area circled on the map and came up with the following.

NW1/4 NW1/4 Section 13 T93-R59W	39.2 ACRES
NE1/4 NW1/4 Section 13 T93-R59W	28.3
SW1/4 NW1/4 Section 13 T93-R59W	17.3
SE1/4 NW1/4 Section 13 T93-R59W	38.5
NW1/4 SW1/4 Section 13 T93-R59W	4.5
NE1/4 SW1/4 Section 13 T93-R59W	9.0
NE1/4 NE1/4 Section 14 T93-R59W	10.5
SE1/4 NE1/4 Section 14 T93-R59W	5.0

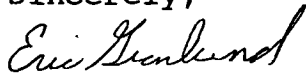
This totals to quite a bit more irrigated land than originally in your application and may simply be a case of where the center pivot circle was drawn too large on the map. Also, from the map it certainly appears that irrigation will take place in the N1/2 SW1/4 of Section 13. In any case, I must get verification from you on the exact lands to be irrigated.

*I agree with the acres to be irrigated
above. Frances Eleanor Bussey
4-30-90*

A water permit application can not be considered by the Water Management board until the application is complete and the soil/water compatibility permit is obtained by the Department of Agriculture. Please address the above issues and I will continue with processing of your permit.

If you have any questions, please contact me.

Sincerely,

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

Eric Gronlund
Water Rights Division
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412197

Pierre, April 11, 1990

RECEIVED OF Ray Bussey, RR #1 Box 48, Tabor, SD 57063

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

Fee for Application for Permit No. <u>5447-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By

John Hatch
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412221

Pierre, May 2, 1990

RECEIVED OF Ray BUSSEY RR #1 Box 48, Tabor, SD 57063

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

Fee for Application for Permit No. <u>5447-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

93-59

540

T47

27.0

10

4

432

12 R 4

10

7502

30.00

48

128

193-59



Mary La Bonte
District Conservationist

4-9-90

App'l. No. 5447-3

93.59

11.12
11.13

23.4

T 497

170ac

105.5

T 496

⑦

13.9

T 425

19.7

24-B

13.157

82.25ac

19.7

117.2

82.25

11.7

6.8

3

6

6.0

2

6.0

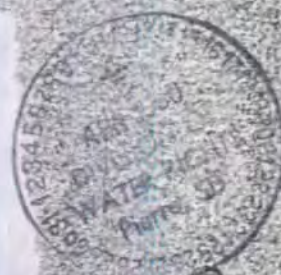
4-9-90
L. W. Smith
District Engineer

Point of Diversion

Water Corp of Eng.
Division Point

105.5
23.4
11.7
140.6

5447-3



Report on Water Permit Application No. 5447-3
Eleanor Bussy
May 29, 1990

Background

Water Permit Application No. 5447-3 requests appropriation of 3.5 cubic feet of water per second (cfs) from the Missouri River for irrigation of 247.3 acres. The diversion point will be located in the NW1/4 SW1/4 Section 13, T93N-R59W, in Bon Homme County. The water will be used to irrigate land located in the NW1/4 and SW1/4 Section 13; SW1/4 Section 12; and NE1/4 Section 14, all in T93N-R59W.

Discussion

Water Permit No. 233-3, Raymond W. Bussy, was for irrigation of land in the SW1/4 Section 12 and NW1/4 Section 13, T93N-R59W. This water permit was cancelled at the March 26, 1980 Water Management Board meeting due to non-use.

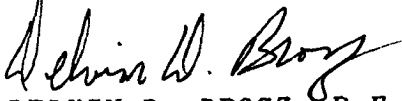
Conclusions and Recommendations

1. The Missouri River is known to have ample supplies of unappropriated water, therefore water is available from the Missouri River to meet the needs of Water Permit Application No. 5447-3.
2. Approval of Application No. 5447-3 is in the public interest and constitutes a beneficial use of the waters of the state.
3. It is recommended that Water Permit Application No. 5447-3 be approved for a diversion rate of 3.5 cfs for irrigation of 247.3 acres, as stated in the application, with the irrigation questionnaire qualification.



M. RASSOOL AHADI
Natural Resources Engineer II

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

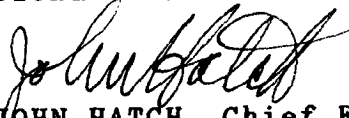
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5447-3, Eleanor Bussey

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. 5447-3, Eleanor Bussey, RR 1, Box 48, Tabor SD.

The Chief Engineer is recommending APPROVAL of Application No. 5447-3 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 the attached report for additional information.


JOHN HATCH, Chief Engineer
June 13, 1990



Department of Water & Natural Resources

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

June 15, 1990

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

Eleanor Bussey
RR 1, Box 48
Tabor SD 57063

Dear Ms. Bussey:

Water Permit Application No. 5447-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Springfield Times printed at Springfield SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

**SOUTH Dakota Department of
Water & Natural Resources**

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

June 154, 1990

Springfield Times
Box 365
Springfield SD 57062

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5447-3 to be published twice. Please publish the first notice on or before June 27, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Eleanor Bussey, RR 1, Box 48, Tabor SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before June 27, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5447-3 to Appropriate Water

Notice is given that Eleanor Bussey, RR 1, Box 48, Tabor SD has filed an application for a water permit to appropriate 3.5 cubic feet of water per second from the Missouri River to irrigate 247.3 acres. The point of diversion is to be located in the NW 1/4 SW 1/4 Section 13-T93N-R59W. The land to be irrigated is located in the SW 1/4 Section 12; N 1/2 SW 1/4, NW 1/4 Section 13; E 1/2 NE 1/4 Section 14; all in T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5447-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on July 25, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Bon Homme) ss.



1. Wayne L. Bertrand

certify that the attached printed Notice was taken
 from the Springfield Times

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 Springfield

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

June 20, 1990

June 27, 1990

Wayne L. Bertrand
 (Signature)

Publisher
 (Title)

6-27-90
 (Date Signed)

Cost of Printing: 6-20-90 - 1st wk. - 83 lines @ \$26.2 = 21.75
6-27-90 2nd wk. - " " " " @ \$89% = 17.40
2 wk. Total - \$39.15

NOTICE OF HEARING
on Application No. 5447-3
to Appropriate Water

Notice is given that Eleanor Bussey, RR 1, Box 48, Tabor SD has filed an application for a water permit to appropriate 3.5 cubic feet of water per second from the Missouri River to irrigate 247.3 acres. The point of diversion is to be located in the NW 1/4 SW 1/4 Section 13-T93N-R59W. The land to be irrigated is located in the SW 1/4 Section 12; N 1/2 SW 1/4, NW 1/4 Section 13; E 1/2 NE 1/4 Section 14; all in T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5447-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on July 25, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
 (Publish June 20 & 27, 1990)



Department of Water & Natural Resources

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

SEP 17 1990

Eleanor Bussey
RR #1 Box 48
Tabor SD 57063

Dear Mr. Bussey:

Enclosed is Water Permit No. 5447-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 6-8-94

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181
Attn: Barry

FROM: Gregory C. McCann RR1 Box 226
(name) (address)
Springfield, SD 57062 605-369-2865
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5447-3.

Water Permit No. 5447-3 states that the diversion system is to be constructed by July 25, 1995, and that the water is put to beneficial use by July 25, 1999.
(date) (date)

The diversion system was completed on April 1991.
(date)

Applying the water to beneficial use was completed on ~~April~~ May 1991.
(date)

You may schedule an inspection so that the Water License may be issued.

Gregory C. McCann
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1992

5447-3

Greg McCann
Box 226
Springfield, SD 57062

Dear Mr. McCann:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 5447-3. The water permit is currently listed in the name of Eleanor Bussey.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 9, 1992

SECOND NOTICE
PERMIT NO. 5447-3

Greg McCann
Box 226
Springfield, SD 57062

Dear Mr. McCann:

On January 8, 1992, notice was sent to you concerning the transfer of Water Permit No. 5447-3 in the name of Eleanor Bussey. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

5447-3

Greg McCann
Box 226
Springfield, SD 57062

4a. Article Number

P 906 559 942

4b. Service Type

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

7. Date of Delivery

"T"

10-15-92

5. Signature (Addressee)

G. McCann

6. Signature (Agent)

[Signature]

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 1992

**THIRD NOTICE
WATER PERMIT NO. 5447-3**

Greg McCann
Box 226
Springfield, SD 57062

Dear Mr. McCann:

On January 8, 1992 and October 9, 1992, notices were sent to you concerning the transfer of Water Permit No. 5447-3 in the name of Eleanor Bussey. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water permit. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact Genny McMath (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

5447-3

Greg McCann
Box 226
Springfield, SD 57062

4a. Article Number

P 906 559 968

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Date of Delivery

☐ Insured

☐ COD

☐ Return Receipt for Merchandise

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RR 1 BOX 226
SPRINGFIELD

1992 IRRIGATION

MOTOR SIZE 60

<- - - - - LOAD CONTROL SAVINGS - - - - ->

1992 IRRIGATION SEASON SUMMARY

TOTAL HP

MONTH---	OCT 92	SEP 92	AUG 92	JUL 92	JUN 92	MAY 92	TOTALS
HOURS---	.0	.0	186.3	70.8	.0	.0	257.1
KW-----	.0	96.0	96.0	96.0	.0	.0	
KW CHG--	.00	465.70	465.69	465.69	.00	.00	1397.08
KWH-----			17880	6800			24680
KWH CHG	.00	.00	812.16	353.60	.00	.00	1165.76
PENALTY	.00	.00	.00	.00	.00	.00	
SALES---	.00	465.70	1277.85	819.29	.00	.00	2562.84

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5447-3

Date: _____

I\We request that Water Permit No. 5447-3

formerly owned by: Eleanor Bussey, RR #1 Box 48, Tabor, SD 57063

be transferred to: (name & address) Gregory C McCann, RR #1 Box 226, Springfield, SD 57062

(Telephone No.) 369-2865

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

NW 1/4, N 1/2SW 1/4Section 13, SW 1/4 Section 12, and E 1/2NE 1/4 Section 14, T93N, R59W

I\We understand that the validity of Water Permit No. 5447-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Bon Homme)

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

Gregory C. McCann
(Signed)

Subscribed and sworn to before me this 23rd day of December, 19 92.

Alice M. Kozak
(Notary Public)

My Comm. Expires: 12-12-97

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

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

RECEIPT

413584

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 6, 19 93

RECEIVED OF Gregory Mc Cann, RR 1 Box 226, Springfield, SD 57062

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5447-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Havel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1993

No. 5447-3

Gregory C. McCann
RR 1, Box 226
Springfield, SD 57062

Dear Mr. McCann:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5447-3.

Our records now show you as the owner of Water Permit No. 5447-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

GREG MCCANN, RENTER
RR 1 BOX 226
SPRINGFIELD SD 57062

NOTICE

RE: Violation of Water Permit No(s) 420-3, 2140-3 & 2452-3, 5447-3 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 420-3, 2140-3 & 2452-3, 5447-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 420-3, 2140-3 & 2452-3 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) 5447-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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 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 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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.

3. Article Addressed to:

GREG MCCANN, RENTER
RR 1 BOX 226
SPRINGFIELD SD 57062

Greg McCann
5. Signature (Addressee)

6. Signature (Agent)

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

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

Consult postmaster for fee.

4a. Article Number

P837692573

4b. Service Type

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

7. Date of Delivery

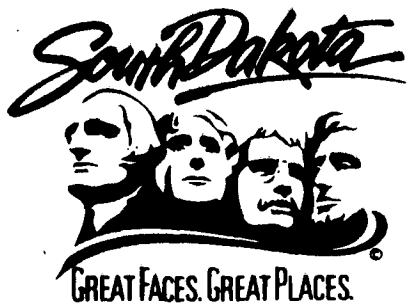
2-18-94

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



5447-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

NOTICE

TO: GREG MCCANN, RENTER
RR 1 BOX 226
SPRINGFIELD, SD 57062

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

RE: Failure to Report Chemical Use under Water Permit No(s) 420-3; 2140-3 & 5447-3

The first notice to file chemigation report(s) for Permit No(s) 420-3; 2140-3 & 5447-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 420-3; 2140-3 & 5447-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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). 420-3; 2140-3 & 5447-3 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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, 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 25, 1994

420-3
2140-3
2452-3
5447-3

Greg McCann
RR #1 Box 226
Springfield, SD 57062

Dear Mr. McCann:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires and chemigation forms. You may disregard the February 16, 1994, **Notice of Violation of Water Permit Nos. 420-3, 2140-3, 2452-3 & 5447-3 and 1993 Irrigation Questionnaire Requirements and the Notice of Failure to Report Chemical Use.**

The questionnaires and chemical reporting forms were 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 Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1995

5447-3

Gregory C. McCann
RR 1, Box 226
Springfield, SD 57062

Dear Mr. McCann:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5447-3, 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

MCCANN, GREGORY C
RR 1 BOX 226
SPRINGFIELD SD 57062-9801

5018200-07 MOTOR SIZE 60

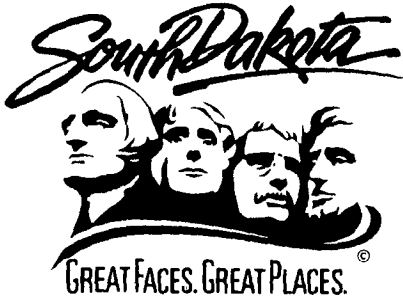
MONTH	KWH	COST	HOURS	CENTS/KWH	COST/HR
SEP 94	4000	673.70	80.1	16.84	8.41
AUG 94	9200	944.10	196.2	10.26	4.81
JUL 94	14720	1,176.74	314.6	7.99	3.74
JUN 94	1680	134.40	18.6	8.00	7.23
TOTAL	29600	2,928.94	609.5	9.90	4.81

	CUT	CONTROL	NOT CONTROL	POSSIBLE SAVINGS	ACTUAL SAVINGS
SEP 94	NO	673.70	913.60	239.90	239.90
AUG 94	NO	944.10	1184.00	239.90	239.90
JUL 94	NO	1176.74	1443.84	267.10	267.10
JUN 94					
TOTAL		2794.54	3541.44	746.90	746.90

93-59-13-3N

TOTAL HP:

MONTH---	OCT 94	SEP 94	AUG 94	JUL 94	JUN 94	MAY 94	TOTALS
HOURS---	.0	80.1	176.2	314.6	18.6	.0	609.5
KW-----	.0	96.0	96.0	96.0	96.0	.0	
KW CHG--	.00	465.70	465.70	465.70	.00	.00	1397.10
KWH-----		4000	9200	14720	1680		29600
KWH CHG	.00	208.00	478.40	711.04	134.40	.00	1531.84
PENALTY	.00	.00	.00	.00	.00	.00	
SALES---	.00	673.70	944.10	1176.74	134.40	.00	2928.94



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1996

SECOND NOTICE
Permit No. 5447-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Gregory C. McCann
RR 1, Box 226
Springfield, SD 57062

Dear Mr. McCann:

On January 9, 1995, you were notified the final inspection fee of \$50.00 is due before Water License No. 5447-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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.

3. Article Addressed to:

Gregory C. McCann
RR 1, Box 226
Springfield, SD 57062

5. Signature (Addressee)

6. Signature (Agent)

5447-3

4a. Article Number

Z 161 984 003

4b. Service Type

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

7. Date of Delivery

1-24-96

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

RECEIPT

414785

Division of Water Rights

South Dakota Department of Environment and Natural Resources

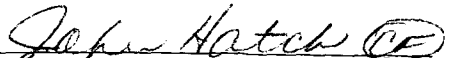
Pierre, _____ February 12, 19 96

RECEIVED OF Gregory C. McCann, RR 1, Box 226, Springfield, SD 57062

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5447-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: GREG MCCANN, RENTER, RR 1 BOX 226, SPRINGFIELD, SD 57062

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

SUBJECT: Violation of Water Permit No(s) 5447-3, 420-3, 2140-3 & 2452-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5447-3, 420-3, 2140-3 & 2452-3. The request for the Questionnaires 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 be to determine if Permit No(s) 420-3, 2140-3 & 2452-3 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) 5447-3 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 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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 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 (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.

c: Gordon McCann, Box 226, Springfield SD 57062



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: GREG MCCANN, RENTER
 RR 1 BOX 226
 SPRINGFIELD SD 57062

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) 420-3 & 5447-3

The first notice to file chemigation report(s) for Permit No(s) 420-3 & 5447-3 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 420-3 & 5447-3. 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). 420-3 & 5447-3 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.

RR 1 BOX 226
SPRINGFIELD

1995 IRRIGATION

MONTH	KWH	COST	HOURS	CENTS/KWH	COST/HR
SEP 95	8200	892.10	174.4	10.88	5.12
AUG 95	19320	1,323.94	412.2	6.85	3.21
JUL 95	5440	748.58	113.4	13.76	6.60
JUN 95	2960	236.80		8.00	
TOTAL	35920	3,201.42	700.0	8.91	4.57

<--- -- -- -- -- LOAD CONTROL SAVINGS -- -- -- -- -->

		CUT	CONTROL	NOT CONTROL	POSSIBLE SAVINGS	ACTUAL SAVINGS
SEP 95	NO		892.10	1132.00	239.90	239.90
AUG 95	NO		1323.94	1637.04	313.10	313.10
JUL 95	NO		748.58	988.48	239.90	239.90
JUN 95						
TOTAL			2964.62	3757.52	792.90	792.90

TOTAL HP:

MONTH---	OCT 95	SEP 95	AUG 95	JUL 95	JUN 95	MAY 95	TOTALS
HOURS---	.0	174.4	412.2	113.4	.0	.0	700.0
KW-----	.0	96.0	96.0	96.0	96.0	.0	
KW CHG--	.00	465.70	465.70	465.70	.00	.00	1397.10
KWH-----		8200	19320	5440	2960		35920
KWH CHG	.00	426.40	858.24	282.88	236.80	.00	1804.32
PENALTY	.00	.00	.00	.00	.00	.00	
SALES---	.00	892.10	1323.94	748.58	236.80	.00	3201.42



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1996

Greg McCann
RR 1 Box 226
Springfield, SD 57062

Dear Mr. McCann:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires and chemical reporting forms. You may disregard the January 30, 1996, **Notices for Failure to Report Chemical Use, Violation of Water Permit and Violation of the Requirement to Submit the 1995 Irrigation Questionnaires.**

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

Permit No. 5447-3
Missouri River - Water District

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

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

I have this day, June 7, 1994, made a thorough examination of the water use system constructed by Eleanor Bussey of RR1 Box 48 holder of Permit No. 5447-3, bearing the priority of April 11, 1990 authorizing the diversion of 3.50 cu. ft. of water per second from surface water for irrigation purposes, in Bon Homme County.

****NOTE:** On January 6, 1993, Water Permit No. 5447-3 was transferred to Gregory C. McCann, RR1 Box 226, Springfield, SD 57062.

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

A. Works used to divert the water:

2 US Electrical motors with 750 GPM pumps each.

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

6", 8", & 12" PVC pipeline.

C. Works used to apply water to beneficial use:

4 valley center pivots (6 tower, 8 tower, & (2) 3 tower).

The system is in excellent condition. The point of diversion are located 1780 feet W and 130 feet S from the center of Section 13; T93N-R59W (NW1/4 SW1/4). The works are capable of diverting and conveying to the place of use 3.34 cu. ft. of water per second which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

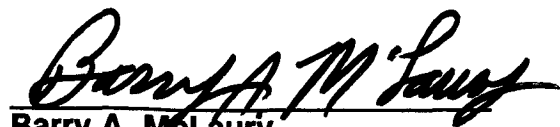
<u>T93N-R59W</u>	<u>SECTION 12</u>	<u>NW1/4 SW1/4</u>	<u>34 acres</u>
		<u>NE1/4 SW1/4</u>	<u>23 acres</u>
		<u>SW1/4 SW1/4</u>	<u>34 acres</u>
		<u>SE1/4 SW1/4</u>	<u>21 acres</u>
	<u>SECTION 13</u>	<u>NW1/4 NW1/4</u>	<u>38 acres</u>
		<u>NE1/4 NW1/4</u>	<u>23 acres</u>
		<u>SW1/4 NW1/4</u>	<u>28 acres</u>
		<u>SE1/4 NW1/4</u>	<u>20 acres</u>
		<u>NW1/4 SW1/4</u>	<u>02 acres</u>
		<u>NE1/4 SW1/4</u>	<u>02 acres</u>
	<u>SECTION 14</u>	<u>NE1/4 NE1/4</u>	<u>09 acres</u>

comprising a total of 234 acres of land and the license should be issued for 3.34 CFS.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None

Date report completed: 12-14-94

A handwritten signature in black ink, appearing to read "Barry A. McLaury", is written over a horizontal line.

Barry A. McLaury

Environmental Scientist

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5447-3

DATE OF INSPECTION: June 8, 1994

Name/address of contact: Gregory C. McCann

Contacts relationship to permit holder: Owner

Name/Address of permit holder: Gregory C. McCann, RR1 Box 226, Springfield, SD 57062

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 1780 feet W and 130 feet S from the center of Section 13; T93N-R59W (NW1/4 SW1/4).

Pump: (South)

- 1) Make Aurora
- 2) Model No. MA-9845-91
- 3) Capacity 750 GPM

Motor:

- 1) Make US Electrical
- 2) Frame No. 364TP WPI
- 3) Horsepower rating 60 hp

Pump: (North)

- 1) Make Aurora
- 2) Model MA9844-91
- 3) Capacity 750 GPM

Motor:

- 1) Make US Electrical
- 2) Frame No. 364TP WPI
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|--------------------------|----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>06</u> inches | 3) Length <u>1850</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>08</u> inches | 3) Length <u>2400</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>1650</u> feet |

SYSTEM TYPE: (See map)

Center pivot: (#1)

- | | |
|-----------------------------------|-------------------------------------|
| 1) Make <u>Valley</u> | 4) End gun <u>Y</u> |
| 2) Overall length <u>330</u> feet | 5) High or low pressure <u>High</u> |
| 3) Number of towers <u>3</u> | 6) Capacity <u>350</u> GPM |

Center pivot: (#2)

- 1) Make Valley
- 2) Overall length 1050 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 700 GPM

Center pivot: (#3)

- 1) Make Valley
- 2) Overall length 1290 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 800 GPM

Center pivot: (#4)

- 1) Make Valley
- 2) Overall length 330 feet
- 3) Number of towers 3
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 350 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type Electrical
- 7) Injection pump type Dual Piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 11) Comments : **This irrigation system was designed by Hal Warner, SDSU Irrigation Specialist.**

PERMIT QUALIFICATIONS AND REGULATIONS:

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5447-3

(1) Eleanor Bussey of Tabor SD made Application No. 5447-3, April 11, 1990 for a water permit to appropriate 3.50 cubic feet of water per second from the Missouri River, Bon Homme County, South Dakota for irrigation purposes. Permit No. 5447-3, with a priority date of April 11, 1990 was approved July 25, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 25, 1995 and for the application to beneficial use of said water on or before July 25, 1999.

Water Permit No. 5447-3 was transferred January 6, 1993 to Gregory C. McCann.

(2) It is certified that the applicant 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 3.34 cubic feet of water per second for beneficial use. The location of the diversion point is 1780 feet west and 130 feet south from the center of Section 13-T93N-R59W (NW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in T93N-R59W**

Section 12	NW 1/4 SW 1/4	34 acres	Section 13	NW 1/4 NW 1/4	38 acres
	NE 1/4 SW 1/4	23 acres		NE 1/4 NW 1/4	23 acres
	SW 1/4 SW 1/4	34 acres		SW 1/4 NW 1/4	28 acres
	SE 1/4 SW 1/4	21 acres		SE 1/4 NW 1/4	20 acres
				NW 1/4 SW 1/4	2 acres
Section 14	NE 1/4 NE 1/4	9 acres		NE 1/4 SW 1/4	2 acres

Total 234 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gregory C. McCann, RR 1, Box 226, Springfield SD 57062 of the holder and/or owner of Water Permit No. 5447-3 is issued a license to appropriate water, the right to use 3.34 cubic feet of water per second from the Missouri River with a priority date of April 11, 1990 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. 5447-3 and subject to South Dakota State Law.


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

APR 4 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

5447-3

Gregory C. McCann
RR 1, Box 226
Springfield, SD 57062

Dear Mr. McCann:

Enclosed is Water License No. 5447-3 and Receipt No. 414785 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5447-3 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

ks
enclosures

5447-3

MCCANN, GREGORY C
 RR 1 BOX 226
 SPRINGFIELD SD 57062-9801



1996 IRRIGATION

5018200-07				MOTOR SIZE	60
MONTH	KWH	COST	HOURS	CENTS/KWH	COST/HR
SEP 96	11600	1,088.30	230.2	9.38	4.73
AUG 96	13440	1,165.18	295.6	8.67	3.94
JUL 96	18560	1,329.02	396.9	7.16	3.35
TOTAL	43600	3,582.50	922.7	8.22	3.88

< - - - - - LOAD CONTROL SAVINGS - - - - - >

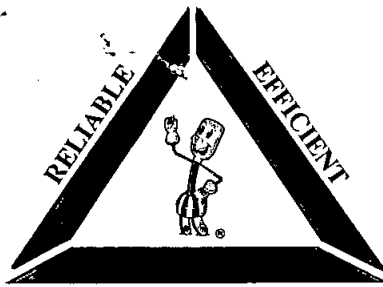
	CUT	CONTROL	NOT CONTROL	POSSIBLE SAVINGS	ACTUAL SAVINGS
SEP 96					
AUG 96	NO	1165.18	1424.48	259.30	259.30
JUL 96	NO	1329.02	1639.52	310.50	310.50
TOTAL		2494.20	3064.00	569.80	569.80

1996 IRRIGATION SEASON SUMMARY

	93-59-13-3N						TOTAL HP
MONTH---	OCT 96	SEP 96	AUG 96	JUL 96	JUN 96	MAY 96	TOTALS
HOURS---	.0	230.2	295.6	396.9	.0	.0	922.7
KW-----	.0	100.0	100.0	100.0	.0	.0	
KW CHG--	.00	485.10	485.10	485.10	.00	.00	1455.30
KWH-----		11600	13440	18560			43600
KWH CHG	.00	603.20	680.08	843.92	.00	.00	2127.20
PENALTY	.00	.00	.00	.00	.00	.00	
SALES----	.00	1088.30	1165.18	1329.02	.00	.00	3582.50

Member Owned

5447-3



BON HOMME YANKTON ELECTRIC ASSOCIATION, INC.

P.O. BOX 158 · TABOR, SOUTH DAKOTA 57063

PHONE (605) 463-2507 · TOLL FREE 1-800-925-2929 · FAX (605) 463-2419

SERVICE
5018200-007

MCCANN, GREGORY C
41876 APPLE TR RD

SPRINGFIELD, SD 570629801

1999 Irrigation Summary

Date	Beg Read	End Read	KWH	KWH Chg	KW	KW Chg	Total Charges	Payments	Balance
7-1999	0	215	8600	\$405.20	52.0	\$252.20	\$657.40	\$657.40	\$0.00
8-1999	215	731	20640	\$910.48	100.0	\$485.00	\$1,395.48	\$1,395.48	\$0.00
Totals			29240	\$1,315.68		\$737.20	\$2,052.88	\$2,052.88	\$0.00

Annual Minimum \$14.25/HP: 120 \$1,710.00

Minimum Adjustment \$0.00

Total Amount Due \$0.00

5018200-007	Motor#	Beg Read	End Read	Hours Run
	1	3724	4051	327
	2	2498	2773	275



5447-3
**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: GREG MCCANN, RENTER, 41876 APPLE TREE RD, SPRINGFIELD, SD 57062 6410

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. 5447-3, 420-3, 2140-3 & 2452-3. 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) 420-3, 2140-3 & 2452-3 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) 5447-3 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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.

c: Gordon McCann, Box 266, Springfield, SD 57062

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

January 25, 2000

Greg McCann
41876 Apple Tree Rd
Springfield, SD 57062-6410

RE: Water Permit/Right Nos. 420-3, 2140-3, 2452-3 and 5447-3

Dear Mr. McCann:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 420-3, 2140-3, 2452-3 and 5447-3.

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

c: Gordon McCann



5447-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: GREG MCCANN, RENTER, 41876 APPLE TREE RD, SPRINGFIELD, SD 57062 6410

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. 5447-3, 420-3, 2140-3 & 2452-3. 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 Nos. 420-3, 2140-3 & 2452-3 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. 5447-3 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 No. 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit Nos. 420-3, 2140-3 & 2452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

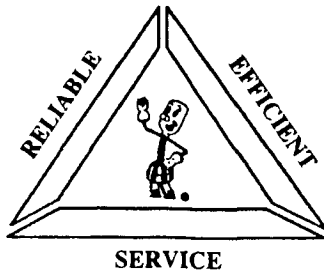
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

c: GORDON MCCANN, BOX 226, SPRINGFIELD, SD 57062

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.

Member Owned



BON HOMME YANKTON ELECTRIC ASSOCIATION, INC.

P.O. BOX 158 • TABOR, SOUTH DAKOTA 57063
PHONE (605) 463-2507 • TOLL FREE 1-800-925-2929 • FAX (605) 463-2419
10/13/00

MCCANN, GREGORY C
41876 APPLE TR RD

Account#: 5018200-007

Annual Minimum: \$1,710.00

SPRINGFIELD, SD 570629801

HorsePower: 120

2000 Irrigation Season Summary and Minimum Adjustment

5018200-007

Date	Present Reading	Previous Reading	KWH	KWHS	KW Demand	KWS	Tax	Total
6-2000 1 Charges	349	0	13,960	\$569.72	49	\$238.62	\$0.00	\$808.34
7-2000 3 Payment								(\$808.34)
7-2000 1 Charges	1014	349	26,600	\$1,116.20	106	\$514.10	\$0.00	\$1,630.30
8-2000 3 Payment								(\$1,630.30)
8-2000 1 Charges	1181	1014	6,680	\$336.76	49	\$238.62	\$0.00	\$575.38
9-2000 3 Payment								(\$575.38)
9-2000 1 Charges	1181	1181	0	\$0.00	0	\$0.00	\$0.00	\$0.00
Totals			47,240	\$2,022.68	204	\$991.34	\$0.00	\$0.00

Total Charges \$3,014.02

Total Adjustments \$0.00

Total Sales 2000 \$3,014.02

Minimum Adjustment \$0.00

Total with Adjustment \$3,014.02

Total Payments (\$3,014.02)

Total Amount Due \$0.00

Hour Readings

5018200-007

Motor#	Beg Read	End Read	Hours Run
1	0471	397	468
2	2773	3328	555



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2001

420-3
2140-3
2452-3
5447-3

Greg McCann
41876 Apple Tree Rd
Springfield, SD 57062-6410

Dear Mr. McCann:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 420-3, 2140-3, 2452-3 and 5447-3.

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.

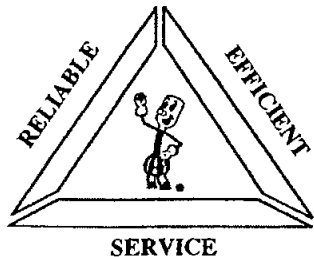
Sincerely,

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

c: Gordon McCann

Member Owned

5447-3



BON HOMME YANKTON ELECTRIC ASSOCIATION, INC.

P.O. BOX 158 • TABOR, SOUTH DAKOTA 57063
PHONE (605) 463-2507 • TOLL FREE 1-800-925-2929 • FAX (605) 463-2419
10/4/01

SVENDSEN, RANDY & VALERIE

30271 445TH AVE

VOLIN, SD

570729737

Account#: 7908500-001

Annual Minimum: \$1,068.00

HorsePower: 75

2001 Irrigation Season Summary and Minimum Adjustment

7908500-001

Date		Present Reading	Previous Reading	KWH	KWHS	KW Demand	KWS	Tax	Total
5-2001	1 Charges	2300	0..	2,300	\$184.00.	59	\$0.00	\$0.00	\$184.00
6-2001	3 Payment								(\$184.00)
6-2001	1 Charges	6250	2300	3,950	\$205.40	56	\$271.12	\$0.00	\$476.52
7-2001	3 Payment								(\$476.52)
7-2001	1 Charges	18380	6250	12,130	\$537.76	60	\$290.22	\$0.00	\$827.98
8-2001	3 Payment								(\$827.98)
8-2001	1 Charges	37100	18380	18,720	\$744.64	58	\$282.46	\$0.00	\$1,027.10
9-2001	3 Payment								(\$1,027.10)
9-2001	1 Charges	40920	37100	3,820	\$305.60	58	\$0.00	\$0.00	\$305.60
Totals				40,920	\$1,977.40	291	\$843.80	\$0.00	\$305.60

Total Charges \$2,821.20

Total Adjustments \$0.00

Total Sales 2001 \$2,821.20

Minimum Adjustment \$0.00

Total with Adjustment \$2,821.20

Total Payments (\$2,515.60)

Total Amount Due \$305.60

Hour Readings

7908500-001	Motor#	Beg Read	End Read	Hours Run
	1	10665	11366	701

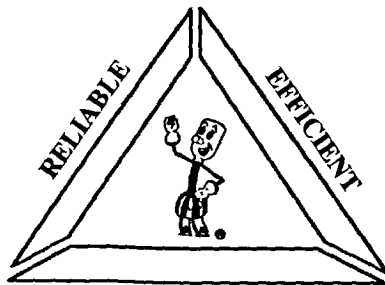


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5447-3

Member Owned



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MCCANN, GREGORY C
41876 APPLE TR RD
SPRINGFIELD, SD

570629801

11/6/02

Account#: 5018200-007

Annual Minimum: \$1,710.00

HorsePower: 120

2002 Irrigation Season Summary and Minimum Adjustment

5018200-007

Date		Present Reading	Previous Reading	KWH	KWHS	KW Demand	KWS	Tax	Total
7-2002	1 Charges	1217	0	48,680	\$1,835.76	111	\$539.32	\$0.00	\$2,375.08
8-2002	3 Payment								(\$2,375.08)
8-2002	1 Charges	1811	1217	23,760	\$1,036.32	110	\$535.44	\$0.00	\$1,571.76
9-2002	3 Payment								(\$1,571.76)
9-2002	1 Charges	1811	1811	0	\$0.00	0	\$0.00	\$0.00	\$0.00
Totals				72,440	\$2,872.08	222	\$1,074.76	\$0.00	\$0.00

Total Charges \$3,946.84
Total Adjustments \$0.00
Total Sales 2002 \$3,946.84
Minimum Adjustment \$0.00
Total with Adjustment \$3,946.84
Penalties \$0.00
Total Payments (\$3,946.84)

Total Amount Due	\$0.00
-------------------------	---------------

Hour Readings				
5018200-007	Motor#	Beg Read	End Read	Hours Run
	1	544	1306	762
	2	13643	14279	636

RECEIVED

JAN 03 2003

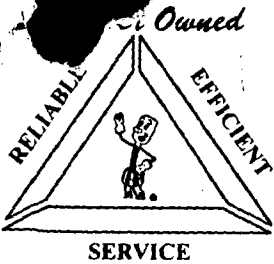
WATER RIGHTS
PROGRAM



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The power of human connections



5447-3



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11/10/2003

MCCANN, GREGORY
41876 APPLE TREE RD

Account#: 5018201-001

Annual Minimum: \$2,280.00

SPRINGFIELD, SD 57062

HorsePower: 160

2003 Irrigation Season Summary and Minimum Adjustment

5018201-001

Date	Present Reading	Previous	KWH	KWH\$	KW Demand	KW\$	Tax	Total
7-2003 1 Charges	200	0	8,000	\$344.00	35	\$170.72		\$535.31
8-2003 3 Payment								(\$321.19)
8-2003 3 Payment								(\$214.12)
8-2003 1 Charges	602	200	16,080	\$644.56	52	\$252.20		\$932.63
9-2003 3 Payment								(\$559.58)
9-2003 3 Payment								(\$373.05)
9-2003 1 Charges	669	602	2,680	\$139.36	36	\$172.66	\$0.00	\$312.02
10-2003 3 Payment								(\$102.22)
Totals			26,760	\$1,127.92	123	\$595.58		\$209.80

Total Charges \$1,723.50
Total Adjustments \$0.00
Total Sales 2003 \$1,723.50
Minimum Adjustment \$556.50
Sales Tax
Total with Adjustmen \$2,336.46
Penalties 4.60
Total Payments (\$1,570.16)

Total Amount Due **\$333.90**

RECEIVED
JAN 12 2004
WATER RIGHTS
PROGRAM

60%
333.90 adjustment

Hour Readings

5018201-001	Motor#	Beg Read	End Read	Hours Run
	1	13228	13829	601
	2	11512	11851	339



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5447-3

**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: GREG MCCANN, RENTER, 41876 APPLE TREE RD, SPRINGFIELD, SD 57062 6410

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) 420-3, 2140-3 & 2452-3 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) 5447-3 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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.

c: GORDON MCCANN, BOX 226, SPRINGFIELD, SD 57062

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.



5447-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2005

420-3
2140-3
2452-3
5447-3

Greg McCann
41876 Apple Tree Rd
Springfield SD 57062-6410

Dear Mr. McCann:

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. 420-3, 2140-3, 2452-3 and 5447-3.

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

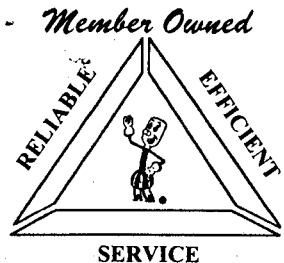
If you have any questions, please contact me.

Sincerely,

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

c: Gordon McCann

3447-3



BON HOMME YANKTON ELECTRIC ASSOCIATION, INC.

P.O. BOX 158 • TABOR, SOUTH DAKOTA 57063
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10/6/2006

MCCANN, GREGORY C
41876 APPLE TREE RD

Account#: 5018200-007

Annual Minimum: \$1,710.00

SPRINGFIELD, SD 570629801

HorsePower: 120

2006 Irrigation Season Summary and Minimum Adjustment

5018200-007

Date	Present Reading	Previous Reading	KWH	KWHS	KW Demand	KWS	Tax	Total
7-2006 1 Charges	660	297	36,300	\$1,633.50	109.00	\$681.25	\$0.00	\$2,314.75
8-2006 3 Payment								(\$2,314.75)
8-2006 1 Charges	780	660	12,000	\$540.00	108.00	\$675.00	\$0.00	\$1,215.00
9-2006 3 Payment								(\$1,215.00)
Totals			48,300	\$2,173.50	217	\$1,356.25	\$0.00	\$0.00

Total Charges \$3,529.75
Total Adjustments \$0.00
Total Sales 2006 \$3,529.75
Minimum Adjustment \$0.00
Total with Adjustment \$3,529.75
Penalties \$0.00
Total Payments (\$3,529.75)

Total Amount Due \$0.00

Payment Due by 10/25/06

RECEIVED
DEC 22 2006
WATER RIGHTS
PROGRAM

Hour Readings

5018200-007	Motor#	Beg Read	End Read	Hours Run
	1	2824	3388	564
	2	427	766	339

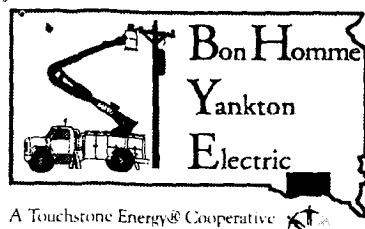
Total
903 hrs



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5447-3



BON HOMME YANKTON ELECTRIC ASSOCIATION, INC.

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11/21/2008

MCCANN, GREGORY C
41876 APPLE TREE RD

Account#: 5018200-007

Annual Minimum: \$1,710.00

SPRINGFIELD SD 570626410

HorsePower: 120

2008 Irrigation Season Summary and Minimum Adjustment

5018200-007

Date	Present Reading	Previous Reading	KWH	KWHS	KW Demand	KWS	Tax	Total
7-2008 3 Payment								(\$16.50)
7-2008 1 Charges	759	527	23,200	\$1,531.20	59.00	\$767.00	\$0.00	\$2,298.20
8-2008 3 Payment								(\$2,298.20)
8-2008 1 Charges	1068	759	30,900	\$1,699.50	56.00	\$420.00	\$0.00	\$2,119.50
9-2008 3 Payment								(\$2,119.50)
Totals			54,100	\$3,230.70	115	\$1,187.00	\$0.00	(\$16.50)

Total Charges \$4,417.70

Total Adjustments \$0.00

Total Sales 2008 \$4,417.70

Minimum Adjustment \$0.00

Total with Adjustment \$4,417.70

Penalties \$0.00

Total Payments (\$4,417.70)

Total Amount Due \$0.00

Payment Due by 12/15/08

Hour Readings

5018200-007	Motor#	Beg Read	End Read	Hours Run
	1	3814	4546	732
	2	766	766	0





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 22, 2010

NOTICE

TO: GREG MCCANN, RENTER, 41876 APPLE TREE RD, SPRINGFIELD, SD 57062 6410

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) 420-3, 2140-3 & 2452-3 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) 5447-3 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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>

c: GORDON MCCANN, BOX 226, SPRINGFIELD, SD 57062

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 10, 2010

Greg McCann
41876 Apple Tree Rd
Springfield SD 57062 6410

RE: 2009 Irrigation Questionnaires for Water Right Nos. 420-3, 2140-3, 2452-3 and 5447-3

Dear Mr. McCann:

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. 420-3, 2140-3, 2452-3 and 5447-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

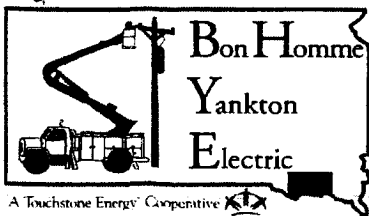
In July, 2009, I forwarded you copies of the water rights and "Notice of Transfer of Ownership" forms for Nos. 420-3, 2140-3 and 2452-3. To date, those water rights are still listed in the name of Gordon McCann. Enclosed is another partially completed set of forms. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150.00). The check or money order for the fee can be made payable to the Water Rights Program. If the water rights should remain as they are and you do not wish to file an ownership change, 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

c: Gordon McCann



BON HOMME YANKTON ELECTRIC ASSOCIATION, INC.

P.O. BOX 158 • TABOR, SOUTH DAKOTA 57063

www.byelectric.com

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5447-3

RECEIVED

JAN 19 2012

WATER RIGHTS
PROGRAM

11/9/2011

MCCANN, GREGORY C

31133 BON HOMME RD

Account#: 5018200-007

Annual Minimum: \$1,800.00

TABOR SD

57063

HorsePower: 120

2011 Irrigation Season Summary and Minimum Adjustment

5018200-007

Date		Present Reading	Previous Reading	KWH	KWHS	KW Demand	KWS	Tax	Total
6-2011	1 Charges	0	0	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
7-2011	1 Charges	109	0	10,900	\$654.00	57.00	\$441.75	\$0.00	\$1,095.75
8-2011	3 Payment								(\$1,095.75)
8-2011	1 Charges	361	109	25,200	\$1,512.00	49.00	\$379.75	\$0.00	\$1,891.75
9-2011	3 Payment								(\$1,891.75)
9-2011	1 Charges	364	361	300	\$18.00	3.00	\$23.25	\$0.00	\$41.25
10-2011	3 Payment								(\$41.25)
10-2011	1 Charges	367	364	300	\$19.50	5.00	\$5.00	\$0.00	\$24.50
Totals				36,700	\$2,203.50	114	\$849.75	\$0.00	\$24.50

Total Charges \$3,053.25

Total Adjustments \$0.00

Total Sales 2011 \$3,053.25

Minimum Adjustment \$0.00

Total with Adjustment \$3,053.25

Penalties \$0.00

Total Payments (\$3,028.75)

Total Amount Due \$24.50

Payment Due by 11/30/2011

686 hrs.



5447-3
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 18, 2013

NOTICE

TO: GREG MCCANN, 3133 BON HOMME RD, TABOR, SD 57063

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) 420-3, 2140-3 & 2452-3 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) 5447-3 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

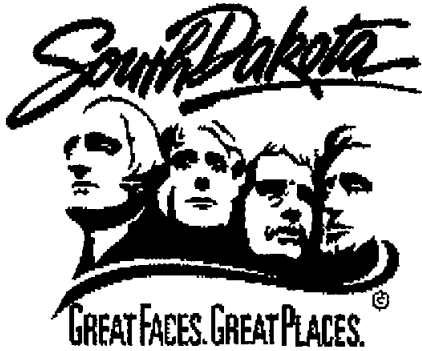
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

5447-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2013

420-3
2140-3
2452-3
5447-3

Greg McCann
3133 Bon Homme Rd
Tabor SD 57063

Dear Mr. McCann:

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. 420-3, 2140-3, 2452-3 and 5447-3. 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



5447-3
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: GREG MCCANN, 3133 BON HOMME RD, TABOR, SD 57063

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) 420-3, 2140-3 & 2452-3 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) 5447-3 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 19, 2015

Greg McCann
3133 Bon Homme Rd
Tabor SD 57063

Dear McCann:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 420-3, 2140-3, 2452-3 & 5447-3. 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

Gronlund, Eric

From: Navratil, Larry J. <Larry.Navratil@sapagroup.com>
Sent: Friday, August 19, 2016 12:52 PM
To: Gronlund, Eric
Subject: Taxes.xlsx
Attachments: Taxes.xlsx

Dear Sir,

I wish to issue a formal complaint about Greg McCann's irrigation system watering on my property. I have gone to the point of calling the police, highway superintendent and the county zoning personnel with no relief from any of them. I will be seeking payment for water damage to my sheds from Greg McCann, when I know I will no longer have to worry about any more damage, then my lawyer can file the paperwork. I have attached a copy of the land description that is being water upon, the irrigation system in question is on land west of me. If you have any other questions or would like the photos or videos that I have, I can be reached by phone at 605-661-2906 (cell), 605-589-3884 (home), or my home e-mail is nacho@hcinet.net or you can e-mail me at work. Please send me confirmation that you received this.

Thank You

Larry Navratil

sapa:

Larry J. Navratil

Packing Leadman

Sapa Extrusion North America
2500 Alumax Rd. Yankton SD. 57078
Telephone (605)665-6063
Mobile phone
E-mail larry.navratil@sapagroup.com
www.sapagroup.com

Sapa is the world leader in aluminium solutions. We are shaping a lighter future through a global reach and local presence within extrusions, building systems, and precision tubing. We have 23,500 employees in more than 40 countries, and our headquarters are located in Oslo, Norway. Sapa – Innovative Aluminium Solutions

with your check for payment. If your taxes are paid by your Bank in Escrow, this is
Based on November 1, 2014 valuations. Taxes for January 1, 2015 through December

P Dist/Parcel 1842SP 18.13.2120

BON HOMME TWP-BON HOMME S

A Receipt# 4338.0 Type: 2015 RE

Location: 31125 BON HOMME ROAD

R

C

Deed: NAVRATIL, LARRY J & ANGELA R

E Sec/Twp/Rng 13-93-59

L Legal: S409' OF OUTLOT H

for your information only.
er 31, 2015. Payable April 2016 and October 2016.

Mail: NAVRATIL,LARRY J & ANGELA R

Gronlund, Eric

From: Navratil, Larry J. <Larry.Navratil@sapagroup.com>
Sent: Friday, August 19, 2016 1:54 PM
To: Gronlund, Eric
Subject: RE: Taxes.xlsx

Within the next week there will be a total of 3 sheds within the brown area by your green dot all are beyond the zoning regulations.

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Friday, August 19, 2016 1:40 PM
To: Navratil, Larry J.
Subject: RE: Taxes.xlsx

Larry – please look at attachment. Presume the overspray occurs along the entire boundary of your west property line, but is this the correct location and the shed you are referring to? Just want to make sure I've got the right spot. Eric

From: Navratil, Larry J. [<mailto:Larry.Navratil@sapagroup.com>]
Sent: Friday, August 19, 2016 12:52 PM
To: Gronlund, Eric
Subject: Taxes.xlsx

Dear Sir,

I wish to issue a formal complaint about Greg McCann's irrigation system watering on my property. I have gone to the point of calling the police, highway superintendent and the county zoning personnel with no relief from any of them. I will be seeking payment for water damage to my sheds from Greg McCann, when I know I will no longer have to worry about any more damage, then my lawyer can file the paperwork. I have attached a copy of the land description that is being water upon, the irrigation system in question is on land west of me. If you have any other questions or would like the photos or videos that I have, I can be reached by phone at 605-661-2906 (cell), 605-589-3884 (home), or my home e-mail is nacho@hcinet.net or you can e-mail me at work. Please send me confirmation that you received this.

Thank You

Larry Navratil

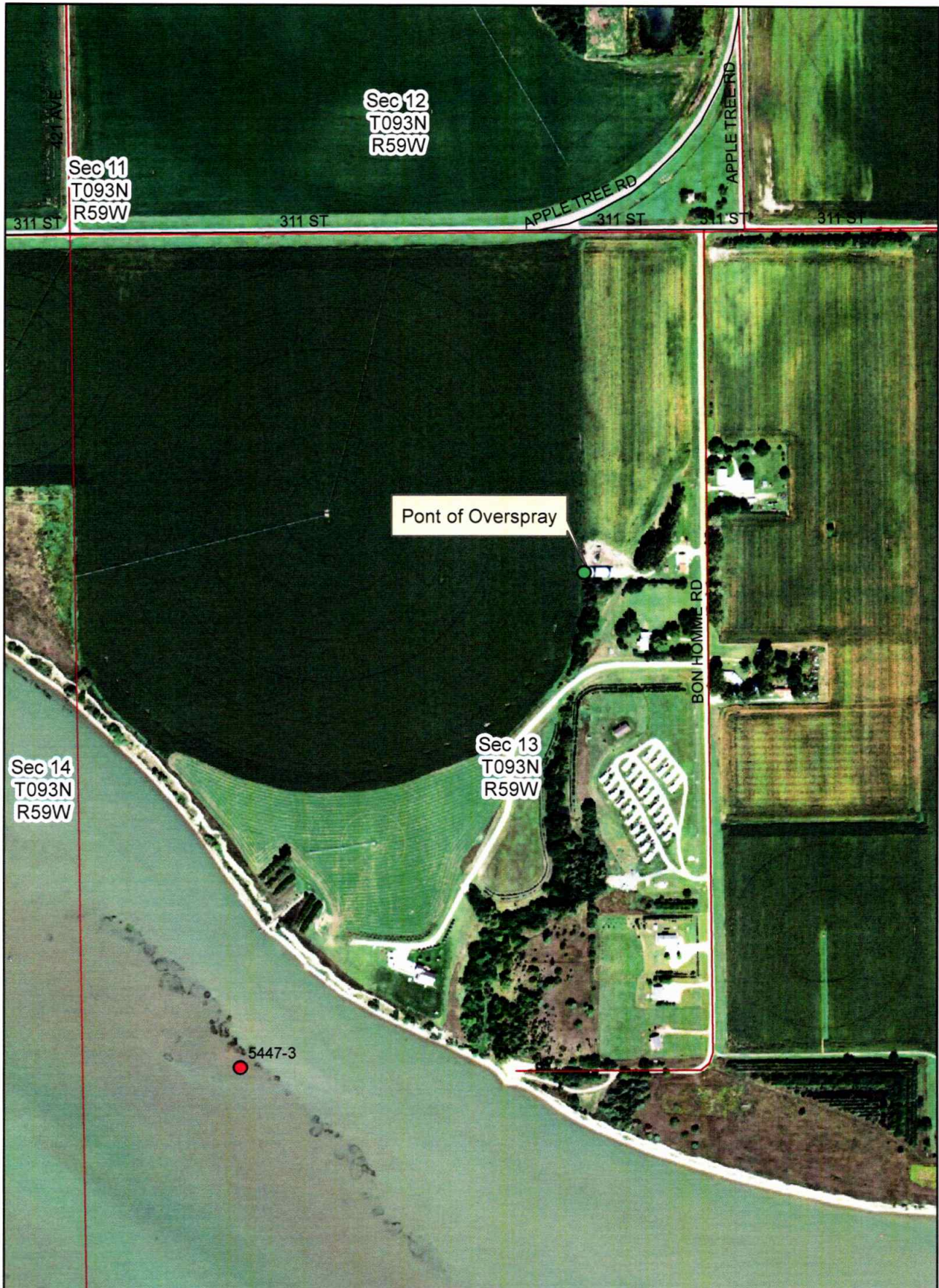
sapa:

Larry J. Navratil

Packing Leadman

Sapa Extrusion North America
2500 Alumax Rd. Yankton SD. 57078
Telephone (605)665-6063
Mobile phone
E-mail larry.navratil@sapagroup.com
www.sapagroup.com

Sapa is the world leader in aluminium solutions. We are shaping a lighter future through a global reach and local presence within extrusions, building systems, and precision tubing. We have 23,500 employees in more than 40 countries, and our headquarters are located in Oslo, Norway. Sapa – Innovative Aluminium Solutions





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

Water Right No. 5447-3

August 25, 2016

Greg McCann
3133 Bon Homme Rd
Tabor SD 57063

Dear Mr. McCann:

The Department of Environment and Natural Resources (DENR) received information alleging that the irrigation system on your property in Bon Homme County operates in a manner that water from the end tower results in water damage to sheds on neighboring property to the east of the center pivot located primarily in the NW ¼ Section 13, T93N, R59W. This irrigation system is covered by Water Right No. 5447-3 held in your name.

Water rights law states that no person may engage in unauthorized use of water, may waste water, or may violate the terms or condition of a permit or license to appropriate water. Further, the right to water in this state is limited to an amount of water reasonably required for the beneficial use to be served, and such right does not extend to the waste or unreasonable use or unreasonable method of diversion of water. The application of water for anything other than irrigation is not authorized under your water permit. The use of irrigation water in this manner alleged is not a beneficial use; rather it is an unreasonable use and constitutes a waste of water.

Please take steps to insure your irrigation system is functioning properly. Continued irrigation in a manner that does not make a beneficial use of the water may result in DENR taking enforcement action.

If you don't believe your irrigation system is causing a problem, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Application No. 5447-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 5447-3, Greg McCann

ADDRESS: 3133 Bon Homme Rd, Tabor SD 57063
Bon Homme

COUNTY: Bon

DATE: August 29, 2016 TELEPHONE:

RE: response to August 25, 2016, letter

Mr. McCann received my August 25, 2016, letter regarding the complaint DENR received alleging his irrigation system operates in a manner that results in water damage to sheds on neighboring property. He indicated that Mr. Navratil has been after him for several years and this is just his latest attempt to cause him problems.

Mr. McCann provided history on the irrigation of the neighboring property. He indicated that back when Mr. Navratil and his dad farmed this property they wanted the water from the irrigation system on their property. Three years ago, Mr. Navratil put up a hoop building on the property line. Mr. McCann had spoke to the contractor who he said told Mr. Navratil about the potential problem. Mr. McCann said he shut off the end gun when it approached the property line. A little water from the sprinkler system was going on the hoop building. Mr. McCann then indicated he put deflectors on the three outermost nozzles. Mr. McCann indicated that Mr. Navratil then put up an REA pole on the property line causing him to shorten his system since it couldn't clear. Since that time Mr. Navratil has constructed a chicken coupe and another building along the property boundary. Mr. McCann stated the problem will be fixed next year as he is installing drop nozzles on the system. That combined with the endgun shut-off will totally eliminate any direct spray from the system on to Mr. Navratil's property.

I asked if any direct irrigation is going on to Mr. Navratil's property now and Mr. McCann said it is not. He said he may send pictures. He also welcomed a site visit.

I told Mr. McCann that our letter was an initial contact to let him know he needs to control his irrigation system

NAME: Eric Hamlund

5447-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2021

420-3
2140-3
2452-3
5447-3

Greg McCann
31133 Bon Homme Rd
Tabor SD 57063

Dear Mr. McCann:

Enclosed as you requested are four partially completed transfer forms for use in adding your daughter's name to the water rights.

Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (\$200 total). The check or money order for the fee can be made payable to the Water Rights Program.

If you or your daughter have any questions, please let me know.

Sincerely,

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

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

enclosures

Feb 2021

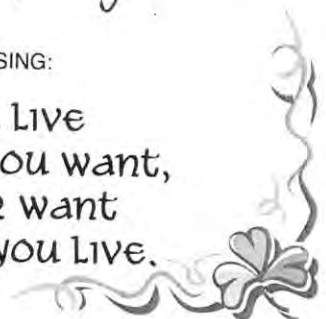
Ms Mc Math,

Please find enclosed
the completed forms and
check for \$200 to add
my daughter to the
irrigation permits. As
I stated, I wish to
remain on the permits
and add Holly's name to
them so that we co-own
them.

Thank you *Dag McAnn*

IRISH BLESSING:

may you live
as long as you want,
and never want
as long as you live.



5447-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 22, 2021RECEIVED OF Gregory C McCann 31133 Bon Homme Rd. Tabor Sd 57063

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>5447-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Bronlund*
 Chief Engineer
um

PAID

FEB 22 2021

Ck# 5944

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 22 2021

WATER RIGHTS
PROGRAM

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

No. 5447-3

Date: 2-16-2021

I/We request that Water Right No. 5447-3

formerly owned by: Gregory C McCann

As per letter received w/transfer
Include Mr. McCann as part owner
Greg McCann
31133 Bon Homme Rd
Tabor SD 57063

be transferred to: (name & address) Holly McCann

31079 Apple Tree Rd
Tabor, SD 57063 Telephone No. 605-464-1278

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

234 acres – SW ¼ Section 12; NW ¼ & N ½ SW ¼ Section 13, NE ¼ NE ¼ Section 14,

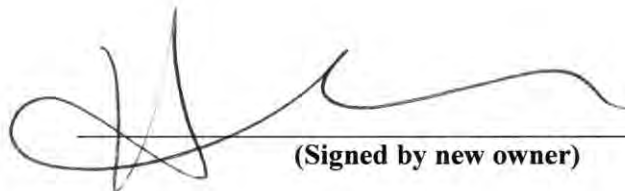
All in T93N, R59W

I/We understand that the validity of Water Right No. 5447-3 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 Holly McCann, 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.

5447-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2021

420-3
2140-3
2452-3
5447-3

Greg McCann
31133 Bon Homme Rd
Tabor SD 57063

Dear Mr. McCann:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring Water Right Nos. 420-3, 2140-3, 2452-3 & 5447-3.

The ownership changes have been completed. Based on the letter you included, I added your name to the transfer forms and have made copies of the forms to send you to ensure everything is correct. The water rights formerly listed under your name are now listed under both you and Holly McCann.

Enclosed are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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

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

c: Holly McCann, 31079 Apple Tree Rd, Tabor SD 57063 w/copies of the transfer forms



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 7, 2024

5447-3

Greg & Holly McCann
31133 Bon Homme Rd
Tabor SD 57063

Dear Mr. & Ms. McCann:

I am writing in regard to Water Right No. 5447-3. The water right authorizes diversion of 3.34 cubic feet of water per second from the Missouri River, for the irrigation of 234 acres within the SW $\frac{1}{4}$ Section 12, NW $\frac{1}{4}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14; all in T93N, R59W, Bon Homme County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 5447-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 234 acres irrigated
- Reported water use – 1,032.3 ac-ft of water (approximately 53 inches)
- Authorized water use – 468 acre-feet (234 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: GREG MCCANN, 31133 BON HOMME RD, TABOR, SD 57063

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 420-3, 2140-3 & 2452-3 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) 5447-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WPAGJJ**

cc: HOLLY MCCANN, 31079 APPLE TREE RD, TABOR SD 57063

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 AGRICULTURE
and NATURAL RESOURCES**

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

January 21, 2025

420-3, 2140-3
2452-3, 5447-3

Greg McCann
31133 Bon Homme Rd
Tabor SD 57063

Dear Mr. McCann:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 420-3, 2140-3, 2452-3 & 5447-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: HOLLY MCCANN, 31079 APPLE TREE RD, TABOR SD 57063



5447-3 2452-3
2140-3 420-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: GREG MCCANN, 31133 BON HOMME RD, TABOR, SD 57063

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 420-3, 2140-3 & 2452-3 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) 5447-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 5447-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 420-3, 2140-3 & 2452-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NFCWCR**

HOLLY MCCANN, 31079 APPLE TREE RD, TABOR SD 57063

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 19, 2026

420-3, 2140-3

5447-3, 2452-3

Greg & Holly McCann
3113 Bon Homme Rd
Tabor, SD 57063

Dear McCann's,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us