

WATER PERMIT NO. 5735-3

Phone: 852-2485

Name of Applicant: Speed McCloud

Post Office Address: Box 317, Highmore SD 57345

Amount of Water Claimed: 1.89 (0.02 add'l) Total Acres: no add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hyde

About 18 miles north of Highmore

PRIORITY Date Received: 9-22-92 Fee: \$50 Remarks: Changes the

location of the diversion point on Permit No. 3334-3 and increases the diversion rate

Corrected Application Received: 12-15-92 Period of Annual Use: April 1- Oct 31

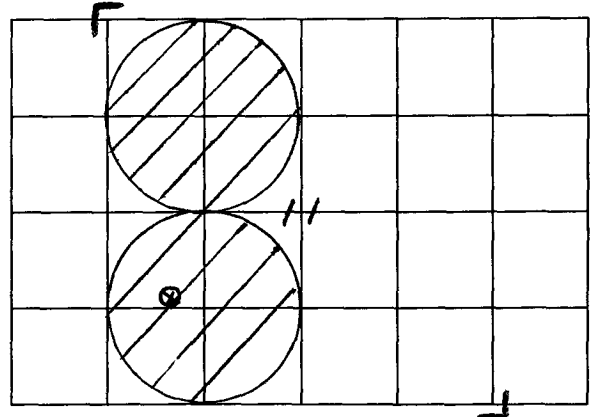
WATER QUALITY APPROVAL RECEIVED: 12-15-76 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 SW 1/4 Sec 11-T115N-R72W

Land to be Irrigated: NW 1/4 and SW 1/4

Sec 11-T115N-R72W



Well Log: Driller: Oahe Drilling Licensed YES ☐ NO ☐

Depth of Well: 130' REMARKS: _____

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 12-15-92 By: Karen Schlaak

(See instructions)

No. <u>5735-3</u>	Hydrologic Unit <u>10160009</u>
Basin <u>James River</u>	
Newspaper <u>Highmore Herald</u>	

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 _____
- Name of Applicant Speed McCloud Phone No. (605) 852-2485
 - Post Office Address Box 317 Highmore State SD 57345
(Street, RR or Box) (City) Zip Code
 - Amount of water claimed (c.f.s.) 1.89 (0.02 add) Total acres irrigated 252
 - Source of Water supply Well
 - Location of point of diversion 1360' N and 1130' E of the SW corner Sec. 11, T115N, R72W.
(NW1/4 SW1/4)
 - County Hyde
 - Counties where water will be used Hyde
 - Annual period during which water is to be used April 1 thru October 31
 - 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.
NW1/4 NW1/4 Sec. 11-115-72	31.5
NE1/4 "	31.5
SW1/4 "	31.5
SE1/4 "	31.5

Land Description	No. Acres Irr.
NW1/4 SW1/4 Sec. 11-115-72	31.5
NE1/4 "	31.5
SW1/4 "	31.5
SE1/4 "	31.5

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: 2 Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: _____
- Give a description of proposed project. (Attach sheet if more space is needed)
This application changes the location of the well from the NW1/4 to the SW1/4 Sec. 11 T115N, T72W and adds 0.02 cfs for a total of 1.89 cfs. The 1.89 cfs is needed to meet the capacity of the system.

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 Hyde) ss

I, Speed McCloud, 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 Speed McCloud
Subscribed and sworn to before me this 21 day of Sept 1992
Douglas Peunni
Notary Public



**SOUTH DAKOTA
WATER PERMIT NO. 5735-3**

Date of first receipt of application September 22, 1992.

Date Soil/Water Compatibility Permit received December 15, 1976.

Date of return to applicant for corrections, amendments or changes October 1, 1992.

Date of receipt of corrected application December 15, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5735-3 to Speed McCloud, Box 317, Highmore SD 57345 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. 5735-3 appropriates an additional 0.02 cubic feet of water per second (cfs) from one existing well to irrigate land authorized by Water Permit No. 3334-3 and to correct the location of the existing well. Water Permit No. 3334-3 appropriates 1.87 cfs from one well located in the NW 1/4 Section 11 to irrigate 320 acres located in the W 1/2 Section 11; all in T115N-R72W. This permit increases the water appropriation from 1.87 cfs to 1.89 cfs. The correct location of the existing well is the NW 1/4 SW 1/4 Section 11-T115N-R72W. No increase in the 252 acres developed for irrigation is authorized by this permit.
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 - October 31.
3. The date from which applicant may claim right is December 15, 1992 for appropriation of 0.02 cfs and November 16, 1976 for the 1.87 cfs (established by Water Permit No. 3334-3).
4. The date of approval of Permit No. 5735-3 is March 3, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAY 19 1993

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 17½ inches Depth 153 ft
- b) Casing Type 31 ft Steel Diameter 14 in. Thickness ¼ in.
- c) Screen Type 304 SS 100 Slot Diameter 14 in Thickness ¼ in
- d) Gravel Pack Thickness 3½ in. Length of Gravel Pack 27 ft
- e) Depth to Top of Water Bearing Material 126 ft
- f) Depth to Water (ground surface to water level) 45 ft
- g) Distance to nearest existing domestic well:
On applicants property 1¼ miles On property owned by others 1½ miles

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

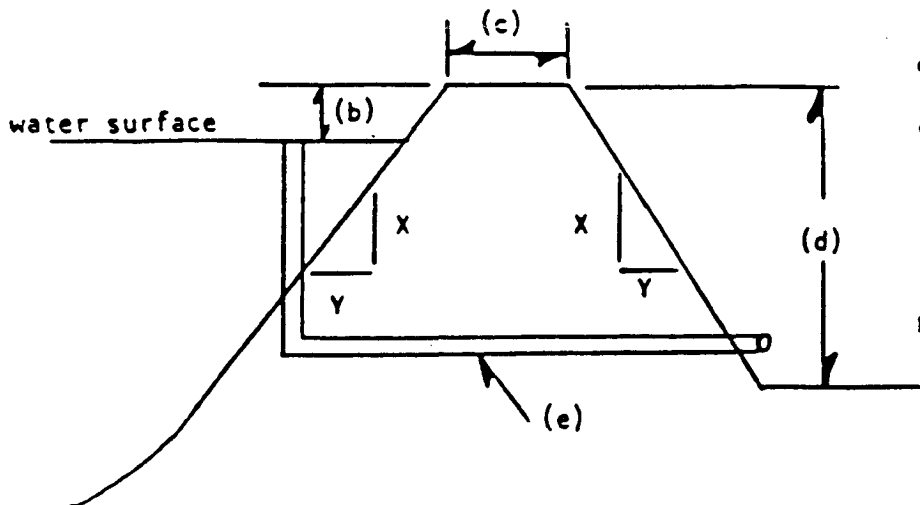
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1992

Speed McCloud
Highmore, SD 57345

Dear Mr. McCloud:

An inspection of Permit No. 3334-3 was conducted by this office on May 13, 1992. The inspection found that the well is located in the SW1/4, not the NW1/4 Section 11, T115N, R72W, as stated on the original application. A letter informing this office of the change in location of the well was received April 29, 1977. The letter was not followed up with a new application at that time.

Due to the fact that the well location is over 660 feet from the location on the original application, and an additional 0.02 cubic feet per second is needed to meet the capacity of your system, a new application is required. South Dakota Codified Law 46-5-13.1 states that the location of a point of diversion may be changed up to 660 feet, if the new point of diversion is from the same source of water. The 0.02 cfs will receive a new priority date, and the remaining 1.87 cfs will retain the November, 1976 priority date on Permit No. 3334-3.

The Department of Agriculture has indicated that a new water analysis is necessary. Water sampling is discussed on the instruction sheet under No. 4. If you have any questions regarding soil/water application, please direct them to James Stukel, Department of Agriculture, (605) 773-3259.

Please find enclosed a partially completed application form, an instruction sheet and copy of map. It is not necessary for you to provide a map as specified under No. 2 on the instruction sheet, as I have already prepared one.

If you have further questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resource Engineer
Water Rights Division
(605) 773-3352

encl

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME SPEED MOULDER
ADDRESS HIGH MOORE, S.D. 57345
COUNTY HYDE

LEGAL DESCRIPTION

1. WELL LOCATION N/W 1/4 OF SEC 11 115/72
2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 AND N/W 1/4 OF SEC 11 115/72

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT 1 GUN _____
4. CROPS TO BE IRRIGATED HAIRY-LEAF CORN

WATER QUALITY

5. SAMPLE NUMBER	<u>76-1858</u>	New Sample <u>76-2032</u>
6. SALINITY (EC X 10 ⁶)	<u>17.38 (high)</u>	<u>1120</u>
7. SODIUM (SAR)	<u>2.99 (low)</u>	<u>1.41</u>
8. RESIDUAL SODIUM CARBONATE (meq/l.)	<u>0</u>	<u>0.00</u>

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from HYDE CO. Conservation District, County Extension office ~~or Soil Conservation Service~~. and: that the legal description for the location of the well and land to be irrigated is true and correct.

Speed M. Moulder
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF November 19 76

D. M. Jager - Notary Public
(TITLE OR SEAL)

Albert J. H. H. H.
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

A circular 'RECEIVED' stamp from the South Dakota State Conservation Commission. The stamp features a circular border with numbers 1 through 12. In the center, it reads 'JAN 1977', 'RECEIVED', 'South Dakota', 'State Conservation', and 'Commission'. A handwritten number '168-1876' is visible across the bottom of the stamp.

Date Rec'd..... December 16, 1972
Sample No..... 75-2032
Identification..... Well-125'
Sec. 11, T 115N, R 32W

Calcium (Ca)	151	ppm*	7.55	me/l**
Magnesium (Mg)	38	ppm	3.12	me/l
Sodium (Na)	75	ppm	3.26	me/l
Potassium (K)	9	ppm	0.23	me/l
Sulfate (SO ₄)	225	ppm	4.69	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO ₃)	503	ppm	8.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	112	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1120	micromhos per cm at 25° C.		13.93
Sodium Adsorption Ratio	1.41		3.86	10.67
Sodium	23.02	% of cations		2.24
Residual sodium carbonate	0.00	me/l		
pH	7.20			
Others:				
*ppm=parts per million				
**me/l=millequivalents per liter				
				***g.p.g.=grains per gallon

COMMENTS: Total cations 14.16 me/l
 Total anions 13.08 me/l

By: Shirley Pittan

Service Performed

Amount Due

Irrigation analysis

38.00 PAID

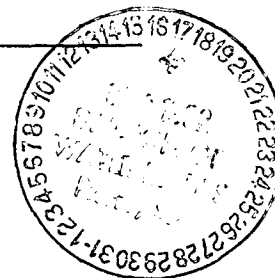
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-2032

Amount Enclosed \$.....

Signed _____



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Speed McCloud Date Rec'd. November 16, 1976
 Address: Highmore, SD 57345 Sample No. 76-1858
 Identification Well-130
NW 1/4, Sec. 11, T 115N, R 72W

WATER ANALYSIS

Calcium (Ca)	247	ppm*	12.35	me/l**	
Magnesium (Mg)	67	ppm	5.49	me/l	
Sodium (Na)	121	ppm	5.26	me/l	
Potassium (K)	15	ppm	0.39	me/l	
Sulfate (SO ₄)	704	ppm	14.64	me/l	
Nitrate (as N)		ppm		me/l	
Chloride (Cl)	136	ppm	3.81	me/l	
Bicarbonate (HCO ₃)	444	ppm	7.28	me/l	
Carbonate (CO ₃)		ppm		me/l	
Iron (Fe)		ppm		me/l	
Fluoride (F)		ppm		me/l	
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***	
Alkalinity (Methyl Orange)	364	ppm (as CaCO ₃)			
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)			
Electrical Conductivity	1738	micromhos per cm at 25° C.	13.1		2.1
Sodium Adsorption Ratio	2.99		17.84		2.0432
Sodium	22.39	% of cations	7.28		2.136
Residual sodium carbonate	0.00	me/l			2.5712
pH	7.26				2.9208
Others:					2.79
					8.43

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 23.49 me/l
 Total anions 25.73 me/l



By: Shirley Witten

Service Performed	Amount Due
Irrigation analysis	\$8.00 Paid

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1858

Amount Enclosed \$

Signed

FROM: Stukel, James

TO: Lynn Beck DENR/DENR

DATE: 09-17-92

TIME: 09:23

CC: Pitan, Arlene
Eric Gronlund DENR/DENR

SUBJECT: Speed McCloud Permit Hyde County

PRIORITY: R

ATTACHMENTS:

Per the question concerning the permitted source to irrigated the W1/2
11-115-72; a reveiw of the file indicates 2 test well samples were taken
and submitted for with the application. Also, based on the limited
information for interpetation, we assume that the well in question falls with
in the 2000 foot limitations of ARSD 12-08-03-01 and 12-08-03-09.

We feel that there is no additional action would be required by this office
at this time.

Jim S

=====



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 1, 1992

Speed McCloud
Box 317
Highmore SD 57345

Dear Mr. McCloud:

In regard to your water permit application received on September 22, 1992, the filing fee for this application will be \$50.00

Upon receipt of the fee, further processing of your application will continue. If you have any questions, please contact Lynn Beck, with this office.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

Karen Schlaak
Natural Resources Analyst
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1992

Speed McCloud
Box 317
Highmore SD 57345

Dear Mr. McCloud:

On September 22, 1992, you submitted applications forms for a permit to appropriate water based on an inspection of Water Permit No. 3334-3 by Lynn Beck, an engineer with this office. You were notified on October 1, 1992 that the application fee of \$50 was required. To date, we have not received this fee.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 3334-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures

RECEIPT

Division of Water Rights

413541

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 15, 19 92

RECEIVED OF Speed McCloud, Box 317, Highmore, SD 57345

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

Fee for Application for Permit No. <u>5735-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer

Report on Application No. 5735-3
Speed McCloud
January, 6 1993

This application proposes to appropriate an additional 0.02 cubic feet per second (cfs) from one existing well to irrigate land authorized by Water Permit No. 3334-3 and to correct the location of the existing well. Water Permit No. 3334-3 appropriates 1.87 cfs from one well located in the NW 1/4 Section 11 to irrigate 320 acres located in the W 1/2 Section 11; all in T115N-R72W. This application proposes to increase the water appropriation from 1.87 cfs to 1.89 cfs. No increase in the 252 acres developed for irrigation is authorized by this application.

Aquifer - Tulare-Hyde Management Unit (T-H) ^{T-H}

The Tulare Aquifer is a Pleistocene glacial outwash (sand and gravel) aquifer which is under artesian conditions in this area and approximately 20 feet thick. The aquifer underlies an area of about 950 square miles in northern Hand and Hyde Counties (Koch, 1976). Recharge to the Tulare Aquifer is by infiltration of precipitation and snowmelt directly into the aquifer. Water fluctuations are caused by seasonal changes in recharge (Koch, 1980).

The Water Rights Division monitors three observation wells in the Tulare Aquifer within approximately three miles of this application's well. Water levels measured in these wells show large seasonal fluctuations in the elevation of the potentiometric surface (Water Rights Division, 1992), however these fluctuations are fairly consistent and represent a stable recharge.

Review of Existing Permits

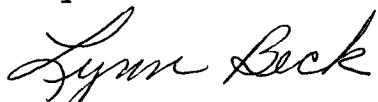
The 1991 irrigation summary (Water Rights Division, 1991) identifies two permits/rights appropriating water from the T-H Aquifer. One of these permits has since been cancelled. The remaining permit is the permit to which this application is making corrections. The reported irrigation pumpage during 1992 was 446 acre-feet.

There are no other existing water rights appropriating ground water from the T-H Aquifer in Hyde County. There are several domestic wells in the area.

Conclusions

1. The well has been completed and is in use. This application is a direct result of an inspection of Permit No. 3334-3. It was found that an additional 0.02 cfs was needed to run the system and the location of the well on Permit No. 3334-3 needed to be corrected.
2. There is a reasonable probability that unappropriated water is available for this appropriation.

3. The well interference qualification should be included as a permit qualification.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

Bibliography

Koch, N.C., 1976 Major Aquifers in Hand and Hyde Counties, South Dakota, Information Pamphlet No. 14, U.S. Geological Survey, SD Geological Survey and the Oahe Conservancy Sub-District, Vermillion, SD 57069.

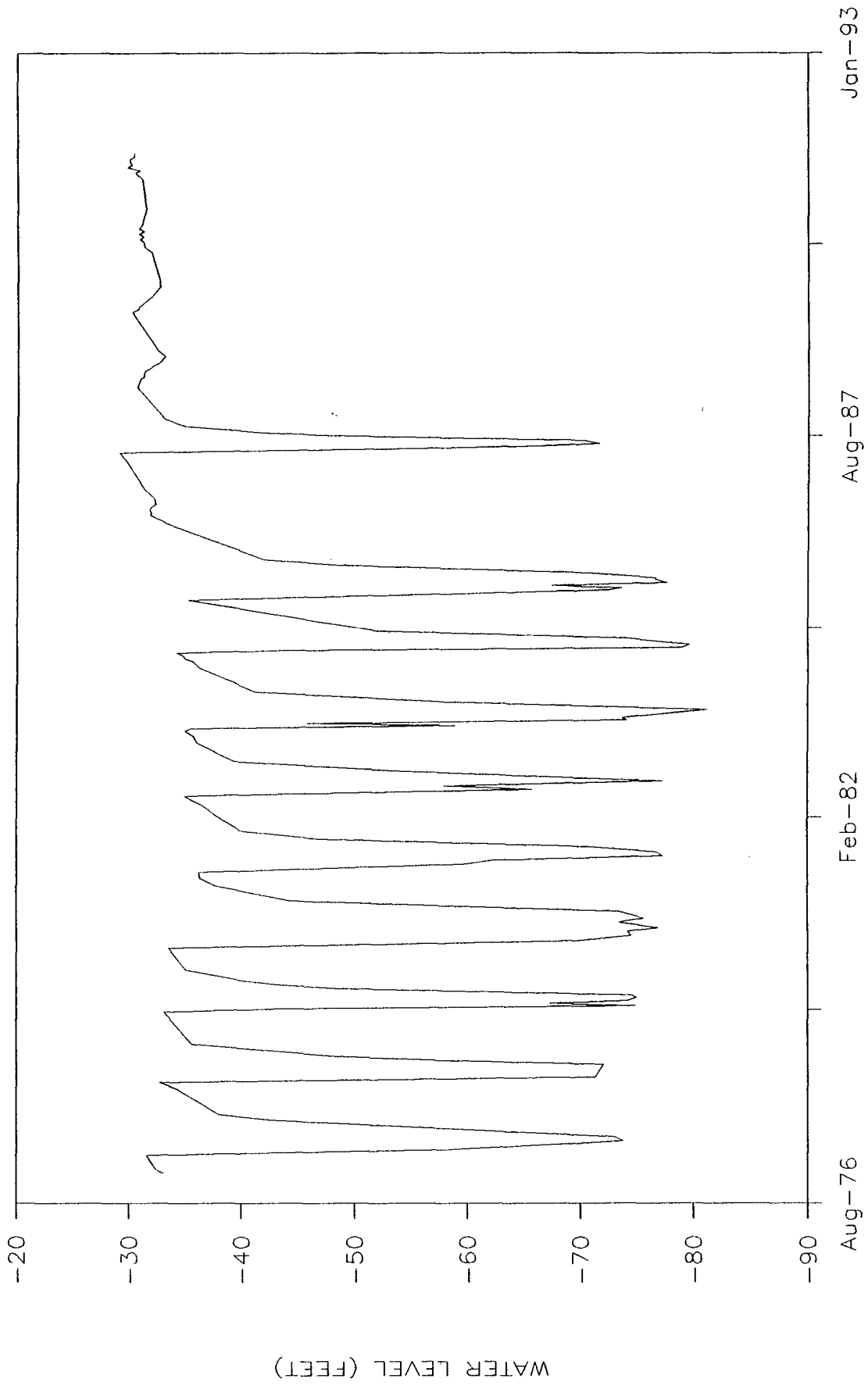
Koch, N.C., 1980, Geological and Water Resources of Hand and Hyde Counties, South Dakota, Part II: Water Resources, Bulletin 28, U.S. Geological Survey, SD geological Survey, SD Department of Water and Natural Resources, Vermillion, SD 57069.

Water Rights Division, 1992, Observation Well Records for Hyde County, South Dakota, SD DENR, Water Rights Division, Joe Foss Building, Pierre, SD 57501.

Water Rights Division, 1992, "1991 Irrigation Summary Report", SD DENR, Water Rights Division, Joe Foss Building, Pierre, SD 57501.

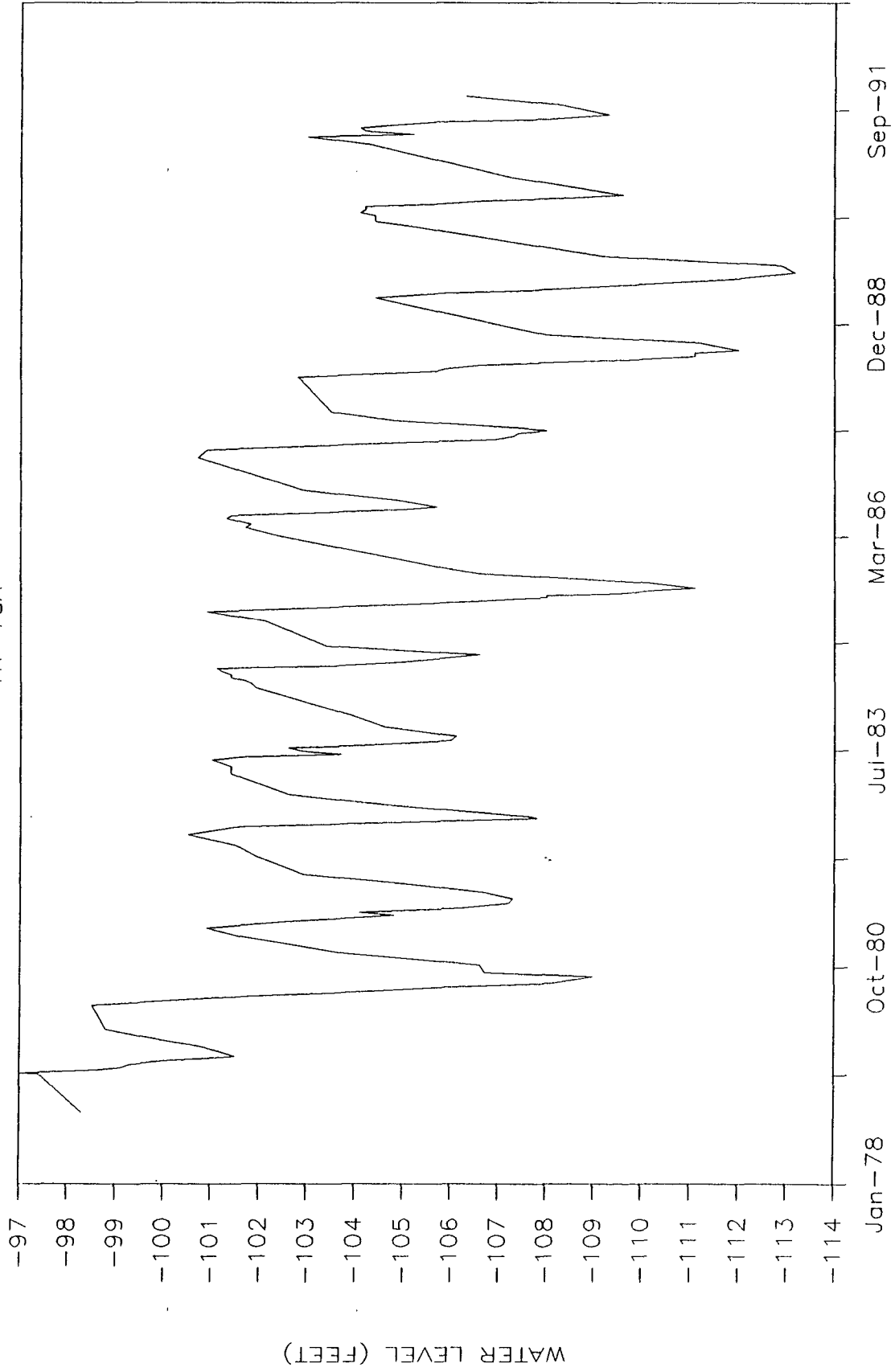
WATER RIGHTS OBSERVATION WELL

HY--76A



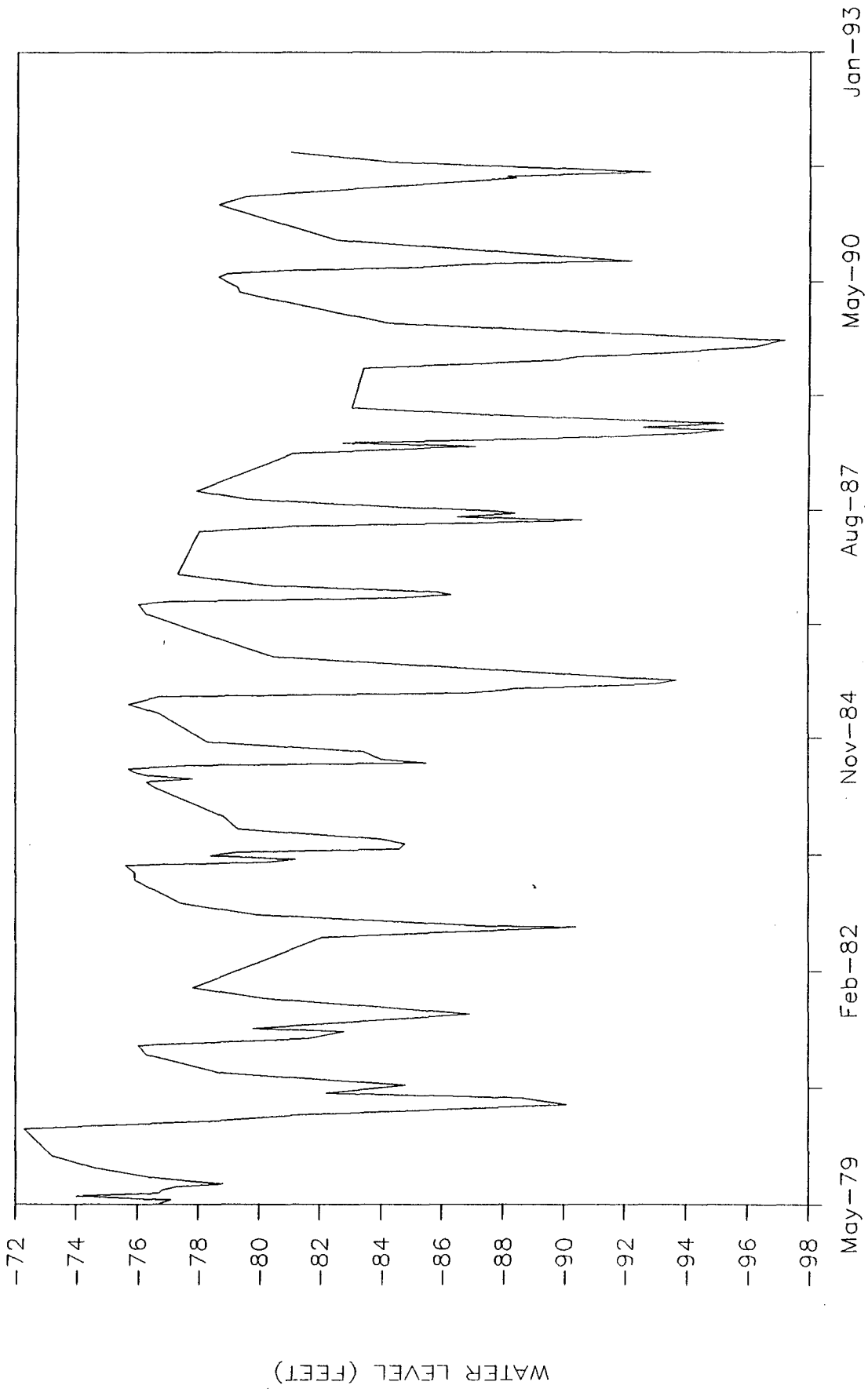
WATER RIGHTS OBSERVATION WELL

HY-78A



WATER RIGHTS OBSERVATION WELL

HY-78B



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5735-3, Speed McCloud

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5735-3, Speed McCloud, Box 317, Highmore, SD 57345.

The Chief Engineer is recommending APPROVAL of Application No. 5735-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
January 27, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 29, 1993

Speed McCloud
Box 317
Highmore, SD 57345

Dear Mr. McCloud:

Water Permit Application No. 5735-3 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 Highmore Herald printed at Highmore, SD (Ph # 852-2927). 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 action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

Highmore Herald
Box 435
Highmore, SD 57345

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5735-3 to be published twice. Please publish the first notice on February 4, 1993, 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 Speed McCloud, Box 317, Highmore, SD 57345 (Ph # 852-2485).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

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 February 4, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5735-3 to Appropriate Water
and to Amend Water Permit No. 3334-3

Notice is given that Speed McCloud, Box 317, Highmore, SD 57345 has filed an application for a water permit to appropriate an additional 0.02 cubic feet of water per second (cfs) from one existing well to irrigate land authorized by Water Permit No. 3334-3 and to correct the location of the existing well. Water Permit No. 3334-3 appropriates 1.87 cfs from one well located in the NW 1/4 Section 11 to irrigate 320 acres located in the W 1/2 Section 11; all in T115N-R72W. This application proposes to increase the water appropriation from 1.87 cfs to 1.89 cfs. The correct location of the existing well is the NW 1/4 SW 1/4 Section 11-T115N-R72W. No increase in the 252 acres developed for irrigation is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5735-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 22, 1993. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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. The March 3, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 1993.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by February 22, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hyde) ss



I, Mary Ann Morford

certify that the attached printed Notice was

taken from the Highmore Herald

printed and published in Highmore

County of Hyde and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

February 4, 1993

February 11, 1993

Cost of Printing: \$64.80

Mary Ann Morford
(Signature)

Publisher
(Title)

2-24-93
(Date Signed)

NOTICE OF HEARING ON APPLICATION NO. 5735-3 TO APPROPRIATE WATER AND TO

AMEND WATER PERMIT NO. 3334-3

Notice is given that Speed McCloud, Box 317, Highmore, South Dakota 57345, has filed an application for a water permit to appropriate an additional 0.02 cubic feet of water per second (cfs) from one existing well to irrigate land authorized by Water Permit No. 3334-3 and to correct the location of the existing well. Water Permit No. 3334-3 appropriates 1.87 cfs from one well located in the NW 1/4 Section 11 to irrigate 320 acres located in the W 1/2 Section 11; all in T115N-R72W. This application proposes to increase the water appropriation from 1.87 cfs to 1.89 cfs. The correct location of the existing well is the NW 1/4 SW 1/4 Section 11-T115N-R72W. No increase in the 252 acres developed for irrigation is authorized by this application.

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Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, South Dakota 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 22, 1993. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m. March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, South Dakota. If a hearing is held, 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. The

(continued on back)

March 3, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 1993.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by February 22, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 72:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.
FPNO 21 LPNO 22



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Speed McCloud
Box 317
Highmore, SD 57345

Dear Mr. McCloud:

Enclosed is Water Permit No. 5735-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

Permit No. 3334-3 ~~5~~ 5735-3Missouri 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 made a thorough examination of the water use system constructed by Speed McCloud of Highmore, SD 57345 holder of Permit No. 3334-3, bearing the priority of November 16, 1976 authorizing the diversion of 1.87 cu. ft. per second of the waters of Tular Aquifer for irrigation purposes, in Hyde County.

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

A. Works used to divert the water:

153' deep well with 133' of 14" steel casing and 20' of 14" steel screen; Verti-Line pump, model no. 12RL, 850 gpm capacity; General Electric motor, model no. 5K6255XN502A, 75 hp.

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

Approximately 2865' of 10" pvc.

C. Works used to apply water to beneficial use:

Center pivot (a) is an Olson with end gun, 1260' long, 8 towers, high pressure nozzels, 850 gpm capacity. Center pivot (b) is a Reinke with end gun, 1260' long, 7 towers, high pressure nozzles, 850 gpm capacity.

The system is in the following condition good. The point of diversion is located 1360' N and 1130' E of the SW corner Section 11, T115N, R72W. The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 11, T115N, R72W:

<u>NW1/4 NW1/4</u>	<u>31.5 acres</u>	<u>NW1/4 SW1/4</u>	<u>31.5 acres</u>
<u>NE1/4 NW1/4</u>	<u>31.5 acres</u>	<u>NE1/4 SW1/4</u>	<u>31.5 acres</u>
<u>SE1/4 NW1/4</u>	<u>31.5 acres</u>	<u>SE1/4 SW1/4</u>	<u>31.5 acres</u>
<u>SW1/4 NW1/4</u>	<u>31.5 acres</u>	<u>SW1/4 SW1/4</u>	<u>31.5 acres</u>

comprising a total of 252 acres of land and the license should be issued for 1.89 cfs

REPORT ON INSPECTION OF PERMIT NUMBER 3334-3

DATE 5-13-92

Other permit(s) associated with the project none

DIVERSION POINT LEGAL LOCATION: Near center of SW1/4 Section 11, T115N, R72W.

WELL INFORMATION: Well Drilling Firm Oahe Drilling Company

No. of Wells 1 Depth(s) 153

- a) Casing: 1) diameter 14 inches b) Screen: 1) type 14" steel
2) length 133 feet 2) length 20 feet
3) type steel c) Pump 1) make Verti-Line Aurora
d) Static Water Level 45 feet 2) model 12RL
e) Motor: 3) size inches
1) make General Electric 4) capacity 850 GPM
2) model No. 5K6255XN502A 5) turbine pump - No. of stages 5
3) horsepower rating 75 hp 6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

- a) type pvc b) size 10 inches c) length 2865 feet

SYSTEM TYPE:

- a) Center pivot:
1) make Olson
2) overall length 1260 feet
3) number of towers 8
4) distance between towers feet
5) end gun Y (Y/N)
6) high or low pressure high
7) capacity 850 GPM
- b) Center pivot:
1) make Reinke
2) overall length 1260 feet
3) number of towers 7
4) distance between towers feet
5) end gun Y (Y/N)
6) high or low pressure high

7) capacity 850 GPM

CHEMIGATION EQUIPMENT:

- b) main line check valve Y (Y/N)
 - d) low pressure drain Y (Y/N)
 - f) interlock type electric
 - h) injection check valve Y (Y/N)
 - j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y (Y/N)
 - k) comments :
- a) does chemigate Y (Y/N)
 - c) inspection port/air relief Y (Y/N)
 - e) discharge is 20' from source Y (Y/N)
 - g) injection pump type Piston
 - i) injection line check valve or positive displacement pump Y (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

Application permit qualifications have been complied with Y Yes No

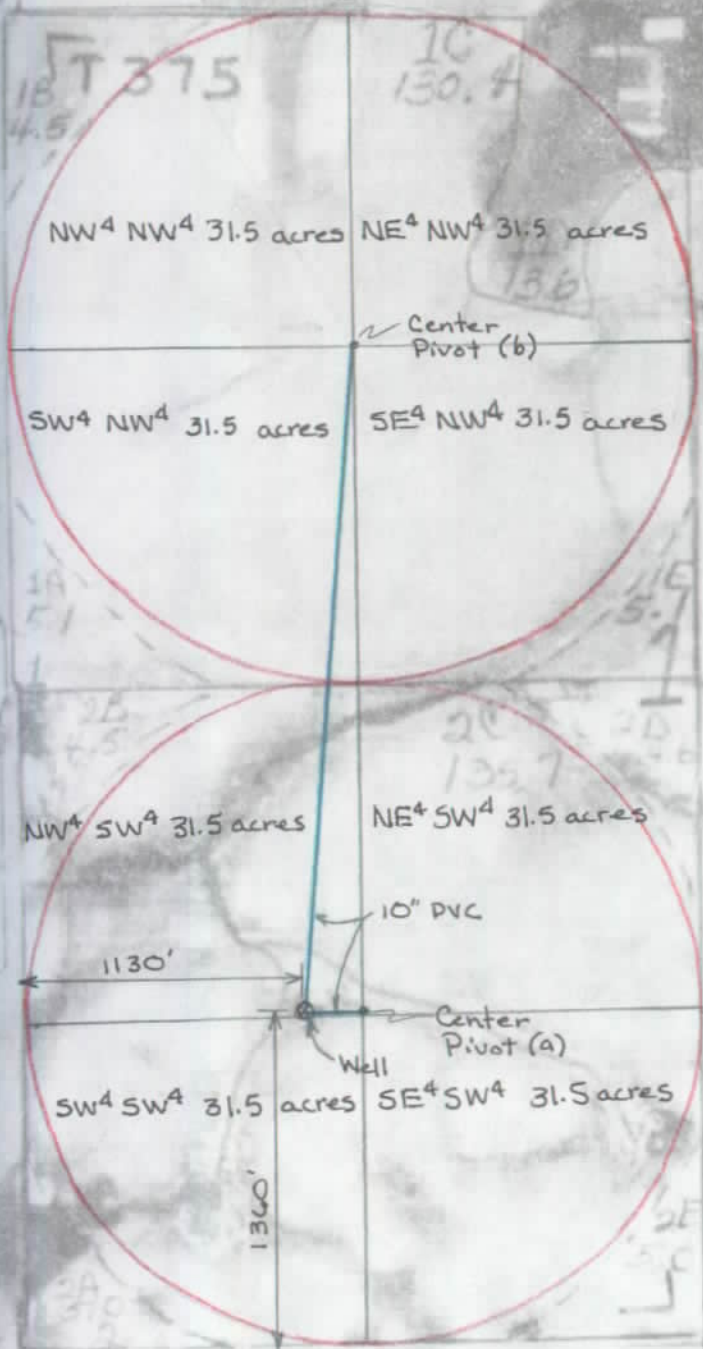
Exceptions to compliance are: none

Date 5-13-92

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

NOT TO SCALE



Prepared by:

Lynn Beck

Lynn Beck
Natural Resource Engineer
DENR, Division of Water Rights
6-23-92

Total acres = 252

(License Map)

Appl No. 5735-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5735-3

(1) Speed McCloud of Box 317, Highmore, SD 57345 made Application No. 5735-3, September 22, 1992 for a water permit to appropriate 0.02 cubic feet of water per second (cfs) from groundwater (one existing well), Hyde County South Dakota for irrigation purposes. Permit No. 5735-3, with priority dates of December 15, 1992 (0.02 cfs) and November 16, 1976 (1.87 cfs) was approved March 3, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5735-3 appropriated an additional diversion rate from an existing well and corrected the location of the well as developed under Water Permit No. 3334-3. No increase in the 252 acres developed for irrigation was authorized by Permit No. 5735-3.

The applicable portions of Water Permit No. 3334-3 are incorporated into this Water License No. 5735-3. A priority date of December 15, 1992 is retained for the additional diversion rate of 0.02 cfs. A priority date of November 16, 1976 is retained for a diversion rate of 1.87 cfs.

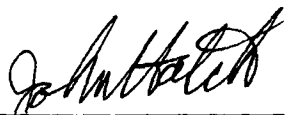
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is 1360 feet north and 1130 feet east of the SW corner of Section 11, T115N, R72W (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:

T115N R72W	Section 11	NW 1/4 NW 1/4	31.5 acres
		NE 1/4 NW 1/4	31.5 acres
		SE 1/4 NW 1/4	31.5 acres
		SW 1/4 NW 1/4	31.5 acres
		NW 1/4 SW 1/4	31.5 acres
		NE 1/4 SW 1/4	31.5 acres
		SE 1/4 SW 1/4	31.5 acres
		SW 1/4 SW 1/4	31.5 acres
Total		252.0 acres	

WATER LICENSE NO. 5735-3
SPEED MCCLOUD
PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Speed McCloud of Box 317, Highmore, SD 57345 the holder and/or owner of Incorporated Water Permit No. 5735-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater (one well) with priority dates of December 15, 1992 (0.02 cfs) and November 16, 1976 (1.87 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5735-3 and subject to South Dakota State Law.



JUN 11 1993

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

RECEIPT

413779

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, May 24, 19 93

RECEIVED OF McCloud Family Living Trust, Box 317, Highmore, SD 57345

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>5735-3</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

CF



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

5735-3

Speed McCloud
Box 317
Highmore, SD 57345

Dear Mr. McCloud:

Enclosed is Water License No. 5735-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413779 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5735-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 3334-3 are incorporated into this Water License No. 5735-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

NOTICE

TO: SPEED MCCLLOUD
BOX 317
HIGHMORE, SD 57345

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) 5735-3

The first notice to file chemigation report(s) for Permit No(s) 5735-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 5735-3. 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). 5735-3 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.

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:

**SPEED MCCLOUD
BOX 317
HIGHMORE SD 57345**

5. Signature (Addressee)

6. Signature (Agent)

X. G. McCloud

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

P 837 692 654

4b. Service Type

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

7. Date of Delivery

3/22/94

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

**PO BOX 317
Highmore SD 57345-0317**

Thank you for using Return Receipt Service.

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

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SPEED MCCLLOUD
BOX 317
HIGHMORE SD 57345

NOTICE

RE: Violation of Water Permit No(s) 5735-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 5735-3 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 Ave, 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) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1994

5735-3

Speed McCloud
PO Box 317
Highmore, SD 57345-0317

Dear Mr. McCloud:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire and chemical reporting form. The questionnaire and chemigation report were completed for you following our March 4th telephone conversation. You may disregard the February 16, 1994, **Notice of Violation of Water Permit and the Notice of Failure to Report Chemical Use under Water Permit No. 5735-3.**

The questionnaire and chemical reporting form were completed and on file 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 57501-3182
denr.sd.gov



November 26, 2014

5735-3

Bruce McCloud
17851 337th Ave
Highmore SD 57345

Dear Mr. McCloud:

Thank you for visiting with me about Water Right No. 5735-3. As we discussed, I will put your name down as operator which will allow the annual irrigation questionnaires to go directly to you.

In order to give you an idea of what is covered under the water right, I have enclosed a copy for your records. I have also included copies of the past 5 year's irrigation questionnaires to give you an idea of what was reported in the past.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures



5735-3
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 15, 2016

NOTICE

TO: SPEED MCCLOUD, PO BOX 317, HIGHMORE, SD 57345 0317

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 26, 2016

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of the 2015 irrigation questionnaire for Water Right No. 5735-3 listed in the name of Speed McCloud. You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the water right. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

On the questionnaire you made a notation indicating an ownership change was needed. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have one, I am enclosing a copy of the water right. You may keep this for your records. If you have any questions, please contact me.

Sincerely,

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

RECEIVED

FEB 10 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5735-3

Date: Feb 2016

I/We request that Water Right No. 5735-3

formerly owned by: Speed McCloud

be transferred to: (name & address) Mark McCloud

33670 183rd St

Higmore SD
57345

Telephone No. 605-820-0581

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

252 acres - W 1/2 Section 11, T115N, R72W

I/We understand that the validity of Water Right No. 5735-3 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 Mark McCloud, the new owner, certify that the above information is true and correct.

Mark McCloud
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/10, 20 16

RECEIVED OF Mark McCloud 33670 183rd St Highmore SD 57345

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5735-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07752**

By *Jeanne Godman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 10, 2016

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5735-3.

The ownership change has been completed. Water Right No. 5735-3 formerly held by Speed McCloud is now listed in your name.

Enclosed for your records is Receipt No. 07752 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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



5735-3
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 20, 2017

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** 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.



5735-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 5735-3. 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



5735-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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.



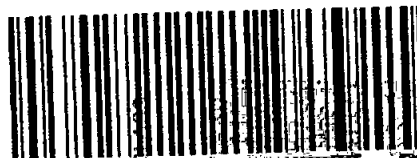
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED

JAN 29 2018
08:03 PM
8102 9 2018

UNRECORDED MAIL



POSTAGE >> PITNEY BOWES



7017 1000 000033253 63847501 \$ 003.92⁰
02 4W
0000350462 JAN 26 2018

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

MARK MCCLOUD
33670 183RD ST

NIXIE 553 DE 1 6962/16/18

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

BC: 57501318299 *0935-11457-26-43

5734537102 *4032



5735-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

February 22, 2018

NOTICE

TO: Mark McCloud
33670 183rd St
Highmore SD 57345

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

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 5735-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 29 and February 3, 2018 to pick up and sign for the certified mail.

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

STUART RICE
2300 SKYLINE RANCH ROAD
RAPID CITY SD 57701

LANE TEKRONY
47840 180TH ST
CLEAR LAKE SD 57226-5405

PRAIRIE GARDENS INC.
TAMARA ROGERS, PRESIDENT
13979 COBB RD
HERMOSA SD 57744-5415

JOHN ANTHONY DERUNGS
11684 INDIAN CANYON RD
EDGEMONT SD 57735

TERRILL WHEELER
16645 416TH AVE
RAYMOND SD 57258

MARK MCCLOUD
33670 183RD ST
HIGHMORE SD 57345

VIOLA KESZLER, OPERATOR
30317 289TH ST
CLEARFIELD SD 57580

BARB & RON CLINE
CLINT & RANDI KRAMBECK
10340 UPPER REDWATER RD
SPEARFISH SD 57783

TROI D ANDERNACHT, OPERATOR
45835 284TH ST
HURLEY SD 57036-6100

PRAIRIE WINDS GOLF CLUB
BRANDON VOSTAD
555 S LAKE DR
WATERTOWN SD 57201

STEVE OLINGER
12241 VALLERY RD
NISLAND SD 57762-7600

FREEMAN AREA GOLF COURSE
DOUG MCCUNE
PO BOX 610
FREEMAN SD 57029-0610

CERTIFICATION

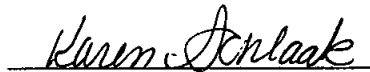
I hereby certify that on February 22, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 22, 2018 regarding Unclaimed Certified Mail addressed as stated on the attached list.



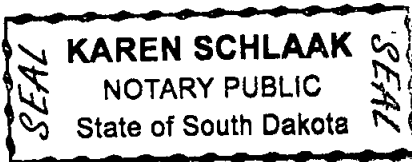
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 2018.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





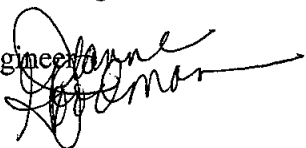
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

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

TO: Mark McCloud, 33670 183rd St, Highmore SD 57345

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 5735-3

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Right No. 5735-3 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735

Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185

Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785

Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

Water Right No. 4472-3: Darrell Biddle, 37461 287th St, Geddes SD 57342

Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766

Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334

Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717

Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3: Norman Kramer, 31105 436th Ave., Yankton SD 57078

Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501

Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220

Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345

Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502

Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600

Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415

Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201

Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701

Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278

Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278

Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434

Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411

Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382

Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

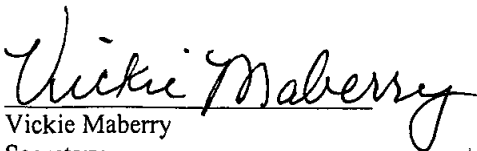
Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790

Water Right No. 1530-2: Viola Keszler, 30317 289th St, Clearfield SD 57580

Third violation - Cancellation:

Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231



Vickie Maberry

Secretary

Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

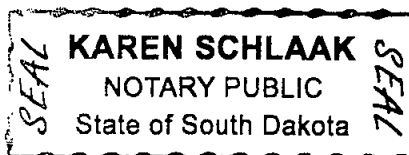
Sworn to, before me, this 8th day of March, 20 18.



Karen Schlaak

Notary Public

My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 2018

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

On March 7th the Water Management Board ordered Water Right No. 5735-3 suspended if the 2017 irrigation questionnaire was not received prior to April 7, 2018. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2018 irrigation season.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



5735-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 7, 2019

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

TO: Mark McCloud, 33670 183rd St, Highmore SD 57345

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

SUBJECT: One Year Suspension of Water Right No. 5735-3

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right No. 5735-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2019

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

On March 6th the Water Management Board ordered Water Right No. 5735-3 suspended if the 2018 irrigation questionnaire was not received prior to April 6, 2019. The questionnaire information for your water right was received March 11, 2019.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2019 irrigation season.

If you have any questions, please contact us.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352



5735-3
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 23, 2020

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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:

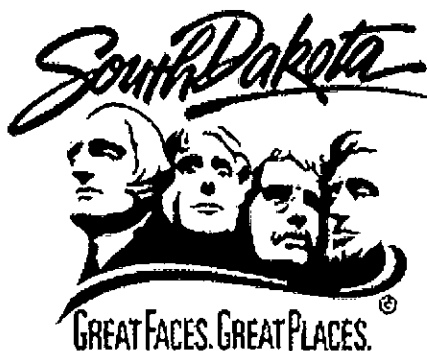
1. Suspend or cancel Permit No(s) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: YPFWLI**

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.

5735-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2020

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No 5735-3. 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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: RYEOZL**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2021

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 5735-3. 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 blue ink that reads "Genny McMath". The signature is written in a cursive style.

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



5735-3

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

January 20, 2022

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5735-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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 17, 2022

5735-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 5735-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 20, 2023

NOTICE

TO: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3 & 8603-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 & 8603-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5735-3 & 8603-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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 27, 2023

5735-3
8603-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 5735-3 and Water Permit No. 8603-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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: MARK MCCLOUD, 33670 183RD ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5735-3 & 8603-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5735-3 & 8603-3 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) 5735-3 & 8603-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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 questionnaire(s) 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: FXAMTE**

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 24, 2025

5735-3
8603-3

Mark McCloud
33670 183rd St
Highmore SD 57345

Dear Mr. McCloud:

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). 5735-3 & 8603-3. 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