

WATER PERMIT NO. 6044-3

Name of Applicant: **Robert J Geary**

Address: **RR 1 Box 95, Elk Point SD 57025**

Phone: **605 966-5859**

Amount of Water Claimed: **1.14**

Total Acres: **80 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System: **NA**

Location: **5 miles southeast of Elk Point**

PRIORITY

Date Received: **1-20-1998**

Fee: **\$150.00**

Corrected Application Received: **1-29-1998**

Period of Annual Use: **May 1 - September 30**

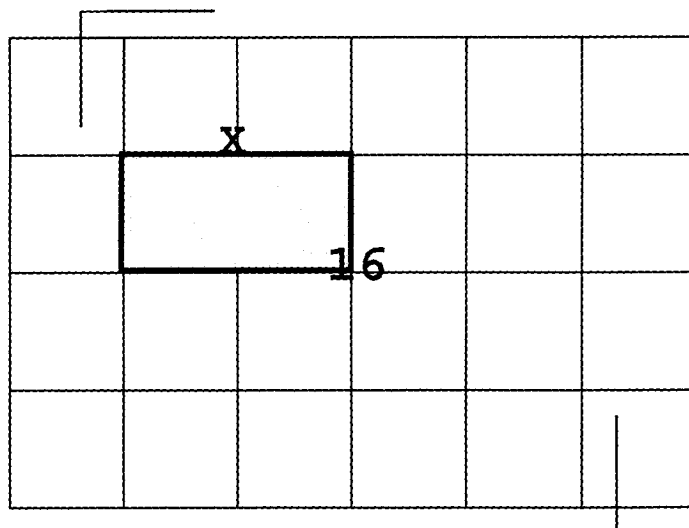
Remarks: **Proposing to use same well as authorized by W.R. No. 2346-3**

Diversion Point: **approximate center of**

NW 1/4 Sec 16-T90N-R49W

Land to be Irrigated: **S 1/2 NW 1/4**

Sec 16-T90N-R49W



Depth of Well: **104 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Larry D Wilcox, Union CFSA**

Reviewed and the Number Assigned on: **1-29-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6044-3

Date of first receipt of application January 20, 1998.

Date of return to applicant for corrections, amendments or changes January 21, 1998.

Date of receipt of corrected application January 29, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6044-3 to Robert J Geary, RR 1 Box 95, Elk Point SD 57025 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. 6044-3 appropriates 1.14 cubic feet of water per second from one existing well (Missouri Elk Point Aquifer) 104 feet deep located in the center of Section 16 to irrigate 80 acres located in the S ½ NW ¼ Section 16; all in T90N-R49W. This permit authorizes the use of the well authorized by Water Right No. 2346-3 which authorizes irrigation of 66 acres in the N ½ NW ¼ Section 16-T90N-R49W.
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: May 1 – September 30.
3. The date from which applicant may claim right is January 20, 1998.
4. The date of approval of Permit No. 6044-3 is April 20, 1998.
5. One-fifth of the construction is to be completed on or before October 20, 2000.
6. All construction is to be completed on or before April 20, 2003.
7. Water is to be put to beneficial use on or before April 20, 2007.
8. 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 Program
Department of Environment and Natural Resources

JUN 17 1998

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6044-3</u>	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Elk Point Leader Courier, Elk Point, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. ~~2346-3~~
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
South Half of NW 1/4 Section 16-90-49

- Name of Applicant Robert J Geary Phone 605-966-5859
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address RR1 Box 95 Elk Point State SD 57025
 (Street, RR, or Box) (Zip Code)
- Amount of water claimed 1 1/4 *CFS or 80 Acres **GPM ~~***AT~~
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 104' well (existing)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the North 1/2 of the NW 1/4 section 16-90-49
 County Union
- County or counties where water will be used Union
- Annual period during which water is to be used may 1 - sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
to use well in NW 1/4 NW 1/4	80	SW 1/4 SE 1/4 SE 1/4 NW 1/4	80
to Add S 1/2 of NW 1/4			
Section 16-90-49			
SW 1/4 SW 1/4	80		
<u>SW 1/4 NW 1/4</u>	<u>80</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
Using same well as authorized by W.R. No. 2346-3

STATE OF SOUTH DAKOTA) SS

County of Union

I, Robert J Geary

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

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

Signed

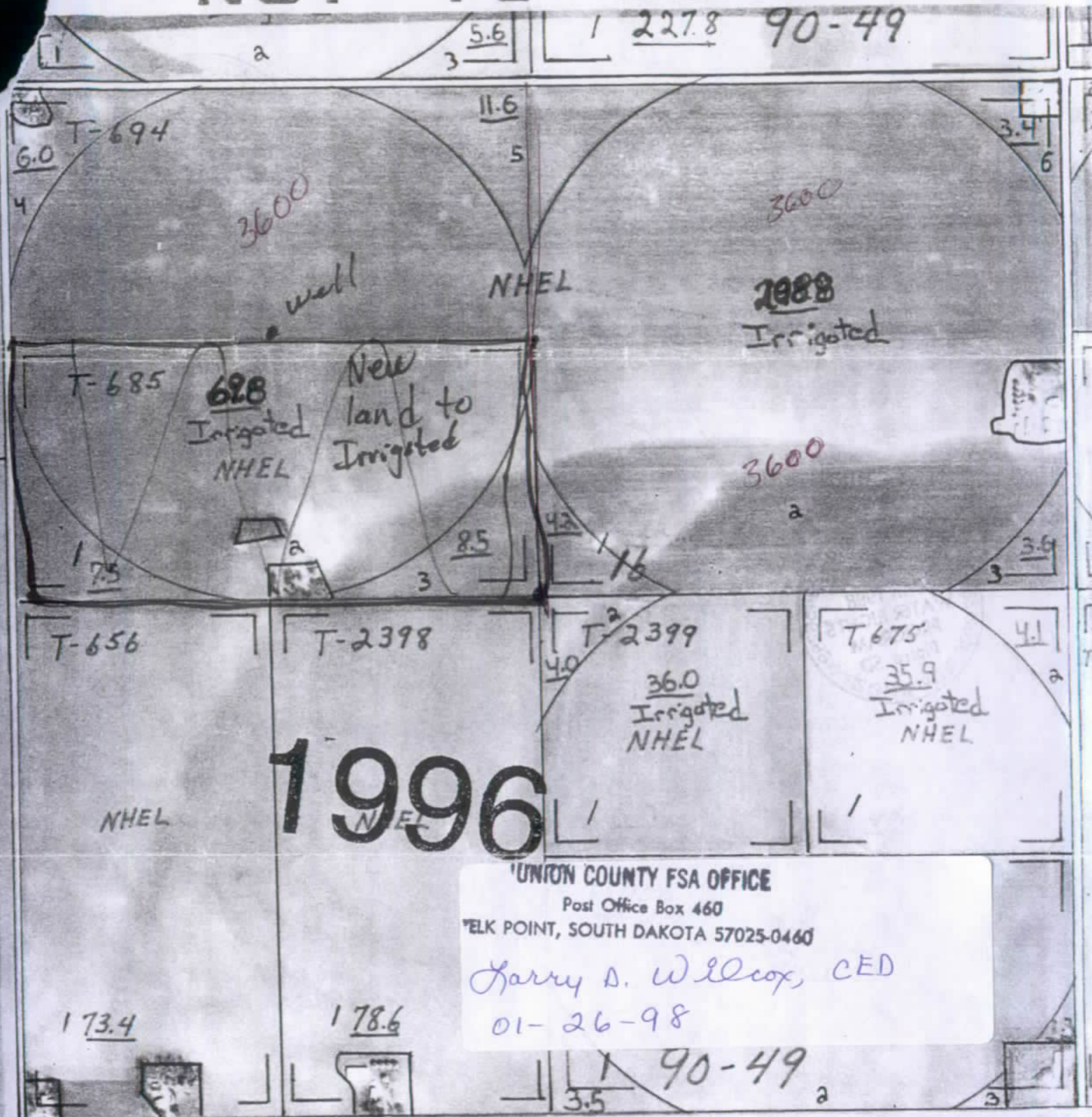
Robert J Geary

Subscribed and sworn to before me this 14th day of January 19 98

Ronald H. Tuck

Notary Public

NOT TO SCALE



UNION COUNTY FSA OFFICE
Post Office Box 460
ELK POINT, SOUTH DAKOTA 57025-0460
Garry D. Wilcox, CED
01-26-98

60443

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415607

Pierre, January 20, 1998

RECEIVED OF Robert J. Geary, Rt 1, Box 95, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>6044-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1998

Robert J Geary
RR 1 Box 95
Elk Point SD 57025

Dear Mr. Geary:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation*.
Enclosed is the aerial photo submitted with the application. The map must be signed by one of the
following: Registered Land Surveyor, Registered Professional Engineer or by any other government
employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6044-3

for Robert J Geary

February 19, 1998

Application No. 6044-3 proposes to appropriate 1.14 cfs (513 gpm) from one existing well approximately 104 feet deep located in the center of Section 16 to irrigate 80 acres located in the S 1/2 NW 1/4 of Section 16; all in T90N-R49W in Union County. This application proposes to use the same well authorized by Water Right No. 2346-3 which authorizes irrigation of 66 acres in the N 1/2 NW 1/4 of Section 16, T90N-R49W.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is composed of unconsolidated materials that range from a fine sand to very coarse gravel. The aquifer is an alluvium mantled outwash (sand and gravel) which is under water table conditions in this area. The aquifer is hydraulically connected to the Big Sioux and Missouri Rivers, the Big Sioux South aquifer to the north, the Lower Vermillion Missouri aquifer to the northwest, and extends into Clay County to the west. Also, over much of the southern portion of Union County the aquifer directly overlies the Dakota Formation. No well log is filed with the application, however, there is sufficient information from the county study, Water Right drilling in the area, and other irrigation and domestic well logs for evaluation of this application. The Missouri aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The Missouri aquifer as described by Niehus is identical to the Missouri Elk Point used in this report. Ground water movement is from northwest to southeast with locally discharge to the Missouri or Big Sioux Rivers.

The Water Rights Program monitors 24 observation wells completed into the Missouri Elk Point aquifer in Union County. One of these observation wells, UN-770, is located about one-half mile northeast of the well for this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998). A hydrograph for observation well ,UN-770, is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing irrigation rights within a three-quarter mile radius of the well for this application. Interference is not a concern. These are all existing wells which have been in use for many years with no apparent problems. The well for this application also supplies water for Water Permit No. 5870-3.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions at this site. Drawdown will be created by pumping but should not be significant or cause adverse effects upon area water users. The observation well hydrograph shows that pumping does not affect water levels in the area significantly.
3. This is an existing well. There is insufficient information available to determine if the well is constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

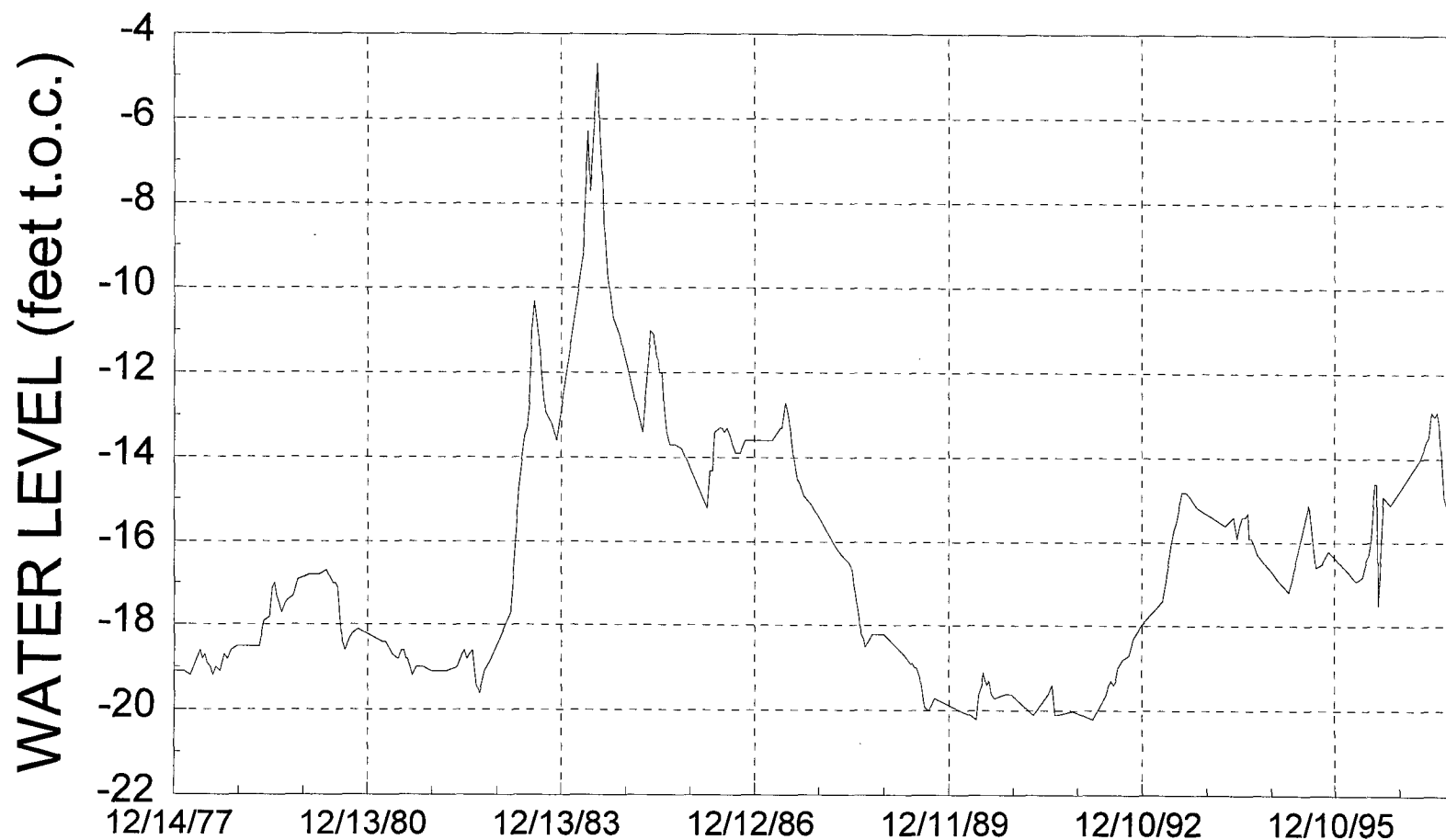
BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1998, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

UN-770



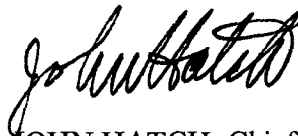
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6044-3, Robert J. Geary**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6044-3, Robert J. Geary, RR 1 Box 95, Elk Point, SD 57025.

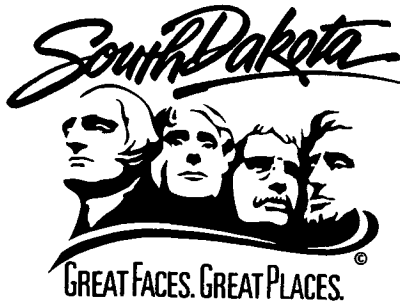
The Chief Engineer is recommending APPROVAL of Application No. 6044-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use 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
February 20, 1998



**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.

February 24, 1998

Robert J. Geary
RR 1, Box 95
Elk Point, SD 57025

Dear Mr. Geary:

Water Permit Application No. 6044-3 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 Elk Point Leader Courier printed at Elk Point, SD (Ph # (605) 356-2632). 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

February 24, 1998

Elk Point Leader Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6044-3 to be published twice. Please publish the first notice on March 5, 1998, 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 Robert J. Geary, RR 1, Box 95, Elk Point, SD 57025 (Ph # (605) 966-5859).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 March 5, 1998, with the second publication 7 days later. The applicant is responsible for payment.

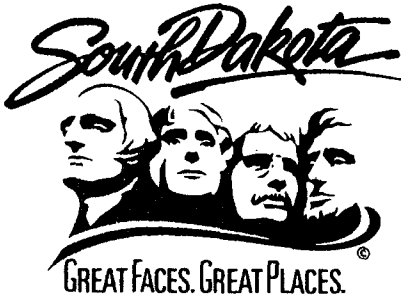
NOTICE OF APPLICATION NO. 6044-3 to Appropriate Water

Notice is given that Robert J Geary, RR 1 Box 95, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.14 cubic feet of water per second from one existing well (Missouri Elk Point Aquifer) 104 feet deep located in the center of Section 16 to irrigate 80 acres located in the S 1/2 NW 1/4 Section 16; all in T90N-R49W. This application proposes to use the well authorized by Water Right No. 2346-3 for irrigation of 66 acres in the N 1/2 NW 1/4 Section 16-T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6044-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 23, 1998.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**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.**

March 19, 1998

Robert J. Geary
RR 1, Box 95
Elk Point, SD 57025

Dear Mr. Geary:

Enclosed is another Notice of Application No. 6044-3. The Elk Point Leader Courier (Ph #605 356-2632) has indicated that you did not contact them to authorize publication of the first Notice which was sent February 24, 1998.

It is important that you contact the paper immediately, to authorize publication and make arrangement for payment. The paper will not proceed with the publication until you notify them. No action can be taken on the application until we receive the affidavit of publication which indicates that the proper public notice has been given.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 1998

Elk Point Leader Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

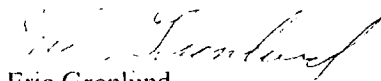
On February 24, 1998, Notice of Application No. 6044-3 was sent to you. Danielle with your office indicated that the applicant, Robert Geary, RR 1, Box 95, Elk Point SD did not authorize publication of the Notice. Consequently, the Notice was not printed. Enclosed is another Notice of Hearing to be published on March 26, 1998, with the second publication April 2, 1998.

Mr. Geary has again been informed that he needs to contact your paper to verify publication and make arrangements for payment of the publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
Joe Foss Building
Pierre SD 57501-3181

No. 6044-3

Date _____

We are in receipt of your letter of March 19, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6044-3 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 March 26, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6044-3 to Appropriate Water

Notice is given that Robert J Geary, RR 1 Box 95, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.14 cubic feet of water per second from one existing well (Missouri Elk Point Aquifer) 104 feet deep located in the center of Section 16 to irrigate 80 acres located in the S 1/2 NW 1/4 Section 16; all in T90N-R49W. This application proposes to use the well authorized by Water Right No. 2346-3 for irrigation of 66 acres in the N 1/2 NW 1/4 Section 16-T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6044-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 April 13, 1998.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Leader-Courier

PO Box 310
108 W. Main Street
Elk Point, SD 57025
(605) 356-2632



"The leading source of NEWS in southern Union County."

4-2-98
Water Rights Program

Mr. Geary notified us
to publish the enclosed notice
too late for publication on
March 26, 1998

First publication was in
the 4/2/98 issue,

Thank You.

Danielle Wilkinson

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
 County of Union) SS

I, Kelly Kruithoff

certify that the attached printed Notice was taken
 from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 2, 1998

April 9, 1998

Cost of Printing 3850

Kelly Kruithoff
 (Signature)

Editor
 (Title)

4-9-98
 (Date Signed)

**NOTICE OF APPLICATION
 NO. 6044-3
 TO APPROPRIATE WATER**

Notice is given that Robert J. Geary, RR 1 Box 95, Elk Point, SD 57025 has filed an application for a water permit to appropriate 1.14 cubic feet of water per second from one existing well (Missouri Elk Point Aquifer) 104 feet deep located in the center of Section 16 to irrigate 80 acres located in the S1/2NW1/4 Section 16; all in T90N-R49W. This application proposes to use the well authorized by Water Right No. 2346-3 for irrigation of 66 acres in the N1/2NW1/4 Section 16-T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6044-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is Water Rights Program, 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 April 20, 1998.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

NETTIE H. MYERS, Secretary
 Department of Environment and
 Natural Resources
 Publish April 2 and 9, 1998
 38-17-67



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 17 1998

Robert J. Geary
RR 1, Box 95
Elk Point, SD 57025

Dear Mr. Geary:

Enclosed is Water Permit No. 6044-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 6044-3, Robert Geary

ADDRESS: COUNTY: Union

DATE: June 19, 1998 TELEPHONE:

RE:

COMMENTS:

Mr. Geary contacted regarding the water permit he received. He was confused about the dates for completion of works on the permit. He stated the system has been in place for 20 years and this new water permit allows additional acres. After reviewing the file it is apparent that Permit No. 6044-3 allows the pivot authorized by Water Right No. 2346-3 to make full rotation. I told Mr. Geary not to worry about filing the notice of completion of works as I will mark our files that the system is completed.

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

NAME: Eric Lund

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6044-3, Robert Geary

DATE OF INVESTIGATION:	August 11, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	Robert Geary RR 1 Box 95 Elk Point SD 57025
DIVERSION POINT LEGAL LOCATION	<u>1,300' South and 1,320' West of NW Corner, Section 16, T90N, R49W</u>

WATER SUPPLY Source: Missouri Elk Point Aquifer

Well Information:

- | | |
|-----------------------------|------------------------------------|
| 1) Well Drilling Firm: . | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>104</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>18</u> inches | 2) Length <u>64</u> feet |
| 3) Type <u>concrete</u> | |

Screen:

- | | |
|------------------------------|--------------------------|
| 1) Type <u>slotted</u> | 2) Length <u>40</u> feet |
| 3) Static water level # feet | |

Pump:

- | | |
|-------------------------|-----------------------------|
| 1) Make <u>Wel Line</u> | 2) Pump <u>79483K</u> |
| 3) Size <u>4 stage</u> | 4) Capacity <u>1000</u> GPM |

Motor:

- | | |
|-----------------------------------|---|
| 1) Make <u>U.S. Electrical</u> | 2) ID No. <u>RXA718-00-628 R2090619</u> |
| 3) Horsepower rating <u>75</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type 2) Size 8 inches 3) Length approximately 7000 feet

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|---|
| 1) Make <u>Electrogator</u> | 2) Overall length <u>approx.1320</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>40</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>?</u> GPM |

Model NO. GE5G and Serial No. 9752701

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
2) All structures, wells and lands on map Yes
3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes – Inspection conducted prior to expiration of 5-year construction period.

* The well was authorized and completed under Water Right No. 2346-3 for 2.23 cfs. The well capability has not changed but the well is now the water source for irrigation under Water Right No. 2346-3, Water Permit Nos. 5870-3 and 6044-3. These water rights are not to be incorporated because of different ownership.

** Information on pump and motor taken from information in file for Water Right No. 2346-3.

*** Mr. Geary purchase the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T90N, R49W. This permit allows the pivot to make a full rotation.

Permit No. 6044-3
Missouri River - Water District

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

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

I have this day, August 11, 1999, made a thorough examination of the water use system constructed by Robert Geary of RR 1, Box 95, Elk Point SD 57025 holder of Permit No. 6044-3, bearing the priority of January 20, 1998 authorizing the diversion of 1.14 cu. ft. per second of Missouri Elk Point Aquifer for irrigation purposes, in Union County.

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

- A. Works used to divert the water:
75 HP U.S. Electrical Motor
A Wel Line 1000gpm pump
- B. Works used to transport water to place of use:
Well is at approximate point of the center pivot
- C. Works used to apply water to beneficial use:
Electrogator center pivot

The system is in the following condition good. The point of diversion is 1,300' South and 1,320' West of NW Corner, Section 16, T90N, R49W. The works are capable of diverting and conveying to the place of use 2.23* cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SE ¼ NW ¼ Section 16, T90N, R49W	32 acres
SW ¼ NW ¼ Section 16, T90N, R49W	33 acres

comprising a total of 65 acres of land and the license should be issued for 0.93 cfs.
Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: November 4, 1999

* This well was authorized and completed under Water Right No. 2346-3 for 2.23 cfs. The well capability has not changed but the well is now the water source for irrigation under Water Right No. 2346-3, Water Permit Nos. 5870-3 and 6044-3. These water rights are not to be incorporated because of different ownership.


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)**NAME:** Robert J. Geary**ADDRESS:** RR 1 Box 95, Elk Point SD 57025**DATE:** November 8, 1999**COUNTY:** Union**TELEPHONE:** xx**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source is the Missouri:Elk Point Aquifer and no additional water is requested.

- **If irrigation, no new land is irrigated**

The land being irrigated is the same as what was on the application and was advertised correctly.

- **Review of Existing Diversions**

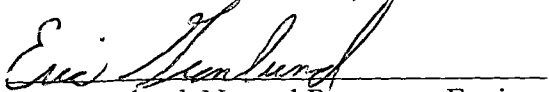
This is a well that has been in existence for over 20 years with no record of complaints on file with the Water Rights Program.

EXPLANATION

Water Permit No. 6044-3 authorized the use of the existing well authorized in 1975 by Water Right No. 2346-3. Water Right No. 2346-3 allowed irrigation of the N ½ NW ¼ of Section 16, T90N, R49W and the system was developed as a center pivot making a one half rotation. The S ½ NW ¼ of Section 16 was purchased by Mr. Geary and Water Permit No. 6044-3 obtained to allow the pivot to make full rotation. At the time the application was processed, the legal notice inadvertently stated the well was located in the center of Section 16 when in fact the existing well is located in the approximate center of the NW ¼ Section 16. Water Permit No. 6044-3 is ready for licensing. SDCL 46-5-13.1 can be used to clarify the diversion point if a determination can be made that the change does not increase the potential for interference with other existing diversions. This well has been in use for over 20 years with no history of complaints.

RECOMMENDED ACTION

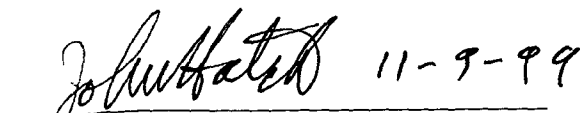
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

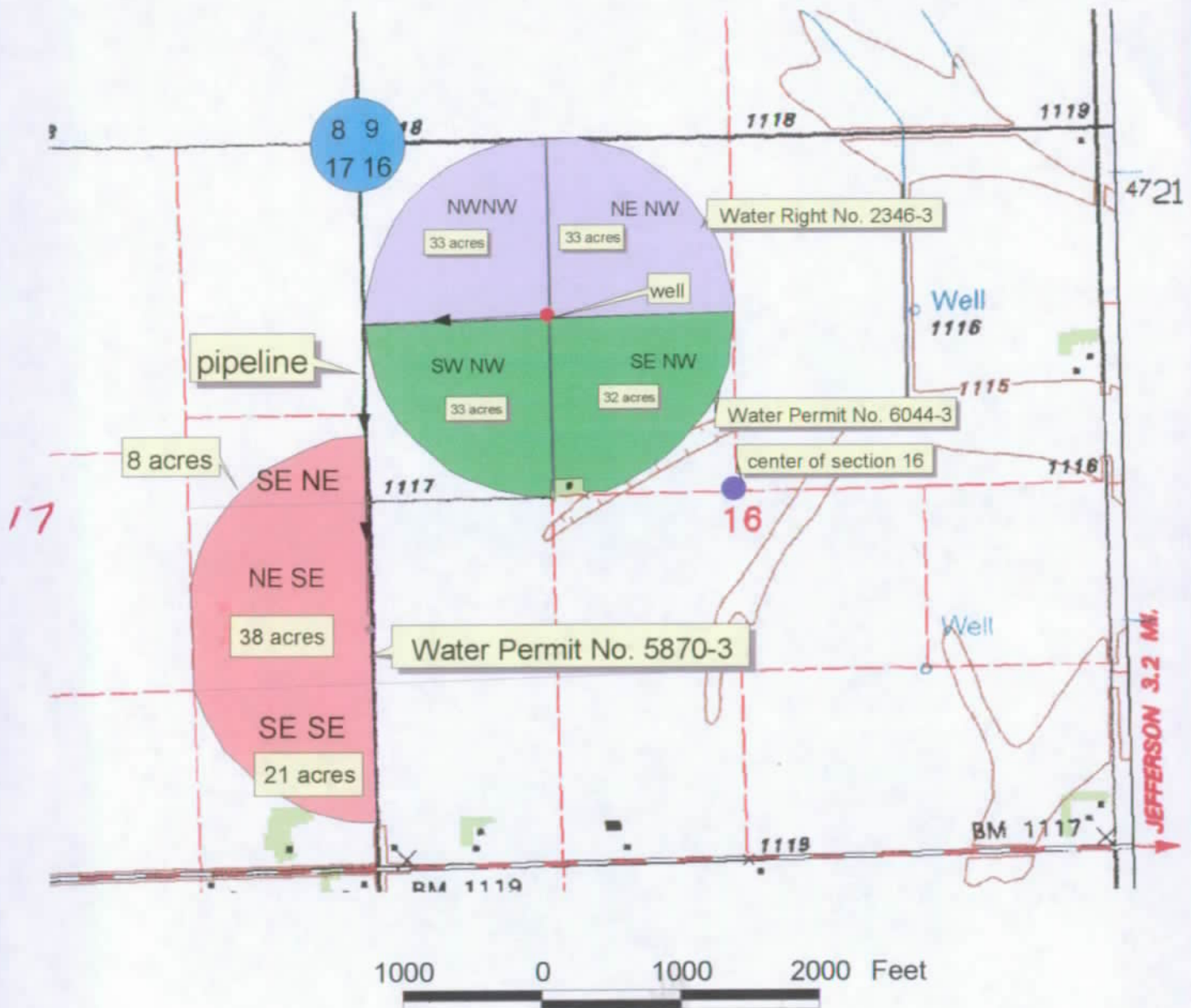
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location of the diversion point does not increase the potential for adverse effects to existing diversions.

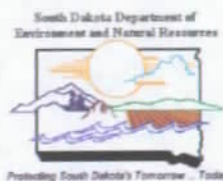


John Hatch, Chief Engineer
Water Rights Program

Water Permit No. 5870-3 & 6044-3
(uses well authorized by Water Right No. 2346-3)



Well location - center of the NW 1/4 (1,300 feet south and 1,320 feet east of NW corner) Section 16, T90N, R49W



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing Investigation
Conducted - August 11, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1999

6044-3

Robert J Geary
RR 1 Box 95
Elk Point SD 57025

Dear Mr. Geary:

The investigation of your water use system was conducted on August 11, 1999 by Eric Gronlund, staff engineer, included the extent of application of water to beneficial use, as developed under Water Permit No. 6044-3. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Also, enclosed is Form 10 *Notice of Completion of Works and Application of Water to Beneficial Use*. Please complete the form, sign and return with the fee.

Please remit fee to:

**Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

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



6044-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: ROBERT J GEARY, RR 1 BOX 95, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 6044-3, 2109-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2109-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6044-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2000

2109-3
6044-3

Robert J Geary
RR 1 Box 95
Elk Point SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires for Water Permit Nos. 2109-3 and 6044-3.

The information was received in our office prior to the Water Management Board meeting and you are no longer in violation of your water permits.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2000

Permit No. 6044-3

REMINDER NOTICE

TO: Robert J Geary, RR 1 Box 95, Elk Point, SD 57025

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Water License/Investigation Fee Requirement

On November 10, 1999, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 6044-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee; therefore, we can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Also enclosed is a partially completed "Notice of Completion of Works and Application of Water to Beneficial Use." Please complete the form and return it along with the fee.

In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 2000

FINAL NOTICE
Permit No. 6044-3

Robert J Geary
RR 1 Box 95
Elk Point, SD 57025

Dear Mr. Geary:

On November 10, 1999 and February 24, 2000, we advised you that a of \$50.00 fee was due for the completed investigation of Water License No. 6044-3. The fee also covers issuance of the water license which is the final document in obtaining and perfecting a water right. To date, the fee has not been received.

A billing statement is enclosed. If the fee is not paid within 30 days from the date of this letter, the water license will not be issued and the bill will be turned over to a collection agency. Please remit the required fee to the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181. The check or money order for the fee should be made payable to the "Water Rights Program".

If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM BILLING STATEMENT

Name: Robert J Geary
Mailing Address: RR 1 Box 95
City, State, Zip: Elk Point, SD 57025

Fee due by: July 27, 2000

Any account over 30 days old will be charged interest by the department plus any and all costs. A \$20.00 administration fee for the State Collections' cost shall be charged in addition to the interest and department costs.

Type of Fee	Amount Due	Permit Number
License	\$50.00	6044-3

Cut on line below - Keep the top portion for your records

Please make payments payable to the "Water Rights Program". Return this portion with payment to the Water Rights Program, Department of Environment & Natural Resources, 523 East Capitol, Pierre, SD 57501-3181

Please make any changes to the name & mailing address that are not correct.

Name: Robert J Geary
Mailing Address: RR 1 Box 95
City, State, Zip: Elk Point, SD 57025

Type of Fee	Amount Due	Permit Number
License	\$50.00	6044-3

Signature _____ Date _____

Should you have any questions regarding the above fees, please contact Genny McMath (605) 773-3352
Water Rights Program, Department of Environment & Natural Resources

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 10-22-2000

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181



FROM: Robert J Geary

(name)

~~RR-1 Box 95~~

(address)

32750 480th Ave

Elk Point, SD 57025

(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6044-3 states that the water use system is to be constructed by

April 20, 2003

(date)

, and water is to be put to beneficial use by April 20, 2007

(date)

The water use system was completed on 12-10-1975

(date)

Applying the water to beneficial use was completed on 12-10-1975

(date)

You may schedule an investigation so that the water license may be issued.

Robert J Geary
(signature)



00 10:32a
ec 28 20 11:07a

Robert Geary
First Dakota Vermillion

6059665859
(605)624-8431

First Dakota National **IMAGE** SNAPSHOT ACCT: 3225682 12/28/00 952AM PAGE 1

Robert J Geary
32750 480th Ave
Elk Point SD 57025-6838

VHGEARYGO
HGEARY

NAME	DENR	AMOUNT PAID	DATE PAID
Theodore Schmidt	DENR	\$70.81	10/3/00
Robert Geary	DENR	\$50.00	10/26/00
		\$120.81	

*Money
collected
in
Oct.*

58.131
17.50
40.81

Mr	1879
10-22-2000	
\$ 50.00	
Robert J Geary	
0000005000	

Ant 50.00

2010 01 14 9

FOR DEPOSIT ONLY
SD STATE TREASURY
C/O H. C. Schmidt
1701269703
FIRST FIDELITY BANK
1071103690

1879

Ant 50.00



McMath, Genny

From: Duncan, Joanne
Sent: Thursday, October 26, 2000 8:45 AM
To: McMath, Genny
Subject: RE: Bad Debt Payment Notice

Please send over any checks that you receive. We will receipt them in and send them a balance due notice. At the end of the fiscal year Ron Olson distributes all monies to the Agencies.
If you have any questions please give me a call #6768.

Joanne Duncan
State Collections

-----Original Message-----

From: McMath, Genny
Sent: Wednesday, October 25, 2000 2:49 PM
To: Duncan, Joanne
Subject: RE: Bad Debt Payment Notice

Joanne - in todays mail, we received a \$50.00 fee for one of those people we turned over to your office for collection. His name is Robert Geary, Elk Point, SD. What do I do with his check - doesn't he owe more money to you guys now? Let me know.

Thanks,
Genny McMath
Water Rights Program

-----Original Message-----

From: Duncan, Joanne
Sent: Thursday, October 05, 2000 8:19 AM
To: McMath, Genny
Subject: RE: Bad Debt Payment Notice - Case#: 00-6607

Ron Olson (BOA) takes care of that part of it. It is only done once a year (the end of the fiscal year). If you have any questions please give him a call.

Joanne Duncan
State Collections

-----Original Message-----

From: McMath, Genny
Sent: Wednesday, October 04, 2000 2:23 PM
To: Duncan, Joanne
Subject: RE: Bad Debt Payment Notice - Case#: 00-6607

Thank you for letting us know. Does your office transfer funds to us for our part of the payment or how does that work?

-----Original Message-----

From: Duncan, Joanne
Sent: Wednesday, October 04, 2000 8:42 AM
To: McMath, Genny
Subject: Bad Debt Payment Notice - Case#: 00-6607

We have received \$70.81 from Schmidt, Theodore.

Specifics are:
Agency: DENR-DENR
Case#: 00-6607
Hearing Date: / /
Def. Judgment Dt: 11/28/2000

Judgment For:
Judgment Amt: 0.00
Act. Judgment Dt: / /
Dismissed Dt: / /
Satisfied Dt: 10/03/2000
Adjust. Amt: 0.00
Last Payment Amount: 70.81
Last Payment Date: 10/03/2000

-- Payment Distribution --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 50.00
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 50.00

-- Total to Date --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 50.00
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 50.00

Comments: pd in full

McMath, Genny

From: Duncan, Joanne
Sent: Friday, October 27, 2000 9:01 AM
To: McMath, Genny
Subject: RE: Bad Debt Payment Notice - Case#: 00-6606

It is not paid in full. All of our fees and postage come out before you get paid. It is still open and we will send them a balance due letter.

Joanne Duncan
State Collections

-----Original Message-----

From: McMath, Genny
Sent: Friday, October 27, 2000 8:54 AM
To: Duncan, Joanne
Subject: RE: Bad Debt Payment Notice - Case#: 00-6606

Is the entire debt satisfied or do you still have to collect the rest? In other words - can be go ahead and call it good and issue their license or should we wait.

-----Original Message-----

From: Duncan, Joanne
Sent: Friday, October 27, 2000 8:41 AM
To: McMath, Genny
Subject: Bad Debt Payment Notice - Case#: 00-6606

We have received \$50.00 from Geary, Robert.

Specifics are:
Agency: DENR-DENR
Case#: 00-6606
Hearing Date: / /
Def. Judgment Dt: 11/28/2000
Judgment For:
Judgment Amt: 0.00
Act. Judgment Dt: / /
Dismissed Dt: / /
Satisfied Dt: / /
Adjust. Amt: 0.00
Last Payment Amount: 50.00
Last Payment Date: 10/26/2000

-- Payment Distribution --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 29.19
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 29.19

-- Total to Date --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 29.19

Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 29.19

Comments:

McMath, Genny

From: Duncan, Joanne
Sent: Friday, October 27, 2000 8:41 AM
To: McMath, Genny
Subject: Bad Debt Payment Notice - Case#: 00-6606

We have received \$50.00 from Geary, Robert.

Specifics are:

Agency: DENR-DENR
Case#: 00-6606
Hearing Date: / /
Def. Judgment Dt: 11/28/2000
Judgment For:
Judgment Amt: 0.00
Act. Judgment Dt: / /
Dismissed Dt: / /
Satisfied Dt: / /
Adjust. Amt: 0.00
Last Payment Amount: 50.00
Last Payment Date: 10/26/2000

-- Payment Distribution --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 29.19
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 29.19

-- Total to Date --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 29.19
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 29.19

Comments:

Duvall, Ron

From: McMath, Genny
Sent: Monday, March 05, 2001 10:41 AM
To: Duvall, Ron
Subject: FW: court scheduled

Importance: High

-----Original Message-----

From: Duncan, Joanne
Sent: Monday, January 29, 2001 11:08 AM
To: McMath, Genny
Subject: court scheduled
Importance: High

Robert Geary has been scheduled for a court hearing in Union County, Elk Point, SD on Thursday, March 8, 2001 at 11:45am. Please make sure you have someone from DENR at the hearing with all of your documentation to prove your case. He is claiming that it has been paid. Your turned it over to us on 8/28/2000 and he paid \$50.00 on 10/26/2000. However, he still owes the Administrative Fees, Postage and Sheriff costs for serving the papers to him. He still owes \$58.31.

I am sending you a copy of the court papers.

*Joanne Duncan
State Collections*

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF UNION)
 IN SMALL CLAIMS COURT

DENIAL
NOTICE TO PLAINTIFF AND DEFENDANT
OF
TIME FOR HEARING

PLAINTIFF:	VS.	DEFENDANT:
STATE OF SD DENR-DENR		GEARY, ROBERT
1429 E. SIOUX		32750 480TH AVE.
PIERRE SD 50501-		ELK POINT, SD 57025-

ROBERT GEARY has denied your claim in whole or in part.

The Court will hold a hearing on this Claim on **Thursday, March 08, 2001**
at 11:45 AM, in the courtroom at the Courthouse IN ELK POINT, S.D.
57025.

If your claim is supported by witnesses, account books, receipts, or other documents, you should produce them at the hearing.

Subpoenas for witnesses, if requested in advance of the hearing, will be issued by the Clerk at your expense.

PLEASE MAKE NOTE OF YOUR FILE NUMBER APPEARING AT THE TOP OF THIS PAGE.

If you have any questions, you should contact this office at the following address: **CLERK OF COURTS, P.O. BOX 757 ELK POINT, S.D. 57025.**
Telephone number (605) 356-2132.

Date: Thursday, January 25, 2001.

ROBERTA GOSS CHANDLER, Clerk of Courts

By Barbara Vanderlende Deputy



Water Permit No. 6044-3, Robert J Geary

Summary

Mr. Geary holds Water Permit No. 6044-3 for irrigation in Union County. At issue is nonpayment of a fee for inspection of Mr. Geary's water permit and issuance of a water license. Licensing of a water permit is the final step in getting a water right in South Dakota.

Two step process to obtain a water right in South Dakota. First step is to apply for a water permit.

Statutory basis: SDCL 46-1-15, 46-5-10 (see attachment for all statutory citations)

Application details for Water Permit 6044-3: (Application file available for review)

January 20, 1998	Mr. Geary applied for water permit to irrigate 80 acres in Union County. A \$150.00 application fee was submitted with application.
June 17, 1998	Water Permit No. 6044-3 was issued to Mr. Geary.
April 20, 2003	Deadline to complete construction of works.
April 20, 2007	Deadline to have placed all water to beneficial use for irrigation.

Second step is licensing -- water permit becomes a water right.

Statutory basis: SDCL 46-5-30.1

August 11, 1999	A licensing inspection was completed.
November 10, 1999	A letter was sent to Mr. Geary requesting the \$50.00 fee for the inspection and issuance of a water license.

Statutory basis: SDCL 46-2-13(3)

February 24, 2000	Second notice to remit the \$50.00 fee and not divert water until payment of the fee.
June 27, 2000	Third notice to remit fee within 30 days or matter would be turned over to collections.
August 28, 2000	The \$50.00 fee was not received within 30 days and the matter was turned over to the Office of Risk Management. Added costs are: 35% (see Bureau of Administration memo) for expenses associated with collection of fee (\$50.00 X 0.35 = \$17.50), plus postage of \$3.31, plus Sheriff costs of \$37.50 for serving papers. Total is \$50.00 + \$17.50 + \$3.31 + \$37.50 = \$108.31.
October 25, 2000	Mr. Geary remitted \$50.00 -- Judgement requested is for outstanding balance of \$58.31.

Statutory Citations

46-1-15. Permit required for appropriation of waters. Except as otherwise provided throughout this title, no person may appropriate the waters of this state for any purpose without first obtaining a permit to do so.

46-5-10. Appropriation of water - Application for permit required. Any person intending to acquire a right to beneficial use of water shall, before starting construction or placement of works for that purpose or before taking the water from any constructed works, make an application to the water management board for a permit to appropriate water, in the form required by rules promulgated pursuant to chapter 1-26 by the board.

46-5-30.1. License issued by chief engineer. Upon completion of an inspection, upon completion of any required changes and upon payment of any applicable fees, the chief engineer shall issue a license to appropriate water to the extent and under the conditions of the actual application of water to beneficial use, but he may not extend the rights described in the permit. No permit holder may divert water until the assessed license fee has been paid.

46-2-13. Fees of department - Payment to state treasury to environment and natural resources fee fund. The department shall charge and receive the following fees, to be collected in advance; however, no such fees may be collected from any state agency or state institution:

- (3) For each inspection of constructed water use works, including diversion works, dams, pumping plants, canals, or other conduits and for confirming the application of water to beneficial use under provisions of a permit to appropriate water, including issuance of a water license, fifty dollars or actual costs, if costs exceed fifty dollars;



WILLIAM J JANKLOW
Governor



STATE OF SOUTH DAKOTA

BUREAU OF ADMINISTRATION

STATE CAPITOL
500 EAST CAPITOL
PIERRE, SD 57501-5070
(605) 773-3688
FAX (605) 773-3887

MEMORANDUM

TO: Mike Keating

FROM: Tom Geraets, Commissioner

SUBJECT: **Collection Fee**

DATE: July 1, 1996

As per SDCL 1-14-14.3, the Commissioner of the Bureau of Administration is responsible for setting a reasonable fee which is to be added to the amount of the debt and be used to cover all actual and necessary operating expenses associated with the collection process. In this light, I have determined that a fee of 35% shall be added to the amount of each debt and that the debtor shall be liable for the repayment of the total amount of the debt and the collection fee. This fee shall be assessed on all debts filed with the Bureau of Administration after July 1, 1996.

cc: Judy Payne
Paul Kinsman

1-14-14.3. Referral of collection to Bureau of Administration -- Fees and repayment. Any state agency, department, board, commission, or school district operating a postsecondary vocational-technical school as authorized by chapter 13-39, that determines that an authorized amount of contributions, interest, or penalty is uncollectible may refer the collection process to the Bureau of Administration. Reasonable fees for collection, as determined by the commissioner of the Bureau of Administration, shall be added to the amount of the debt and the debtor is liable for repayment of the total amount due including the collection fee. Amounts collected shall be deposited in the fund established in § 1-14-14.4. The Bureau of Administration shall remit the proceeds from the fund to the state agency, department, board, commission, or school district. However, the Bureau of Administration shall retain all actual and necessary operating expenses.

1-14-14.4. Establishment of fund for receiving payment for collecting uncollectible contributions, interest or penalties. A separate fund is hereby established in the state treasury for the purpose of receiving payment of expenses incurred for collecting uncollectible contributions, interest, or penalties, including the actual and necessary operating expenses of the Bureau of Administration and to make expenditures out of such accounts for such operating expenses. Money in the fund may be used to pay for the actual and necessary operating expenses of the collections program within the Bureau of Administration provided that the money is budgeted in accordance with state law and appropriated through the General Appropriations Act.

McMath, Genny

From: Duncan, Joanne
Sent: Friday, March 09, 2001 3:18 PM
To: McMath, Genny
Subject: Bad Debt Payment Notice - Case#: 00-6606

We have received \$40.81 from Geary, Robert.

Specifics are:

Agency: DENR-DENR
Case#: 00-6606
Hearing Date: 03/08/2001
Def. Judgment Dt: / /
Judgment For: PLAINTIFF
Judgment Amt: 40.81
Act. Judgment Dt: 03/08/2001
Dismissed Dt: / /
Satisfied Dt: / /
Adjust. Amt: 17.50
Last Payment Amount: 40.81
Last Payment Date: 03/09/2001

-- Payment Distribution --

Amount Paid to ORM: 40.81
Other Fees: 37.50
Postage: 3.31
Admin. Fees: 0.00

Amount Paid to Dept: 0.00
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 0.00

-- Total to Date --

Amount Paid to ORM: 40.81
Other Fees: 37.50
Postage: 3.31
Admin. Fees: 0.00

Amount Paid to Dept: 50.00
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 50.00

Comments: Union Co Judge awarded judgment to Plaintiff but did not give ORM the Admin fees.....pd in full

Water Rights Program -- File Documentation

NAME: Robert J Geary

ADDRESS: 32750 480th Avenue, Elk Point SD 57025

DATE: March 9, 2001 **COUNTY:** Union

RE: Small Claims Court Hearing in Elk Point SD regarding nonpayment of license fee

COMMENTS:

On March 8, 2001, a small claims court hearing was held regarding nonpayment of \$58.31 in costs associated with collection of a \$50.00 license fee (see attachment dated March 5, 2001 for details regarding the case.) Mr. Geary had paid the \$50.00 license fee on October 25, 2000 prior to the March 8 hearing.

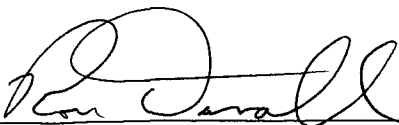
At the hearing Mr. Geary claimed that he had not received notice of the fee requirement until the sheriff delivered notice to him personally. The three notices sent out by DENR regarding the license fee were sent by first class mail. This type of mailing should result in the letter being returned if it can not be delivered with "insufficient address" noted on the returned letter. No letters were returned but the address on the letters "RR 1, Box 95" was not the most current address which is now based on the enhanced 911 addressing system. The return receipt notice sent by Risk Management was returned unclaimed; but again, Mr. Geary claimed he was not notified to pick up the letter.

Based on this, Judge Cody ruled that Mr. Geary needed to pay the Sheriff's costs (statutorily obligated to pay those costs) but not the administrative fee (\$17.50) assessed by Risk Management. The resulting judgement was for \$40.81 (\$37.50 for the Sheriff and \$3.31 postage for Risk Management.) Mr. Geary paid the judgement to me in cash. I gave Mr. Geary a handwritten receipt.

RECOMMENDED ACTION:

Future collections of license fees should be modified as follows:

- 1) Double check addresses in the permit file to make sure to the extent possible that we have the most recent address.
- 2) Mail our third notice return-receipt. If this notice is returned "unclaimed," then make contact by phone. Mailing return-receipt will not be necessary if the individual has previously phoned in a complaint about paying the license fee. If we have received a complaint, then obviously he received at least one of the first two notices. Document any of those calls.
- 3) The purpose for the phone call if an "unclaimed" return-receipt third notice is received is as follows:
 - Discuss the inspection and licensing fee issue to find out if the permit holder has received either of the first two notices -- verify the mailing address if necessary.
 - If the permit holder confirms that he received the first two notices, then remail the third notice by first class mail. Otherwise, get a corrected address and start over with the first notice letter.
 - Document the phone conversation to provide evidence at a possible future small claims hearing that the permit holder was made aware of the licensing fee requirement.



Ron Duvall, Natural Resources Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 00 2001

MONIES COLLECTED
MARCH 2001

6044-3

NAME	DENR	AMOUNT PAID	DATE PAID
Robert Geary	DENR	\$40.81	3/8/01
		\$40.81	

nt document completing your process of

of an existing well, such as the well
ell and does not plan to use the old well,
o, any well that is being used or is not
or sealed and capped so that no leaking

ense, the State Water Laws provide that
ons, please contact our office.



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6044-3

(1) Robert Geary, 32750 480th Ave, Elk Point SD 57025 made Application No. 6044-3, January 20, 1998 for a water permit to divert 1.14 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6044-3, with a priority date of January 20, 1998 was approved April 20, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 20, 2003 and for the application to beneficial use of said water on or before April 20, 2007.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 25, 2000. The *Notice* stated the diversion system was completed on December 10, 1975 and the water placed to beneficial use on December 10, 1975.

An investigation conducted for licensing purposes found the well under Water Permit No. 6044-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

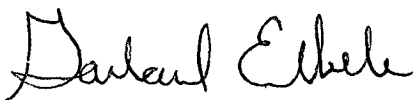
The well authorized by this permit is same well authorized by Water Right No. 2346-3 for 2.23 cfs. The well capacity remains 2.23 cfs and is the water source for irrigation of land described in Water Right Nos. 2346-3, 5870-3 and 6044-3.

(2) It is certified that the permit holder 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 0.93 cubic feet of water per second for beneficial use. The location of the diversion point is 1,300 feet south and 1,320 feet west of the northwest corner of Section 16-T90N-R49W (center NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16-T90N-R49W	SE ¼ NW ¼	32 acres
	SW ¼ NW ¼	33 acres
Total		65 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Geary, 32750 480th Ave, Elk Point SD 57025 the holder and/or owner of Water Right No. 6044-3 is issued a license to appropriate water, the right to use 0.93 cubic feet of water per second from groundwater (one well) with a priority date of January 20, 1998 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 6044-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 09 2001

date





January 26, 2007

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1786-3 & 2109-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6044-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1786-3 & 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



6044-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2007

NOTICE

TO: Robert J Geary, 32750 480th Ave, Elk Point SD 57025

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

SUBJECT: Unclaimed Mail Concerning Violation of Water Right Nos. 1786-3, 2109-3 and 6044-3

The attached notice was sent by "signature confirmation". The post office has returned the "signature confirmation" mail to our office marked "unclaimed". The package indicated the post office notified you January 27th and February 1st to pick up and sign for the mail and then returned it to us on February 11, 2007.

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

enclosure



6044-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2007

1786-3
2109-3
6044-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 1786-3, 2109-3 and 6044-3.

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

If you have any questions, please contact me.

Sincerely,

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



6044-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1786-3 & 2109-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6044-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1786-3 & 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

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

6044-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2013

1786-3
2109-3
6044-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

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

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 1786-3, 2109-3 and 6044-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**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: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 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 questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AVHJEY**

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



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

January 30, 2023

Robert Geary
32750 480th Ave
Elk Point SD 57025

RE: Water Right/Permit Nos. 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3,
7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3

Dear Mr. Geary:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for the above listed Water Rights and/or Water Permits. 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 19, 2024

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 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, 2024 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FXZKPW**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2024

1567A-3, 1786-3, 2109-3, 2345-3
2346-3, 5870-3, 6044-3, 6072-3
7768-3, 7769-3, 7770-3, 7771-3
7772-3, 7773-3, 7774-3, 7775-3
7776-3 & 8332-3

Robert & Theresa Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. & Ms. Geary:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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