

WATER PERMIT NO. 6168-3

Name of Applicant: Robert Hattum

Address: 21744 West Bend Rd, Harrold SD 57536 Phone: 605 875-3332

Amount of Water Claimed: 0.57 cfs Total Acres: 40 acres

Source of Water Supply: runoff in a 99.3 acre-feet storage dam

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: 15 miles southeast of Pierre

PRIORITY Date Received: 1-11-00 Fee: \$150

Corrected Application Received:: Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 30-T110N-R76W

Land to be Irrigated: E ½ SE ¼ Sec 30-T110N-R76W

Water Impounded: W ½ SE ¼ Sec 30-T110N-R76W

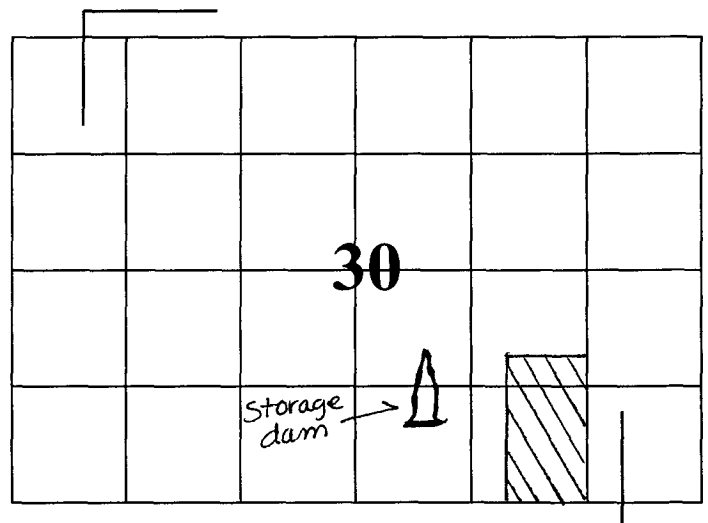
Depth of Well: NA

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Cindy Beringer, Farm Service Ag.



Reviewed and the Number Assigned on: 1-11-00

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6168-3

Date of first receipt of application January 11, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6168-3 to Robert Hattum, 21744 West Bend Road, Harrold SD 57536 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. 6168-3 authorizes impoundment of 100 acre-feet of runoff water in a dam and to divert at a rate of 0.57 cubic feet of water per second from the dam to irrigate 40 acres. This dam is located in the SW ¼ SE ¼ Section 30 with water impounded in the W ½ SE ¼ Section 30; all in T110N-R76W. This permit authorizes impoundment of sufficient water annually to maintain water at the outlet elevation. The water will be for livestock water and to irrigate 40 acres located in the E ½ SE ¼ Section 30-T110N-R76W.
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: January 1 – December 31 for the impoundment and April 1 – October 31 for irrigation.
3. The date from which applicant may claim right is January 11, 2000.
4. The date of approval of Permit No. 6168-3 is March 13, 2000.
5. One-fifth of the construction is to be completed on or before September 13, 2002.
6. All construction is to be completed on or before March 13, 2005.
7. Water is to be put to beneficial use on or before March 13, 2009.
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. Water Permit No. 6168-3 authorizes a dam with storage capacity of 100 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

APR 10 2000

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6168-3</u>	Hydrologic Unit <u>10140103</u>
	Basin <u>Missouri River</u>	
Newspaper <u>Capital Journal, Pierre, SD</u>		

Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Robert Hattum Phone 875-3332
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 21744 WEST ~~Butte~~ Rd HARROLD State S.D. 57536
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.57*CFS or 100**GPM 40***AF Total Acreage 40
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Run DFF
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE 1/4 of Section 30, Twp 110 North Range 74 West
De Grey water impounded: W 1/2 SE 1/4 sec. 30-T110N. County Hughes
- County or counties where water will be used HUGHES
- Annual period during which water is to be used Jan 1 - Dec 31 Irrigation March 1 - Oct. 31
Summer & Fall (cattle) & Spring (summer)
- 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
SE 1/4 SEC 30 110 N Range 74 W	71	SE 1/4 SE 1/4	31
SE 1/4		NE 1/4 SE 1/4	9

8. Give a description of the project. (Attach sheet if more space is needed)
old dam filled with silt needed water for cattle, decided to make bigger to water (veg) 40 Acres near by.

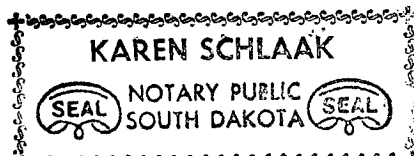
STATE OF SOUTH DAKOTA) SS
 County of Hughes

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)

I, Robert Hattum, 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.

Applicant's signature Robert Hattum

Subscribed and sworn to before me this 11th day of January 19 2000



Karen Schlaak
 Notary Public signature
 KAREN SCHLAAK, Notary Public
 My Commission Expires April 1, 2003

Supplemental Information

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

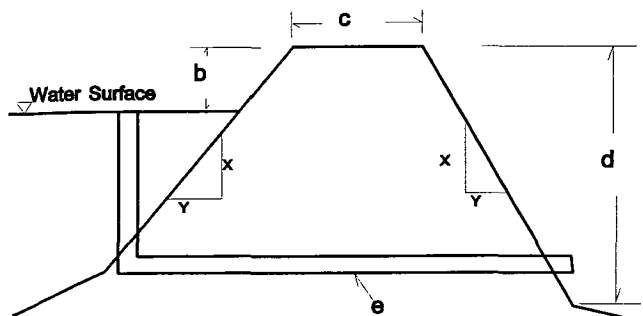
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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:

Owner - A-1 Dinta Gravel
P.O. Box 1150 Ft. Pierre, S.D.
57732



- b) Freeboard 3.5 ft.
- c) Crest Width 12 ft.
Crest Length 383 ft.
- d) Height 31 ft.
- e) Primary Outlet Capacity None
If pipe, diameter None
- f) Secondary Spillway Capacity None
Spillway Width 100 ft.
- g) X & Y Slope 1 ft. 4 ft 1 ft. 3 ft
Upstream 4 to 1
Downstream 3 to 1
- h) Surface Area of Impoundment 6.6 Acres
- i) Storage 99.3 Acre Feet
- j) Drainage Area Above Dam 920 Acres

Water Permit Application # 6168-3 Robert Hattum

* No P&S submitted - Dam was constructed *
without plans & specs. "As-Built" info.
only on Form 2A

Cat. 2 - Significant Hazard Dam

Top of Dam Elev. - 100
Spillway Elev. - 96.5
D/S Toe Elev. - 69

Ht. = 31 ft.

Located in the SW 1/4 SE 1/4
Sec. 30 - T110N - R76W

About 900 ft. Upstream of Hwy 34

Normal Storage Capacity = 99.3 Ac.-Ft
Max. Storage Capacity = 155 Ac.-Ft (Est.)

Small Size, Cat. 2 dam - Min. Spillway Design = 100-year

From USGS, WRI 80-80 - "Tech. for Est. Flood Peaks ... in SD"

DA = 920 Ac. = 1.44 mi.²

Slope = 135 ft/mile

S_i = 3.70

$$Q_{100} = 132 A^{.65} S^{.46} S_i^{-.67}$$

$$\begin{aligned} &= 132 (1.44)^{.65} (135)^{.46} (3.70)^{-.67} \\ &= 132 (1.27) (9.55) (0.42) \\ &= \underline{672 \text{ cfs}} \end{aligned}$$

Spillway Flow

$$\begin{aligned} Q &= C L H^{3/2} \\ &= (2.6)(100)(3.5)^{1.5} \\ &= \underline{1700 \text{ cfs}} \end{aligned} \quad \begin{aligned} L &= 100 \\ H &= 3.5 \text{ ft} \\ C &= 2.6 \end{aligned}$$

NRCS Annual Yield

DA = 920, CN = 84, ISO = 2

80% chance = 0.45

$$0.45 \times 920/12 = \underline{35 \text{ Ac.-Ft.}}$$

50% chance = 1.0

$$1.0 \times 920/12 = \underline{77 \text{ Ac.-Ft.}}$$

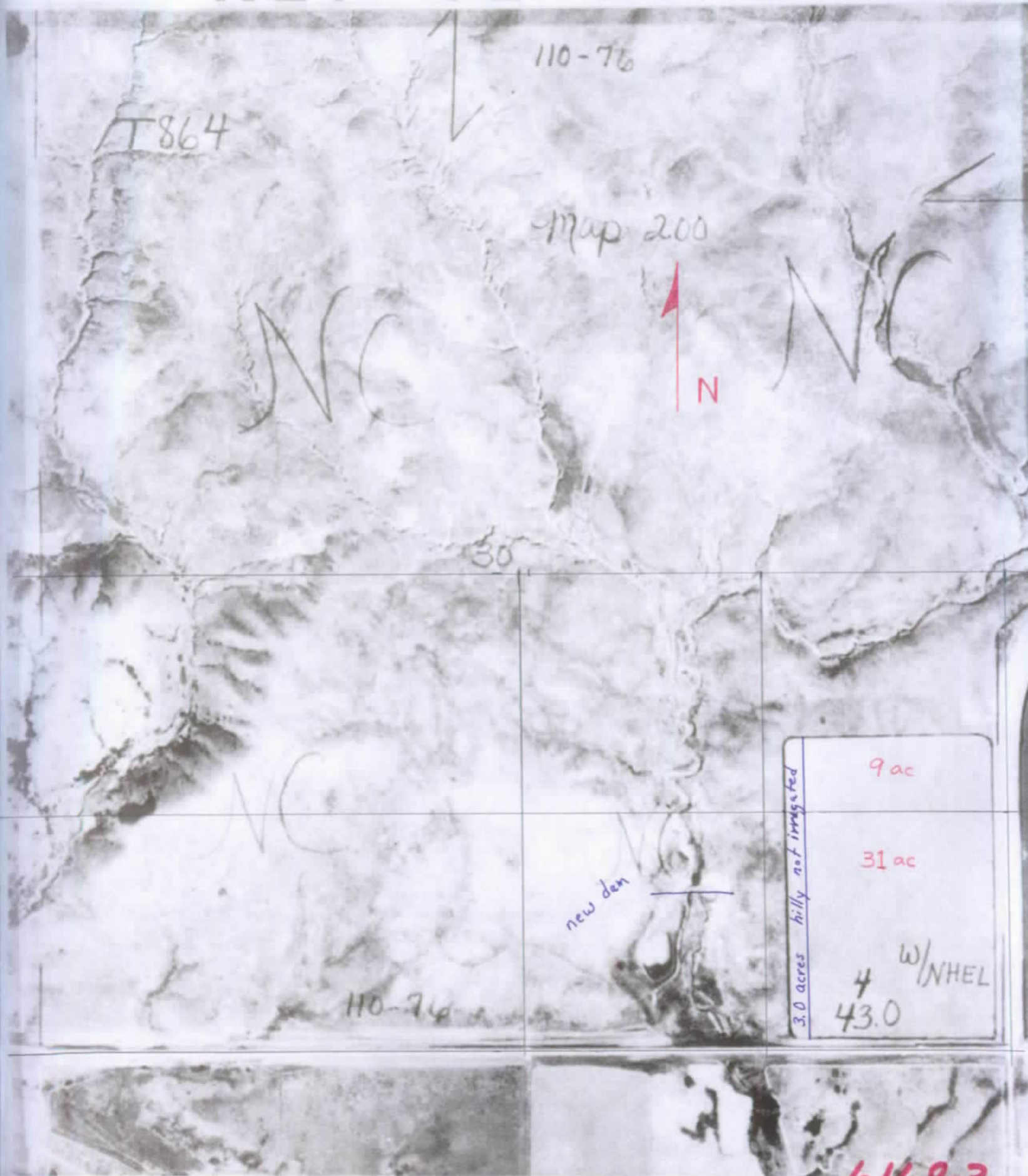
10% chance = 2.9

$$2.9 \times 920/12 = \underline{225 \text{ Ac.-Ft.}}$$

official map - Cindy Berenger - PT
Farm Service Agency

1" = 660'

NOT TO SCALE



6168-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416349

Pierre, January 11, 2000

RECEIVED OF Robert Hattum, 21744 W. Bend Rd., Harrold, SD 57536
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 _____	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By David L. Schile
Chief Engineer

REPORT ON
WATER PERMIT APPLICATION NO. 6168-3
Robert Hattum
February 2, 2000

Water Permit Application No. 6168-3 has been filed by Robert Hattum to impound 100 acre-feet of water from runoff in an existing dam to irrigate 40 acres. The dam is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30-T110N-R76W, in Hughes County. The proposed 40 acres of irrigation is located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30-T110N-R76W. The application also requests impoundment of sufficient water to maintain the reservoir at the outlet elevation. The water will be used for livestock watering and irrigation.

Discussion:

The Hattum Dam is classified as a small size Category 2, Significant Hazard dam. It has this classification because the dam is located about 900 feet upstream of SD Highway 34, and failure of the dam could impact the highway. The dam was recently constructed without approval of plans and specifications prepared by a registered Professional Engineer, as specified in our Safety of Dams Rules, Chapter 74:02:08. The only information on this dam was provided on Form 2A of the Water Permit Application.

The dam is 31 feet high with a normal storage capacity of 99.3 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 155 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 100-year frequency event.

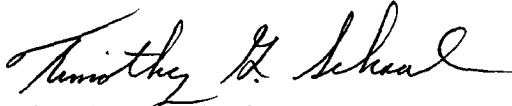
The dam has a 100 foot wide earthcut spillway with 3.5 feet of available freeboard as the primary (only) spillway. The dam has a drainage area of 920 acres (1.44 square miles). A 100-year frequency event will produce a peak runoff of approximately 672 cfs. The 100 foot wide earthcut spillway has a capacity of approximately 1700 cfs.

The annual yield for this drainage area with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 225 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 77 acre-feet and the annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 35 acre-feet.

The Hattum Dam is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30-T110N-R76W on Tobin Draw, about three-fourths of a mile upstream of its confluence with Lake Sharp on the Missouri River. There are no existing Water Permits/Rights located on Tobin Draw between the dam and the Missouri River.

Conclusions:

1. The existing dam was constructed without approval of plans and specifications prepared by a registered Professional Engineer; however, it was constructed with a 4 to 1 upstream slope and a 3 to 1 downstream slope and a spillway capacity that exceed standards.
2. Water Permit Application No. 6168-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
3. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 6168-3.



Timothy G. Schaal, P.E.

Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6168-3, Robert Hattum**

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. 6168-3, Robert Hattum, 21774 West Bend Road, Harrold SD 57536.

The Chief Engineer is recommending APPROVAL of Application No. 6168-3 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. Water Permit No. 6168-3 authorizes a dam with storage capacity of 100 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.



Garland Erbele, Chief Engineer
February 11, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 15, 2000

Robert Hattum
21744 West Bend Rd.
Harrold, SD 57536

Dear Mr. Hattum:

Water Permit Application No. 6168-3 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 Capital Journal printed at Pierre, SD (Ph # (605) 224-7301). 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
www.state.sd.us/denr

February 15, 2000

Capital Journal
P.O. Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6168-3 to Appropriate Water to be published twice. Please publish the first notice on February 23, 2000, 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 Hattum, 21744 West Bend Rd., Harrold, SD 57536 (Ph # (605) 875-3332).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

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

No. 6168-3

Date _____

We are in receipt of your letter of February 15, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6168-3 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 February 23, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6168-3 to Appropriate Water

Notice is given that Robert Hattum, 21774 West Bend Road, Harrold SD 57536 has filed an application for a water permit to impound 100 acre-feet of runoff water in a dam and to divert at a rate of 0.57 cubic feet of water per second from the dam to irrigate 40 acres. This dam is located in the SW ¼ SE ¼ Section 30 with water impounded in the W ½ SE ¼ Section 30; all in T110N-R76W. This application requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be for livestock water and to irrigate 40 acres located in the E ½ SE ¼ Section 30-T110N-R76W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6168-3 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 13, 2000.

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.

STATE OF SOUTH DAKOTA)

I, Peggy Warner

from the Capital Journal

printed and published in Pierre

County of Hughes and
state of South Dakota. The notice was published

February 23, 2000
March 1, 2000

Cost of Printing 41.34

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

3-2-2000
(Date Signed)

No. 2963 2tdly 2/23, 3/1

**NOTICE OF APPLICATION
NO. 6168-3**

to Appropriate Water

Appropriate Water
Notice is given that Robert Hat-
tum, 21774 West Bend Road, Har-
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100 acre-feet of runoff water in a
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water to maintain water at the
outlet elevation. The water will be
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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.

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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
www.state.sd.us/denr

APR 10 2000

Robert Hattum
21744 West Bend Road
Harrold, SD 57536

Dear Mr. Hattum:

Enclosed is Water Permit No. 6168-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND ROAD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 6168-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT HATTUM
21744 WEST BEND ROAD
HARROLD SD 57536

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Galen F. Eagle 1-24-01

C. Signature

Galen F. Eagle

☒ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2492

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2001

6168-3

Robert Hattum
21744 West Bend Rd
Harrold, SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit No. 6168-3.

I completed a questionnaire for you based on your January 25th telephone conversation with Ron Duvall. The questionnaire states that you did not irrigate in 2000 due to insufficient water in your dam.

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

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

Permit No. 6168-3
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, September 26, 2001 made a thorough examination of the water use system constructed by Robert Hattum of 21744 West Bend Rd., Harrold, SD 57536 holder of Permit No. 6168-3, bearing the priority of January 11, 2000 authorizing the diversion of 0.57 cu. ft. per second and/or storage of 100 acre-feet of the waters of drainage from Tobin Draw for livestock watering and irrigation purposes, in Hughes County.

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

A. Works used to divert the water:

Small size Category 2 dam 383' long and 31' in height to the crest and 27.5' to the primary spillway. The primary spillway is an earthen spillway 100' wide and 350' long. A Berkley pump model number B3ZRM with a 700 gpm capacity and a Chevrolet 55 hp motor model number 181, are used for diverting irrigation water.

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

370' of 10" pvc pipe.

C. Works used to apply water to beneficial use:

Flood irrigation system; 870' of 10" pvc gated pipe and 280' of 8" gated pipe with a 500 gpm capacity.

The system is in the following condition good with minor problems consisting of sparse cover on the downstream slope of the dam and an erosion scarp along the upstream slope of the dam. No cover on top of the dam where cattle walk. The point of diversion is located in the NW¼ SE¼ 1735' N and 1570' W of the SE corner Section 30, T110N, R76W. The works are capable of diverting and conveying to the place of use 1.11 (over the 1 cfs per 70 acres) cu. ft. per second of water and/or storage of 100 acre feet of water which is to be used for livestock watering and irrigation. Water has been put to beneficial use to the maximum extent as follows:

Water is impounded behind the dam in the NW¼ SE¼ Section 30, T110N-R76W.

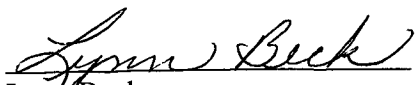
Section 30, T110N-R76W, acres irrigated:

NE¼ SE¼ 9 acres

SE¼ SE¼ 31 acres

comprising a total of 40 acres of land and the license should be issued for 0.57 cfs and/or 100 acre-feet of storage. Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


Lynn Beck

Dec. 6, 2001
Date

Natural Resources Engineer Specialist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 6168-3

DATE OF INSPECTION: September 26, 2001

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Robert Hattum, 21744 West Bend Rd., Harrold, SD 57536

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: 1735' N and 1570' W of the SE corner Section 30 in the NW¼ SE¼ Section 30, T110N-R76W.

Pump:

- 1) Make Berkley
- 2) Model B3ZRM
- 3) Size #
- 4) Capacity 700 GPM

Motor:

- 1) Make Chevrolet
- 2) Model No. 181
- 3) Horsepower rating 55 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc
- 2) Size 10"
- 3) Length 370 feet

SYSTEM TYPE:

Gated Pipe:

- 1) Length 870' and 280' feet
- 2) Diameter 10" and 8"
- 3) Spacing of gates 18 inches
- 4) Capacity 500 GPM

DAM INFORMATION:

- 1) Height to crest 31 feet
- 2) Height to primary spillway 27.5 feet
- 3) Height to secondary spillway n/a feet
- 4) Crest width 12 feet
- 5) Crest length 383 feet
- 6) Spillway length 350 feet
- 7) Spillway width 100 feet
- 8) Approx. storage 99.3 ac-ft
- 9) Approx. Storage to crest 155 ac-ft
- 10) Date constructed: 1999
- 11) Outlet:
 - a) type earthen spillway
 - b) location on structure at west end of the dam
- 12) Category of Dam small size Category 2
- 13) Inspection Sheet Completed no

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 Dam was built in 1999 and had not filled as of irrigation season 2000. The reply to the 2001 questionnaires have not been received yet.
- 4) Comments: Sparse cover on the downstream slope of the dam and an erosion scarp along the upstream slope of the dam. No cover on top of the dam where cattle walk.

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Robert Hattum

ADDRESS: 21744 West Bend Rd., Harrold, SD 57536

DATE: December 7, 2001

COUNTY: Hughes

TELEPHONE: (605) 875-3332

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**

Yes, local runoff on same drainage as permitted drainage. Change the diversion point from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T110N, R76W.

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

No new lands irrigated.

- **Review of Existing Diversions**

There are no permitted diversion points on the drainage above or below the dam.

RECOMMENDED ACTION

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



Lynn Beck, Natural Resources Engineer Specialist
Water Rights Program

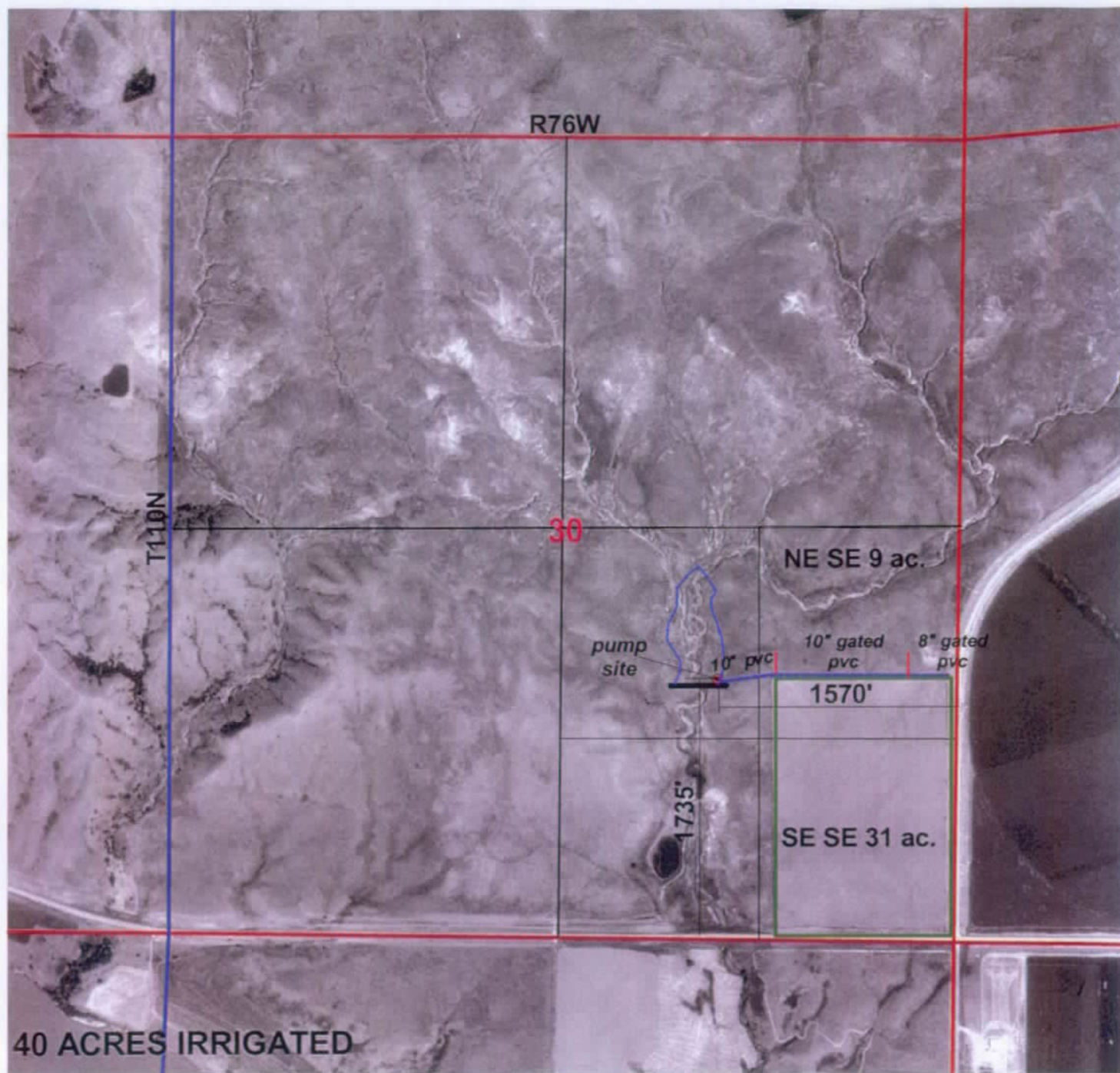
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

WATER PERMIT NO. 6168-3 ROBERT HATTUM



SCALE

0.5

0

0.5 Miles

Lynn Beck
Natural Resources Engineer Specialist
Water Rights Program, DENR
September 26, 2001

Lynn Beck

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6168-3

(1) Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 made Application No. 6168-3, January 11, 2000 for a water permit to divert 0.57 cubic feet of water per second from runoff in a 100 acre-feet storage dam, Hughes County, South Dakota for irrigation and livestock watering purposes. Permit No. 6168-3, with a priority date of January 11, 2000 was approved March 13, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 13, 2005 and for the application to beneficial use of said water on or before March 13, 2009.

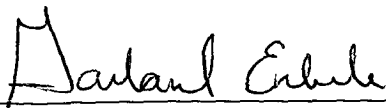
An investigation conducted for licensing purposes found the storage dam under Water Permit No. 6168-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(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 impound 100 acre-feet of water and divert 0.57 cubic feet of water per second for beneficial use. The location of the diversion point is 1,735 feet north and 1,570 feet west of the southeast corner of Section 30-T110N-R76W (NW ¼ SE 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:

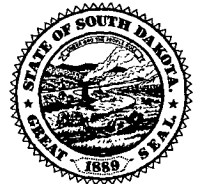
Section 30-T110N-R76W	NE ¼ SE ¼	9 acres
	SE ¼ SE ¼	31 acres
	Total	40 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 the holder and/or owner of Water Right No. 6168-3 is issued a license to appropriate water, the right to use 0.57 cubic feet of water per second from runoff (100 acre-feet storage dam) with a priority date of January 11, 2000 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 and livestock watering use. This license is subject to any limitations or qualifications listed in Water Right No. 6168-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 01 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 01 2002

6168-3

Robert Hattum
21744 West Bend Rd.
Harrold, SD 57536

Dear Mr. Hattum:

Enclosed is Water License No. 6168-3. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

A handwritten signature in black ink that reads 'Garland Erbele'.

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

enclosures



6168-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND ROAD, HARROLD, SD 57536
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 6168-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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:

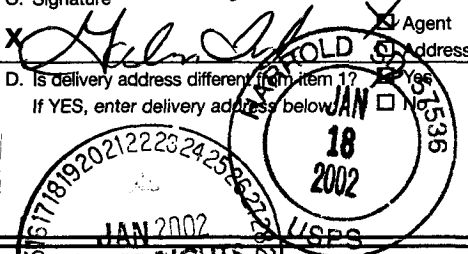
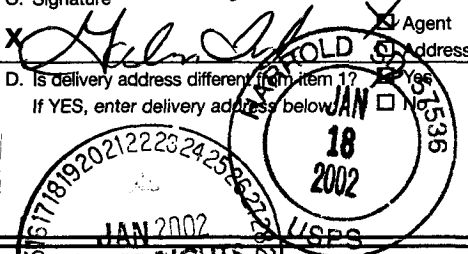
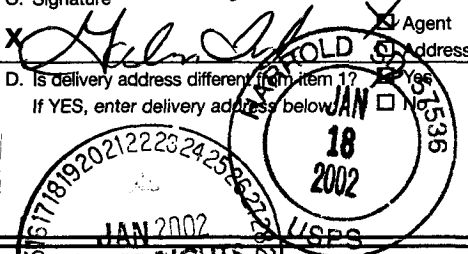
1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

6168-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY															
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		<table border="1"><tr><td>A. Received by (Please Print Clearly) <i>Galen Eagle</i></td><td>B. Date of Delivery <i>1-18-02</i></td></tr><tr><td colspan="2">C. Signature <i>[Signature]</i></td></tr><tr><td colspan="2">☒ Agent ☒ Addressee</td></tr><tr><td colspan="2">D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below</td></tr><tr><td colspan="2"></td></tr><tr><td colspan="2">3. Service Type: ☒ Certified Mail, ☒ Express Mail ☐ Registered, ☒ Return Receipt for Merchandise ☐ Insured Mail, ☐ S.O.D.</td></tr><tr><td colspan="2">4. Restricted Delivery? (Extra Fee) ☐ Yes</td></tr></table>		A. Received by (Please Print Clearly) <i>Galen Eagle</i>	B. Date of Delivery <i>1-18-02</i>	C. Signature <i>[Signature]</i>		☒ Agent ☒ Addressee		D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below				3. Service Type: ☒ Certified Mail, ☒ Express Mail ☐ Registered, ☒ Return Receipt for Merchandise ☐ Insured Mail, ☐ S.O.D.		4. Restricted Delivery? (Extra Fee) ☐ Yes	
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C. Signature <i>[Signature]</i>																	
☒ Agent ☒ Addressee																	
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3. Service Type: ☒ Certified Mail, ☒ Express Mail ☐ Registered, ☒ Return Receipt for Merchandise ☐ Insured Mail, ☐ S.O.D.																	
4. Restricted Delivery? (Extra Fee) ☐ Yes																	
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PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952															



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

January 18, 2002

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

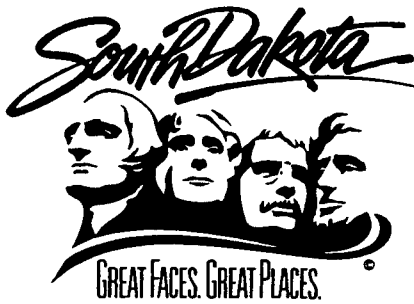
I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit No. 6168-3.

I completed a questionnaire for you based on our January 18th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



6168-3

**DEPARTMENT of ENVIRONMENT
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PMB 2020
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www.state.sd.us/denr

January 14, 2004

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 6168-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



6168-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9159

Your item was delivered at 8:52 am on January 15, 2004 in HARROLD, SD 57536. The item was signed for by G IMGLE.

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SIGNATURE CONFIRMATION NUMBER:

2301 3460 0000 8515 9159

ROBERT HATTUM
21744 WEST BEND RD
HARROLD SD 57536

Waiver of Signature ☐ YES ☐ NO

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6168-3



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www.state.sd.us/denr

January 30, 2004

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on our January 29th telephone conversation.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 6168-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



6168-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 6168-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



6168-3

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You entered 2301 3460 0000 8516 0421

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0421

ROBERT HATTUM
21744 WEST BEND RD
HARROLD SD 57536

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2005

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaire. I completed a questionnaire for you based on our January 25th telephone conversation. Enclosed is a copy of the form which you may keep for your records.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No 6168-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



6168-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 6168-3 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 2, 2006 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



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HARROLD SD 57536

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March 6, 2006

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Robert Hattum, 21744 West Bend Rd, Harrold SD 57536

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

SUBJECT: One Year Suspension of Water Right No. 6168-3

On March 2, 2006, the Water Management Board ordered:

That effective April 3, 2006, Water Right No. 6168-3 be suspended for the 2006 irrigation season for failure to submit the 2005 irrigation questionnaire.

If the 2005 irrigation questionnaire is received prior to April 3, 2006 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2006 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2006 unless the irrigation questionnaire is submitted by April 3rd.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2005 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2006 in Pierre, SD. The letter should include your reasons for not completing the 2005 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 6, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2006 addressed as stated below:

Notice of Amendment:

Rick Lantgen, Prairie Winds Golf Club, PO Box 681, Watertown SD 57201 (1612-3 & 1997-3)
Don Hight Partnership, 14116 N Hwy 79, Piedmont SD 57769 (1040-1)
Edward Patrick Henry, PO Box 11, Whiteclay NE 69365-0011 (672-2)

Notice of Three Year Suspension:

J V Kenneally, PO Box 50, Raymond SD 57258-0050 (3198A-3)
James Jenkins, HCR 1 Box 20, Raymond SD 57258-9530 (4957-3)
Gordon Flesner, HCR Box 45, Milesville SD 57553 (2197-2)
Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273 (5353-3)
Dennis & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117 (2480A-3)

Notice of One Year Suspension:

Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811 (1172-3)
Stuart & Pamela Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701 (2106-2)
Susan Porter, Manager, 28271 370th Ave, Geddes SD 57342 (962A-1)
Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110 (686-3)
Calvin & Jana Meyers, 1409 Willow Creek Estates, Belle Fourche SD 57717 (402-1)
John Larabee, LSW of South Dakota LLC, 42557 295th St, Scotland SD 57059 (375-2)
Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 (6168-3)
Bret, Gary & Kristine Fliehs, 39865 137th St, Groton SD 57445 (5640-3)
Harlan Eisenbraun, 21362 Creighton Rd., Wall SD 57790 (495-2)

Notice of One Year Suspension of Water Permit and Amendment of Water Right

Percy Tjeerdsma, 41175 309th St, Springfield SD 57062 (6413-3 – suspend; 3581-3 – amend)



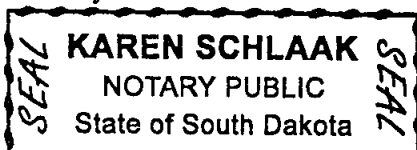
Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000.



Notary Public



My Commission Expires
April 1, 2007



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March 27, 2006

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

On March 2nd, the Water Management Board ordered Water Right No. 6168-3 be suspended if the 2005 irrigation questionnaire was not received prior to April 3, 2006. 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 are hereby authorized to irrigate during the 2006 irrigation season.

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

Sincerely,

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



6168-3

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January 18, 2008

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 6168-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

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21744 WEST BEND RD
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February 27, 2008

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the information for your 2007 irrigation questionnaire. I completed a questionnaire for you based on our telephone conversation. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 6168-3.

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

Enclosed for your records is a copy of the form I completed for you. If you have any questions, please contact me.

Sincerely,

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



6168-3

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January 23, 2009

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 6168-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

6168-3

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ROBERT HATTUM
21744 WEST BEND RD
HARROLD SD 57536

Waiver of Signature ☐ YES ☐ NO

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January 27, 2009

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 6168-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed as we discussed, is an instruction sheet and an application to appropriate water for irrigation purposes. The entire process may take two or three months so if you would like to irrigate this summer, please get the completed application back to us as soon as possible.

If you have any questions, please contact me.

Sincerely,

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



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January 22, 2010

NOTICE

TO: ROBERT HATTUM, 21744 WEST BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 6168-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

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ROBERT HATTUM
21744 WEST BEND RD
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February 10, 2010

6168-3

Robert Hattum
21744 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the information for your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 6168-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



6168-3
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January 21, 2011

NOTICE

TO: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 6168-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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.

6168-3

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- Sorting Complete, January 22, 2011, 8:53 am, HARROLD, SD 57536
- Arrival at Post Office, January 22, 2011, 8:07 am, HARROLD, SD 57536

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0133	ROBERT HATTUM 21744 W BEND RD HARROLD SD 57536	
	Waiver of Signature ☐ YES ☐ NO	
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January 25, 2011

6168-3

Robert Hattum
21744 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire. I completed a questionnaire for you based on our telephone conversation.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 6168-3. 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
email: genny.mcmath@state.sd.us

6168-3



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January 24, 2012

NOTICE

TO: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 6168-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2012

6168-3

Robert Hattum
21744 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaire. I completed a form for you based on our phone conversation.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 6168-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



6168-3
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 24, 2013

NOTICE

TO: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6168-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 6168-3 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

English

Customer

USPS Mobile

Register / Sign In

Service



Search USPS.com or Track Package

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

You entered: 2303216000008017638

Status: Delivered

Your item was delivered at 11:18 am on January 19, 2013 in HARROLD, SD 57536. The item was signed for by G INGLE. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request

Restore

Find Another Item

What's your label (or receipt) number?

LEGAL

Privacy Policy ›
Terms of Use ›
FOIA ›
No FEAR Act EEO Data ›

ON USPS.COM

Government Services ›
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Customer Service ›
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US Postal Service Signature Confirmation™ Receipt	
SIGNATURE CONFIRMATION NUMBER: REF 2160 0000 0801 7638	ROBERT HATTUM 21744 W BEND RD HARROLD SD 57536 Waiver of Signature ☐ YES ☐ NO Postmark Here <i>Delivered 1-19-13</i>
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com® or call 1-800-222-1811 ☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	
US Form 3800, May 2009 (See Reverse)	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 8, 2013

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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

SUBJECT: One Year Suspension of Water Right No. 6168-3

On March 7, 2013, the Water Management Board ordered:

Effective April 7, 2013, Water Right No. 6168-3 be suspended for the 2013 irrigation season for failure to submit the 2012 irrigation questionnaire.

If the 2012 irrigation questionnaire is received prior to April 7, 2013 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2013 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2013 unless the 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 2012 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 1 and 2, 2013 in Pierre, SD. The letter should include your reasons for not completing the 2012 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, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2013 regarding cancellations addressed as stated below:

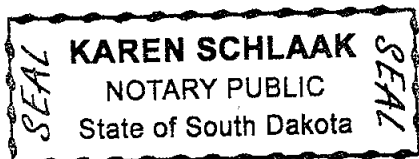
Edward Patrick Henry, PO Box 11, White Clay NE 69365 #672-2
Richard Will, 1104 Vista Dr, Milbank SD 57252 #4084A-3
Lane Tekrony, 47840 180th St, Clear Lake SD 57226 #2954-3
Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 # 508A-1
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536 #6168-3
Cabbage Patch Ranch, Pete Reinert, 19153 Vista Pl, Howes SD 57748 #'s 1921-1 & 1922-1
Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231 # 3937-3
Duane Rogers, 13575 383rd Ave, Aberdeen SD 57401 #2943-3
Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278 #'s 2696-3A & 4414-3
Bruce Weyrich, 20080 145th Ave, Sturgis SD 57785 #996-1
Burnell & Helen Gaskins, 821 Fox Run Rd, #124, Rapid City SD 57701 #953-1
Samuel & Angela Fousek, 29972 396th Ave, Wagner SD 57380 #2323A-3
Brink Bros, Todd Brink, 5825 7th Ave SW, Watertown SD 57201 #2717-3A


Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 8th day of March, 2013.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013





6168-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 31, 2013

NOTICE AND ORDER

TO: Robert Hattum
21744 West Bend Road
Harrold SD 57536

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Order to Cease Irrigation under Water Right No. 6168-3 for the 2013 Irrigation Season

Water Right No. 6168-3 appropriates 0.57 cubic feet of water per second from a storage dam for livestock watering and irrigation of 40 acres in the E ½ SE ¼ of Section 30, T110N, R76W in Hughes County. A condition on the water right requires the irrigation water use questionnaire to be submitted each year.

After failing to submit the 2012 irrigation questionnaire, the Water Management Board provided notice of the violation and took action on March 7, 2013, to suspend Water Right No. 6168-3 for 2013. Notice was sent to you on March 8, 2013, stating you are not permitted to irrigate in 2013 and that the Water Rights staff would be conducting compliance checks.

On July 18, 2013, a Water Rights staff person conducted an onsite investigation and found evidence that the acreage had been irrigated using a gated pipe system. Although irrigation was not occurring at the time of the onsite visit, there was clear evidence irrigation has occurred including the installation of gated pipe and erosion where water had flowed out of the gated pipe and down the furrows between crop rows.

Pursuant to SDCL 46-2-18 this notice is an order to immediately cease irrigation for the remainder of the 2013 irrigation season. The Water Rights Program will schedule this violation of the order to suspend irrigation during 2013 season before the Water Management Board. Future notice will be provided to you regarding the time, date and location of that hearing. The Board will hear the evidence and make a decision on further enforcement action which may include additional years of suspension.

Water Rights staff will continue to conduct routine compliance checks to determine if irrigation is occurring.

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

c: Diane Best, Assistant Attorney General



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 31, 2013

Hughes County Sheriff's Office
ATTN: Civil Process
3200 E Hwy 34 Ste 9
Pierre SD 57501

RE: In the Matter of an Order to Cease Irrigation under Water Right No. 6168-3 for the
2013 Irrigation Season

Dear Civil Process:

Enclosed for service on Robert Hattum, please find a Notice and Order in the above matter. Mr. Hattum can be located at 21744 West Bend Road, Harrold SD. Please send your sheriff's return to me at the address below. If you have any questions, do not hesitate to contact me.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment & Natural Resources
523 E Capitol
Pierre SD 57501
605 773-3352

enclosure

Hughes County Sheriff's Office

Invoice #13-01394 - DEPARTMENT OF
ENVIRONMENT & NATURAL RESOURCES

Printed on August 2, 2013

Billed To DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
523 E CAPITOL AVE
PIERRE, SD 57501

Reference Civil Papers C13-01369; Serve On: HATTUM, ROBERT D *WR.*
Return # 4395
Invoice # 13-01394
Invoice Date 7/31/13
Due Date 8/30/13

Item	Disburse To	Amount Owed	Amount Paid
Civil Process Fee	HUGHES COUNTY TREASURER	\$25.00	\$0.00
		Total Owed	\$25.00
		Total Paid	\$0.00
		Uncollectible	\$0.00
		Remaining	\$25.00

Comments

Hughes County Sheriff's Office
3200 E Hwy 34 Ste 9
Pierre, SD 57501
Phone: (605) 773-7470
Fax: (605) 773-7417

RECEIVED

AUG - 5 2013

Division of Financial
& Technical Assistance

ADMINISTRATIVE PROCEDURE
CIVIL DIVISION

Return # 4395
Process # C13-01369
Docket #
Reference #

DEPARTMENT of ENVIRONMENT and
NATURAL RESOURCES

Plaintiff,

- vs -

ROBERT D HATTUM

Defendant

SHERIFF'S RETURN OF PERSONAL SERVICE

I, Michael Leidholt, Sheriff of Hughes County, South Dakota, hereby certify that on the **31st day of July, 2013**, a **Notice AND ORDER**, in the above entitled action, came into my hand for service. That on the **2nd day of August, 2013** at {completion_time}, in said county, I did serve the documents on **ROBERT D HATTUM**. By then and there delivering to and leaving with: **HATTUM, ROBERT D** at **3200 E Hwy 34 Ste 9, Pierre, SD 57501**

Item	Disburse To	Amount Owed	Amount Paid
Civil Process Fee	HUGHES COUNTY TREASURER	\$25.00	\$0.00
		Total Owed	\$25.00
		Total Paid	\$0.00
		Uncollectible	\$0.00
		Remaining	\$25.00

Invoice # 13-01394
DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
523 E CAPITOL AVE, PIERRE, SD 57501

Comments

Date Returned 8/2/13

Signed


Alicia Johnson
Hughes County Sheriff's Office
3200 E Hwy 34 Ste 9
Pierre, SD 57501
Phone: (605) 773-7470
Fax: (605) 773-7417



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 2013

NOTICE

TO: Robert Hattum, 21744 West Bend Road, Harrold SD 57536

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing on Failure to Suspend Irrigation during the 2013 Irrigation Season

Water Right No. 6168-3 appropriates 0.57 cubic feet of water per second from a storage dam for livestock watering and irrigation of 40 acres in the E ½ SE ¼ of Section 30, T110N, R76W in Hughes County.

After failing to submit the 2012 irrigation questionnaire, the Water Management Board suspended irrigation under Water Right No. 6168-3 for the 2013 irrigation season. An onsite investigation on July 18, 2013, found evidence that the acreage had been irrigated. Subsequently, a Notice and Order was served to immediately cease irrigation for the remainder of the irrigation season. Also that notice included that this matter would be scheduled before the Water Management Board.

A hearing on the violation will be held at **11:30 am, October 3, 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. The agenda time is an estimate. This is a contested case hearing pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period 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 Right No. 6168-3 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.

Since the notice was served on you to cease irrigation, we met to discuss the order. Onsite investigations have found that no additional irrigation has taken place. The Department of Environment and Natural Resources appreciates your cooperation. If further compliance checks this year find no sign of irrigation, as Chief Engineer my intent is to recommend the Board "Take no action" to further suspend the water right. However, if irrigation is found to have taken place, the recommendation will be for the Board to suspend the water right for a second violation for three years (the 2014 through 2016 irrigation season).

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) suspend the water right, 2) postpone action, or 3) take no action after it reaches a conclusion based on the facts presented at the public hearing. Please plan to attend the October 3, 2013, hearing. It is in your best interest to be present and represent your intention to comply with the conditions to the water right in the future.

Please feel free to contact Eric Gronlund at (605) 773-3352 if you have any questions.

C: Diane Best, Assistant Attorney General

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.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 23, 2013.

CERTIFICATION

I hereby certify that on September 13, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated September 12, 2013 regarding scheduling of Hearing addressed as stated below:

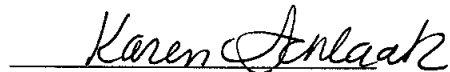
Robert Hattum, 21744 West Bend Rd, Harrold SD 57536



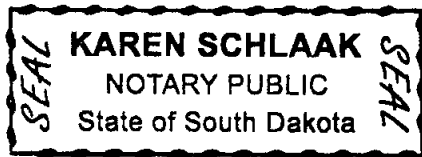
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of September, 2013.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 4, 2013

NOTICE

TO: Robert Hattum
21744 West Bend Road
Harrold SD 57536

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Water Right No. 6168-3

Water Right No. 6168-3 appropriates 0.57 cubic feet of water per second from a storage dam for livestock watering and irrigation of 40 acres in the E ½ SE ¼ of Section 30, T110N, R76W in Hughes County. After failing to submit the 2012 irrigation questionnaire, the Water Management Board suspended irrigation for the 2013 irrigation season.

A hearing before the Water Management Board was held on October 3, 2013, regarding the violation where you were found to have irrigated during the 2013 suspension period. The Board took no action to further suspend irrigation for future years. The Board's decision was based largely on your ceasing irrigation once the July 31, 2013, notice and order were served on you to cease irrigation.

The effect of this action is that Water Right No. 6168-3 remains suspended for the remainder of the 2013 irrigation season but that you may resume irrigation during the 2014 irrigation season subject to the conditions on your water right. This includes the requirement to complete the annual irrigation questionnaires that are sent each fall. You will begin receiving the irrigation questionnaire in the fall of 2014.

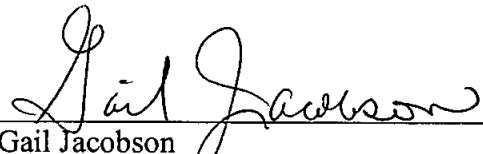
If you have any questions, please contact Eric Gronlund at (605) 773-3352.

6168-3

CERTIFICATION

I hereby certify that on October 4, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 4, 2013, regarding Water Right No. 6168-3 as addressed below:

Robert Hattum
21744 West Bend Road
Harrold SD 57536



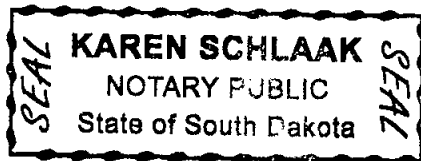
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of October, 2013



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





6168-3
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: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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) 6168-3. 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) 6168-3 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
Based on a past violation, the Water Rights Program will recommend a three year suspension.
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.



6168-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 7, 2017

6168-3

Robert Hattum
21744 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum

I am writing to acknowledge receipt of the information for your 2016 irrigation questionnaire. I completed a form for you based on our phone conversation.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6168-3. 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



6168-3
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: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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) 6168-3. 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) 6168-3 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12;
Based on a previous violation, the Water Rights Program will recommend a three year suspension;
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
www.denr.sd.gov

February 6, 2018

6168-3

Robert Hattum
21744 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6168-3. 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



6168-3
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: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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) 6168-3. 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) 6168-3 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation the Water Rights Staff will recommend to the Board the water right be suspended for a period of up to three years.**
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.

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

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Your item could not be delivered on February 12, 2019 at 10:46 am in HARROLD, SD 57536. It was held for the required number of days and is being returned to the sender.

Alert

February 12, 2019 at 10:46 am
Unclaimed/Being Returned to Sender
HARROLD, SD 57536

Get Updates ✓

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☐ Return Receipt (hardcopy) \$ _____	
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ROBERT HATTUM 21744 W BEND RD HARROLD SD 57536	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Feedback

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Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 20, 2019

NOTICE

TO: Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Division

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 6168-3

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 28, 2019 and February 11, 2019 to pick up and sign for the certified mail before returning it to our office.

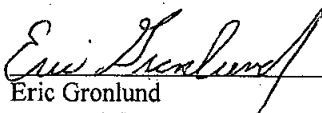
If you have any questions, please contact Genny McMath, (605) 773-3352.

6168-3

CERTIFICATION

I hereby certify that on February 20, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 20, 2019 regarding Unclaimed Certified Mail concerning irrigation questionnaire violations addressed as stated below:

No. 2072-3: Darwin Ulvestad, 46679 201st St, Bruce SD 57220
No. 6168-3: Robert Hattum, 21744 W Bend Rd, Harrold SD 57536
No. 417-1: Vivian F & Ron Sjodin, 3001 Sunnyhill Circle, Rapid City SD 57702
No. 515-3: Daniel Benson, 45586 US Hwy 18, Hurley SD 57036-6009
Nos. 5290-3
8148-3: Troi D Andernacht, 45835 284th St, Hurley SD 57036


Eric Gronlund
Water Rights Program
Environment and Natural Resources

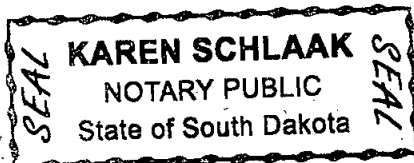
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 20th day of February, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



6168-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2019

6168-3

Robert Hattum
21744 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the information for your 2018 irrigation questionnaire. I completed a form for you based on our phone conversation.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 6168-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Next year, you can certainly call me with the irrigation information in October after the initial mailing. I would be happy to help get it filled out for you. This would avoid having to worry about being late getting the questionnaire submitted. 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



6168-3
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: ROBERT HATTUM, 21744 W BEND RD, HARROLD, SD 57536

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) 6168-3. 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) 6168-3 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) 6168-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous violation, the Board may consider suspending the water right for a period of three years.**
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: UEUGDI**

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

CERTIFIED MAIL



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ROBERT HATTUM
21744 W BEND RD
HARROLD SD 57536

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1-25 ✓
1-30 ✓

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Your item could not be delivered on February 10, 2020 at 9:13 am in HARROLD, SD 57536. It was held for the required number of days and is being returned to the sender.

Alert

February 10, 2020 at 9:13 am
Unclaimed/Being Returned to Sender
HARROLD, SD 57536

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Tracking History

February 10, 2020, 9:13 am
Unclaimed/Being Returned to Sender
HARROLD, SD 57536

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☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage

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ROBERT HATTUM
21744 W BEND RD
HARROLD SD 57536

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

Feedback



6168-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 11, 2020

NOTICE

TO: Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Division

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 6168-3

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".

Please note from the attached notice that the Water Management Board meeting is **February 26, 2020**.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER OF THREE-YEAR SUSPENSION OF WATER RIGHT

TO: Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Right No. 6168-3

On February 26, 2020, the Water Management Board ordered:

That effective March 26, 2020, Water Right No. 6168-3 be suspended for the 2020, 2021, and 2022 irrigation seasons for failure to submit your 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension means water may not be pumped during the 2020, 2021, and 2022 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 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 at (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX-78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

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

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

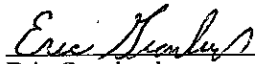
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



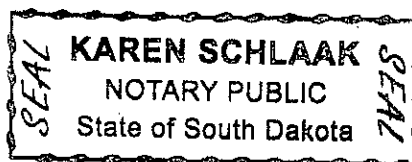
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025



6168-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2021

6168-3

Todd Hattum
21742 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing in follow-up to our phone conversation concerning the water right listed in Robert's name. Enclosed is a copy of the water right and corresponding map.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program. If you need to wait to file the ownership change due to estate details, that is fine.

One thing we discussed over the phone was about the three-year suspension that took place due to non-return of the annual irrigation questionnaire. At the February 2020 board hearing, the Water Management Board suspended the water right for the 2020, 2021 and 2022 irrigation seasons due to a second violation of the questionnaire qualification. I had thought we could remove the suspension since there would be new ownership. I spoke with our Chief Engineer who indicated we need to wait and talk to our attorney about the issue. The reason for that is the suspension of the water right was a Board action and as staff, we do not have the authority to remove the action. I will let you know what needs to be done and what the process will be as soon as we talk to our staff attorney. She should be back next week.

Sincerely,

A handwritten signature in blue ink that reads 'Genny McMath'.

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

OLINGER LAW FIRM

WWW.OLINGERLAW.NET

RECEIVED

APR 19 2021

WATER RIGHTS
PROGRAM

LEE C. "KIT" McCAHREN
WILLIAM M. VAN CAMP

RONALD D. OLINGER - Retired
JOHN S. LOVALD - Retired

6168-3

April 16, 2021

TELEPHONE: 605-224-8851
FAX: 605-224-8269
TOLL-FREE: 877-225-5548

Genny McMath
Water Rights Program
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Re: Robert Hattum Water Right No. 6168-3

Dear Genny:

Please consider this as a follow-up to our conversation as well as a conversation you had with Todd Hattum concerning his late father, Robert Hattum, and the water rights that exist or did exist for Mr. Hattum on the E1/2SE1/4 of Section 30, 110N, R76W, Hughes County, South Dakota.

As I understand it those water rights were suspended for 3 years because Bob did not complete the necessary paperwork to maintain his rights under the aforementioned permit number. Robert Hattum passed away on November 8, 2020 and Todd Hattum was named personal representative by the Court in Hughes County, South Dakota on December 9, 2020. Todd is Bob's only heir and he will transfer the interest in the rights in the property that utilized the permit as part of the estate process. We would ask that the suspension on the water right permit be lifted so that Mr. Hattum can proceed with irrigating the property as was done in the past by his father. Todd Hattum will endeavor to meet the requirements of DENR and reporting going forward, and if there is anything you need from Todd or my office in our request to lift the suspension, please let me know.

Sincerely,

Bill Van Camp
WILLIAM M. VAN CAMP
Attorney at Law

WVC:tj

cc: Client

OLINGER, LOVALD, McCAHREN & VAN CAMP, P.C.
117 EAST CAPITOL - P.O. BOX 66
PIERRE, SOUTH DAKOTA 57501-0066

6168-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 19, 2021

NOTICE OF HEARING

TO: William Van Camp, Attorney at Law, Olinger Law Firm, PO Box 66, Pierre SD 57501-0066

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

SUBJECT: Consideration of Suspension of Water Right No. 6168-3

I have received your letter of April 16, 2021, requesting time on the Water Management Board agenda to ask the Board to consider rescinding the three-year suspension of Water Right No. 6168-3, listed under the name of Robert Hattum. The three-year suspension was placed on Water Right No. 6168-3 by the Board at its February 26, 2020 meeting.

This matter has been scheduled for Board consideration at **9:30 am (Central time), Wednesday May 5, 2021, in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD** and will be conducted pursuant to SDCL 46-1-12, 46-2-9, 46-2-11 and 46-2-17. This is a contested case hearing pursuant to Chapter 1-26.

It is ultimately a Board decision on whether to rescind the suspension of Water Right No. 6168-

3. The Board may:

1. Rescind the suspension;
2. Allow the suspension to remain in effect or modify it; or
3. Postpone any action.

The hearing is an adversary proceeding. The permit owner has the right to be present and/or to be represented by a lawyer. Decisions of the Board may be appealed as provided by law.

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

c: Todd Hattum, 21742 West Bend Rd, Harrold SD 57536

6168-3

CERTIFICATION

I hereby certify that on April 19, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage prepaid envelopes containing a "Notice" dated April 19, 2021 scheduling a hearing before the Water Management Board to consider rescinding the three-year suspension of Water Right No. 6168-3 as follows:

William Van Camp, Attorney at Law, Olinger Law Firm, PO Box 66, Pierre SD 57501-0066

Todd Hattum, 21742 West Bend Rd, Harrold SD 57536

Vickie Maberry

Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of April, 2021.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025



6168-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 6, 2021

NOTICE

TO: William Van Camp, Attorney at Law, Olinger Law Firm, PO Box 66, Pierre SD 57501-0066

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

SUBJECT: Rescission of Suspension for Water Right No. 6168-3

On May 5, 2021, the Water Management Board passed a motion to lift the three-year suspension of Water Right No. 6168-3 that began with the 2020 irrigation season. The Board's action allows irrigation of the land described in No. 6168-3 to resume for the 2021 and 2022 irrigation seasons.

The Board's action took into consideration the water right holder of record is deceased and upon settling of the estate, Todd Hattum will be transferring the water right to his name. They also took into consideration the assurance from you that future questionnaires will be submitted in a timely manner.

Please be aware that under SDCL 46-1-12, the Board has the authority to suspend a water right for a period of up to one year for the first violation; for up to three years for the second violation and may cancel a water right for a third violation.

The 2021 irrigation questionnaire will be mailed to Todd Hattum in mid-October and will be due by the first week in December. If you have any questions, please contact Genny McMath at 605 773-3352.

c: Todd Hattum, 21742 West Bend Rd, Harrold SD 57536

6168-3

CERTIFICATION

I hereby certify that on May 6, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage prepaid envelopes containing a "Notice" dated May 6, 2021 concerning the Water Management Board action to rescind the three-year suspension of Water Right No. 6168-3 as follows:

- William Van Camp, Attorney at Law, Olinger Law Firm, PO Box 66, Pierre SD 57501-0066
- Todd Hattum, 21742 West Bend Rd, Harrold SD 57536

Vickie Maberry

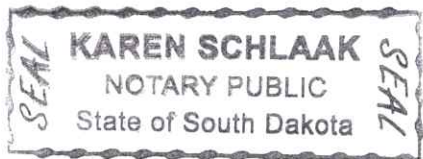
Vickie Maberry
Senior Secretary
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 2021.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 28, 2022

6168-3

Todd Hattum
21742 West Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing in reference to Water Right No. 6168-3. The water right is still listed in Robert Hattum's name. A year ago, when the Board lifted the suspension of the water right, it was our understanding when your father's estate was settled, you would be transferring the water right to your name.

Has the estate been settled and are you able to file the ownership change yet? If not, that's fine but I wanted to make sure it was taken care of and not forgotten. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If the transfer cannot be filed yet, please let me know so I can put a note in the file and follow-up with you at a later date. Thank you in advance for your reply.

Sincerely,

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

enclosure

6168-3



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: TODD HATTUM, MGR, 21742 W BEND RD, HARROLD, SD 57536

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) 6168-3. 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) 6168-3 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) 6168-3 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: ZVJEVJ**

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.

Tracking Number:

70201810000098485504

Copy Add to Informed Delivery
[\(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

7020 1810 0000 9848 5504

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage	
\$	
Sent To	TODD HATTUM, MGR
Street and	21742 W BEND RD
City, State	HARROLD SD 57536
PS Form 3849, October 2019	

Postmark Here

Latest Update

Your item arrived at our USPS facility in MINNEAPOLIS MN DISTRIBUTION CENTER on February 9, 2023 at 11:46 am. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Arrived at USPS Regional Facility

MINNEAPOLIS MN DISTRIBUTION CENTER
 February 9, 2023, 11:46 am

Unclaimed/Being Returned to Sender

HARROLD, SD 57536
 February 7, 2023, 8:48 am

Reminder to Schedule Redelivery of your item

January 28, 2023

Notice Left (No Authorized Recipient Available)

HARROLD, SD 57536
 January 23, 2023, 11:35 am

Departed USPS Regional Facility

HURON SD DISTRIBUTION CENTER
 January 22, 2023, 11:23 pm

Feedback

In Transit to Next Facility

January 22, 2023

Arrived at USPS Regional Facility

HURON SD DISTRIBUTION CENTER

January 20, 2023, 10:37 pm

Hide Tracking History

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less

Track Another Package

Enter tracking or barcode numbers

Feedback

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

CERTIFICATION

I hereby certify that on February 13, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 13, 2023 regarding Unclaimed Certified Mail to the Water Right/Permit Holders addressed as stated below:

No. 2706-3: Ronnie Reimer, 34611 255th St, Pukwana SD 57370

Nos. 1222A-1 & 1524-1: John A Ismay, Ismay Ranch LLC, PO Box 396, Sturgis SD 57785-0396

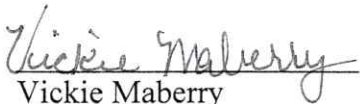
Nos. 4687-3A & 4687-3B: James L Sutton, PO Box 33, Onida SD 57564-0033

No. 1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

No. 6168-3: Todd Hattum, 21742 W Bend Rd, Harrold SD 57536

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

Nos. 835-2 & 959-2: Alva Lee Wiley, 31450 301st St, Winner SD 57580

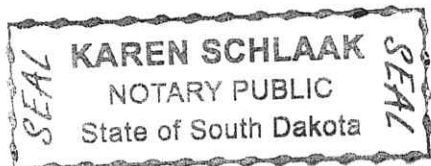


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of February, 2023.


Karen Schlaak Notary Public
My Commission expires April 1, 2025



6168-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2023

NOTICE

TO: Todd Hattum, 21742 W Bend Rd, Harrold SD 57536

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 6168-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "unclaimed". The envelope indicated the post office notified you January 23rd & January 28th, 2023 to pick up and sign for the certified mail.

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



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

February 28, 2023

6168-3

Todd Hattum
21742 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of the information for your 2022 irrigation questionnaire. A form was completed for you based on my phone conversation with Mariah Hattum.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 6168-3. 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



6168-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 1, 2023

Todd Hattum
21742 West Bend Rd
Harrold SD 57536

6168-3

Dear Mr. Hattum:

I am writing regarding the ownership of land authorized in Water Right No. 6168-3. The water right is still listed under Robert Hattum. In 2021, it was the understanding of our office, that when your father's estate was settled, you would transfer the water right to your own name. At this time no such action has been taken.

I've enclosed another partially completed "Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with the required filing fee of \$50.00. A check or money order can be made payable to South Dakota Water Rights Program.

If a transfer cannot be filed yet, please let me know so we can make a note on your file and follow-up at a later date.

Sincerely,

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

enclosure

6168-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 4, 2024

6168-3

Marty Jackley
2101 Lancaster Loop
Pierre SD 57501

Dear Mr. Jackley:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records and a copy of the original Water Right.

Water Right No. 6168-3 previously owned by Robert Hattum has now been transferred to yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosures

PAID

JAN 03 2024

Ck#

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6168-3

Date: _____

I/We request that Water Right No. 6168-3

formerly owned by: Robert Hattum (operated by son Todd Hattum)

be transferred to: (name & address) Marty Jackley, 2101 Lancaster Loop, Pierre SD 57501

Telephone No. 605-222-2271

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

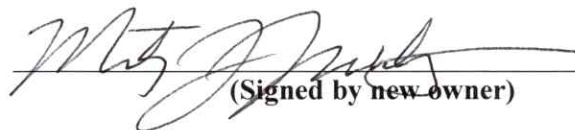
40 acres - E 1/2 SE 1/4 Section 30, T110N, R76W

I/We understand that the validity of Water Right No. 6168-3 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 Marty Jackley, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for non-construction 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.

RECEIVED

JAN 03 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 3, 2024

RECEIVED OF Ylazy J LLC for Marty Jackley 2101 Lancaster Loop Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6168-3</u>	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By *Eric Gronlund*
Chief Engineer
VM