

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 650A-3
DIVISION OF NO. 650-3 INTO NO. 650A-3

(1) Frank Hazuka, Jr. was issued Water License No. 650-3, August 15, 1969 for a water permit to divert 2.00 cubic feet of water per second (cfs) from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Water License 650-3, with a priority date of July 27, 1959 was issued to the permit holder for diversion of water with construction of the described water supply system and application to beneficial use of said water completed.

On June 13, 1994, a portion of the land was transferred to John C Delph Revocable Trust, John C Delph, Trustee. The remaining land, now owned by Terry and Tracey Jacobson, was not transferred and remains under Water Right No. 650-3. The irrigated portion of No. 650-3 is being reissued as follows:

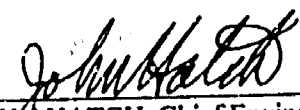
- Water Right No. 650A-3, (John C Delph Revocable Trust, John C Delph, Trustee) - authorizing diversion of 2.00 cfs from the Missouri River to irrigate 200 acres in the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T96N, R66W.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is a point 833' W along the south line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T96N, R66W, thence S45° E to the waters edge.

(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 33, T96N, R66W	
NE $\frac{1}{4}$	160 acres
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres
N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres
Total	200 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John C Delph Revocable Trust, John C Delph Trustee, PO Box 2416, Ponte Vedra Beach, FL, SF 32004 the holder and/or owner of Water Right No. 650A3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from the Missouri River with a priority date of July 27, 1959 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 650-3 and subject to South Dakota State Law.


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

OCT 17 1996
date



ANDERSON LAW OFFICE, P.C.

P.O. Box 425
Wagner, SD 57380

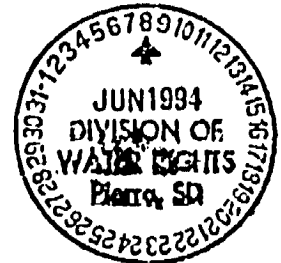
BRUCE V. ANDERSON
ATTORNEY AT LAW

118 S. Main
605-334-5970

June 7, 1994

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

VIA FAX AND U.S. MAIL



RE: Permit number 650-3

Dear Jenny:

Pursuant to our telephone conversation on today's date, I am faxing you the Notice Of Transfer Of Ownership for the above referenced water right permit. John Delph of Florida purchased the property described in the Notice Of Transfer Of Ownership on today's date. I am also faxing you a copy of the deed from Commercial State Bank to John Delph Revocable Trust.

As I explained on the phone today, the permit formally covered 280 acres. Frank Hazuka and his son, Mike Hazuka, only irrigated the 200 acres which my client has purchased. The other 80 acres were used only for pasture and were never irrigated. Those 80 acres are currently owned by the Commercial State Bank who foreclosed upon Michael Hazuka. The bank is contemplating on transferring that property to Terry Jacobs, of Geddes, South Dakota.

I am requesting that this Notice Of Transfer Of Ownership be filed as soon as possible so as to protect Mr. Delph's ownership rights in the permit. I am also faxing a copy of a check for \$2.50 which I will send to you immediately. I am also sending the original Notice Of Transfer Of Ownership to my client for his original signature and when I receive the original back from him, I will forward the same to you. Please contact me if you have any questions.

Sincerely,

ANDERSON LAW OFFICE, P.C.

Bruce V. Anderson
Bruce V. Anderson

BVA/kk
Enclosures

NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer
Water Rights Division, DENR
623 E. Capitol
Pierre, SD 57501-9181

No. 650-3

Date: June 7, 1994

I/We request that Water Right No. 650-3

formerly owned by: Frank Hazuka, Jr.

be transferred to: (name & address) John C. Delph Revocable Trust, John C. Delph Trustee
P.O. Box 2416 Ponte Vedra Beach, FL 32004 (Telephone No) (904) 295-0287

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

For irrigation of the NE1/4 and the N1/2N1/2SE1/4, of Section 33, Township 96 N, Range 66, West of the 5th P.M., in Charles Mix County, South Dakota.

I/We understand that the validity of Water Right No. 650-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 45-2-13.

STATE OF MARYLAND)

County of BALTIMORE)

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

John C. Delph Trustee
(Signed) John C. Delph - Trustee

Subscribed and sworn to before me this 10 day of June, 1994.

JAMES R. SCOTT
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES OCTOBER 1, 1994

James R. Scott
(Notary Public)

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

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

WARRANTY DEED

Commercial State Bank of Wagner, South Dakota, Inc.,
a South Dakota Banking Corporation,

grantor, of P. O. Box 220, Wagner, SD 57380, Charles Mix County, for and in consideration of Two Hundred Thirty Thousand DOLLARS, GRANTS, CONVEYS, AND WARRANTS, TO The John C. Delph Revocable Trust, John C. Delph, Trustee, grantee, of P. O. Box 2416, Ponte Vedra Beach, Florida 32004 Post Office, the following described real estate in the County of Charles Mix, in the State of South Dakota:

Northeast Quarter (NE $\frac{1}{4}$); and the North Half of the North Half of the Southeast Quarter (N $\frac{1}{2}$ of N $\frac{1}{2}$ of SE $\frac{1}{4}$), of Section Thirty-three (33); in Township Ninety-six (96) North, Range Sixty-six (6) West of the 5th P.M., Charles Mix County, South Dakota



TRANSFER FEE:

Dated this 11th day of May, 1994..

COMMERCIAL STATE BANK OF
WAGNER, SOUTH DAKOTA, INC.

BY: President

ATTEST:

~~Secretary~~

(SEAL)

STATE OF SOUTH DAKOTA)) SS.
COUNTY OF CHARLES MIX)

On this the 11th day of May, 1994, before me, Kenneth W. Cotton, the undersigned officer, personally appeared Donald R. Juffer and Donald F. Kotab, who acknowledged themselves to be the President and Secretary, respectively, of Commercial State Bank of Wagner, South Dakota, Inc., a South Dakota banking corporation, and that they, as such President and Secretary, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as President and Secretary.

In witness whereof, I have hereunto set my hand and official seal.

Notary Public, South Dakota
M, commission expires: 8-1-97

(SEAL)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/o: 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

JAMES R. SCHUMAN, OPERATOR
RR #1 BOX 60C
GEDDES SD 57342

4a. Article Number

2348 318 893

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

JRM 1-31-96

6. Signature: (Addressee or Agent)

X *[Signature]*

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: JAMES R SCHUMAN, OPERATOR, RR #1 BOX 60C, GEDDES, SD 57342

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 650A-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 650A-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1996

650A-3

James R Schuman
RR 1 Box 60C
Geddes, SD 57342

Dear Mr. Schuman:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 irrigation questionnaire.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

650A-3

John C Delph, Trustee
John C Delph Revocable Trust
PO Box 2416
Ponte Vedra Beach, FL 32004

Dear Mr. Delph:

Enclosed is your Water License No. 650A-3. Water Right No. 650-3, formerly held by Frank Hazuka, Jr., was divided into No. 650-3 and 650A-3 to reflect separate ownership.

The transfer of ownership you filed was effective June 13, 1994 (the day it was received in our office). However, the water license was not reissued until now due to problems obtaining a transfer of ownership form from the other owners or verification from them that the land they purchased was not irrigated. The matter has now been resolved and your water license has been issued.

As long as you beneficially use the water as described in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning the license, please contact us.

Very truly yours

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Bruce V Anderson, Anderson Law Office, PO Box 425, Wagner, SD 57380-0425

RECEIPT

6507
414195

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 8, 1994

RECEIVED OF Anderson Law Office, PO Box 425, Wagner, SD 57380

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 Water Right No. 650-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch



650A-3

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

October 29, 1996

NOTICE OF CANCELLATION**TO:** Terry & Tracey Jacobson, RR 2 Box 27, Lake Andes, SD 57356**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Cancellation of Water Right No. 650-3

On September 11, 1996, Genny McMath with our program, contacted you regarding Water Right No. 650-3. The water right authorized irrigation of land in Section 28 and 33, T96N, R66W. The land in Section 33, now owned by John C Delph, has been transferred to No. 650A-3. You indicated the land you own in Section 28 has not been irrigated for many years. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 650-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 650-3 at 10:00 am, December 4, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 650-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 22, 1996. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

(continued)

October 29, 1996
Terry & Tracey Jacobson
Page 2

These hearings are adversary proceedings. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 22, 1996.

Prior to November 22, 1996, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note: Cancellation of the water permit/right does not prohibit a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 650-3, FRANK HAZUKA, JR

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 650-3, now owned by Terry and Tracey Jacobson.

The Chief Engineer is recommending cancellation of the above Water Right due to abandonment and/or forfeiture.

A handwritten signature in black ink, appearing to read "Ron Duvall", is positioned above the typed name.

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
October 29, 1996



650A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: JAMES R SCHUMAN, OPERATOR, RR 1 BOX 60C, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 650A-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 650A-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

C: JOHN C DELPH, TRUSTEE, PC BOX 2416, PONTE VEDRA BEACH, FL 32004

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.

650A-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: JAMES R SCHUMAN, OPERATOR RR 1 BOX 60C GEDDES SD 57342	4a. Article Number P-378 080 694 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery	Thank you for using Return Receipt Service.
5. Received By: (Print Name) MM 2-1	6. Addressee's Address (Only if requested and fee is paid) 6. Signature: (Addressee or Agent) X <i>James R Schuman</i>	
PS Form 3811, December 1994 102595-08-8-0229 Domestic Return Receipt		

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: John C Delph, Trustee PO Box 2416 Ponte Vedra Beach, FL 32004	4a. Article Number P-328 080 619 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery 26	Thank you for using Return Receipt Service.
5. Received By: (Print Name) 5. Signature: (Addressee or Agent) X <i>John C Delph</i>	6. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1994 102595-08-8-0229 Domestic Return Receipt		



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1999

650A-3

Jim Schuman
37490 285th St
Geddes, SD 57342

Dear Mr. Schuman

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 650A-3.

I completed a questionnaire for you based on our February 2nd 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

c: John C Delph, Trustee



650A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: JAMES R SCHUMAN, OPERATOR, 37490 285th St, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 650A-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 650A-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: JOHN C DELPH, TRUSTEE, PO BOX 2416, PONTE VEDRA BEACH, FL 32004

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.

650A-3

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:

John C Delph, Trustee
PO Box 2416
Ponte Vedra Beach FL 32004

2. Article Number (Copy from service label)

Z 227 670 399

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ 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**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:

JAMES R SCHUMAN, OPERATOR
37490 285th St
GEDDES SD 57342

2. Article Number (Copy from service label)

Z 227 670 398

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1-15-00

C. Signature

☐ 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

DENR - Water Rights Program
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4068

State of South Dakota

Fax

To: Bruce Anderson

From: Genny McMath

Fax: 605 384-3679

Date: February 1, 2000

Phone: 605 384-5970

Pages: 3

Re: irrigation questionnaire

CC:

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

•Comments:

Mr. Anderson – I received your message, the following pages can be used for reporting the 1999 irrigation questionnaire information for Water Right No. 650A-3.

I spoke with Ron Duvall earlier about this matter – he indicated that the person I mailed the original questionnaire to is no longer in the picture. This type of situation has happened in the past with other irrigators. If you are unable to obtain the irrigation information from last year – just make a notation on the questionnaire and return it to us as is.

This can certainly be taken care of prior to the Board meeting and not cause anyone to have to appear before the Board. We are very flexible when it comes to these types of situations and as long as we can get future questionnaires directed to someone who can fill them out, that will be the main objective at this point.

If I can help or answer any questions for you, please let me know.

Genny McMath

DENR - Water Rights Program
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4068

State of South Dakota

Fax

To: Bruce Anderson

From: Genny McMath

Fax: 605 384-3679

Date: February 3, 2000

Phone: 605 384-5970

Pages: 3

Re: irrigation questionnaire

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

Mr. Anderson – the following two pages is a copy of the 1999 irrigation questionnaire submitted by James Schuman for Water Right No. 650A-3 (John Deiph).

The requirement to submit the 1999 irrigation questionnaire has been met and the matter has been deleted from the March 1st Water Management Board meeting agenda.

I will change our records to reflect that Richard Ralston, Lake Andes, SD is the new operator.

If I can help or answer any questions for you, please let me know.

Genny McMath



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2000

650A-3

James R Schuman
37490 285th St
Geddes, SD 57342

Dear Mr. Schuman:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 650A-3.

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

Thank you for the notation concerning the new operator. I will forward future irrigation questionnaires to Richard Ralston in Lake Andes.

I do appreciate your help. Thank you and if you have any questions, please contact me.

Sincerely,

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

c: John Delph

ANDERSON LAW OFFICE, P.C.

120 Second St. SE
P.O. Box 425
Wagner, SD 57380

BRUCE V. ANDERSON
MICHAEL B. FISCHER
ATTORNEYS AT LAW

TELEPHONE
605-384-5970
FAX 605-384-3679

RECEIVED

MAY 02 2002

WATER RIGHTS
PROGRAM

May 1, 2002

State of South Dakota
Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501-9980

Attn: Genny McMath

Re: Irrigation Questionnaire – John Delph Trust (Bob Creasey – Renter)

Dear Genny:

I am enclosing a new irrigation questionnaire that was completed by Bob Creasey concerning the above-referenced property. In speaking with your agency several weeks ago, I found that Mr. Creasey had lumped all of the land in his various different irrigation permits into one questionnaire. So as to protect the interest of John Delph, the owner of the property, we asked Mr. Creasey to fill out another questionnaire that applied only to the John Delph land. He sent me the enclosed questionnaire. Please keep this in your file.

Sincerely,

ANDERSON LAW OFFICE, P.C.


Bruce V. Anderson

BVA:ja
enclosure

650A-3

ANDERSON LAW OFFICE, P.C.

120 Second St. SE
P.O. Box 425
Wagner, SD 57380

BRUCE V. ANDERSON
MICHAEL B. FISCHER
ATTORNEYS AT LAW

TELEPHONE
605-384-5970
FAX 605-384-3679

RECEIVED

MAY 02 2002

WATER RIGHTS
PROGRAM

May 1, 2002

State of South Dakota
Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501-9980

Attn: Genny McMath

Re: Irrigation Questionnaire – John Delph Trust (Bob Creasey – Renter)

Dear Genny:

I am enclosing a new irrigation questionnaire that was completed by Bob Creasey concerning the above-referenced property. In speaking with your agency several weeks ago, I found that Mr. Creasey had lumped all of the land in his various different irrigation permits into one questionnaire. So as to protect the interest of John Delph, the owner of the property, we asked Mr. Creasey to fill out another questionnaire that applied only to the John Delph land. He sent me the enclosed questionnaire. Please keep this in your file.

Sincerely,

ANDERSON LAW OFFICE, P.C.



Bruce V. Anderson

BVA:ja
enclosure



650A-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

December 10, 2003

Bob Creasey
29408 374th Ave
Geddes SD 57342

Dear Mr. Creasey:

I am writing to acknowledge receipt of your annual irrigation questionnaires. Prior to entering the data into the files, I need to gather more information from you.

It is acceptable to group all the information for the separate irrigation systems on one form. Since there are six water rights involving a large number of acreage, we need to know which land the information you sent in pertains to. The following is a list of the water rights and the acreages covered under each one. Please indicate yes or no beside each one or if it is easier, you can circle the descriptions that were irrigated.

Owners name	Water Right No.	Legal description	Irrigated (Yes or No)
Bob Creasey	341-3	SW ¼ Section 24, T96N, R67W	yes
Bob Creasey	385-3	Lot 6, Section 32, T96N, R66W	yes
		Lot 7, Section 32, T96N, R66W	yes
		W ½ NE ¼ Section 32, T96N, R66W	yes
			yes
Delph Trust	650A-3	NE ¼ Section 33, T96N, R66W	yes
		NW ¼ SE ¼ Section 33, T96N, R66W	yes
		NE ¼ SE ¼ Section 33, T96N, R66W	yes
Bob Creasey	1251-3	SE ¼ Section 13, T96N, R67W	yes
		NE ¼ NE ¼ Section 24, T96N, R67W	yes
		SW ¼ Section 18, T96N, R66W	yes
		NW ¼ Section 19, T96N, R66W	no
		W ½ NE ¼ Section 19, T96N, R66W	no
		W ½ SE ¼ Section 19, T96N, R66W	no
Agnes Williamson	1508-3B	NE ¼ NE ¼ Section 32, T96N, R66W	yes
		NW ¼ NW ¼ Section 33, T96N, R66W	yes no
Herman Holderby	2021-3	SE ¼ SE ¼ Section 30, T96N, R66W	no

I am enclosing a postage paid envelope for your reply. Thank you in advance for your help.

Sincerely,

Genny McMath

Genny McMath
Water Rights Program
(605) 773-3352

RECEIVED

DEC 16 2003

WATER RIGHTS
PROGRAM



650A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: BOB CREASEY, 29408 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1787-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1787-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2015

Bob Creasey
29408 374th Ave
Geddes SD 57342

RE: Water Right Nos. 341-3, 385-3, 650A-3, 1251-3, 1508-3B & 1787-3

Dear Mr. Creasey:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 341-3, 385-3, 650A-3, 1251-3, 1508-3B & 1787-3. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: BOB CREASEY, 29408 374TH AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1787-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1787-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 341-3, 385-3, 650A-3, 1251-3 & 1508-3B to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ANOZZG**

cc: AGNES WILLIAMSON, 29408 374TH AVE, GEDDES SD 57342
SAMUEL R ASSAM, 3200 W 49TH ST, SIOUX FALLS SD 57106
JOHN C DELPH, TRUSTEE, PO BOX 2416, PONTE VEDRA BEACH, FL 32004

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 27, 2025

341-3, 385-3, 650A-3
1251-3, 1508-3B, 1787-3

Bob Creasy
29408 374th Ave
Geddes SD 57342

Dear Mr. Creasy:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 341-3, 385-3, 650A-3, 1251-3, 1508-3B & 1787-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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

cc: AGNES WILLIAMSON, 29408 374TH AVE, GEDDES SD 57342
SAMUEL R ASSAM, 3200 W 49TH ST, SIOUX FALLS SD 57106
JOHN C DELPH, TRUSTEE, PO BOX 2416, PONTE VEDRA BEACH, FL 32004