

WATER PERMIT NO. 6878-3

Name of Applicant: **Thomas W Curry**

Address: **32306 477th Ave, Elk Point Sd 57025**

Phone: **605 356-2860**

Amount of Water Claimed: **1.86 cfs**

Total Acres: **130**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **2 miles east of Elk Point**

PRIORITY

Date Received: **7-30-07**

Application/License Fee: **\$300**

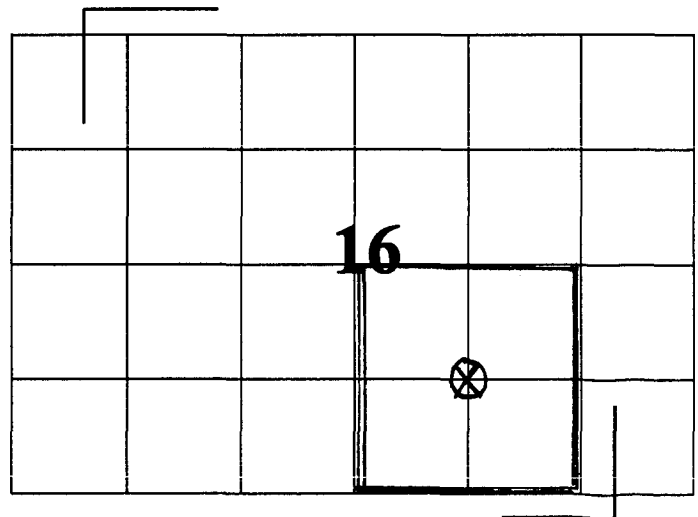
Corrected Application Received: **8-8-07**

Period of Annual Use: **May 1 – October 31**

Remarks:

Diversion Point: **Center of SE ¼ Sec 16-T91N-R49W**

Land to be Irrigated: **SE ¼ Sec 16-T91N-R49W**



Depth of Well: **110 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Jeffery J Loft, NRCS**

Reviewed and the Number Assigned on: **8-8-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 10878-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Leader-Courier PO Box 310
605-356-2632 Elk Point 57025

RECEIVED

JUL 30 2007

WATER RIGHTS
PROGRAM

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.)

1. Name of Applicant Thomas W. Curry Phone 605-356-2860
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 32306 - 477th Ave, Elk Point State S.D. 57025
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed *CFS or 1000 **GPM ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well - Lower Missouri Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
center of SE 1/4, Sec. 16 - T91-N + R-48-49-W
5. County or counties where water will be used Union
6. Annual period during which water is to be used May - Oct
7. 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
<u>SE 1/4 Sec 16 Elk Point East 130</u>	<u>excludes 5 acres in SE, SW</u>		
	<u>& NW corners & 1/5 acres NE corner</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

① center pivot irrigation from aquifer
② Drill well in 2008 !!

STATE OF SOUTH DAKOTA)
County of Union

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, Thomas W. Curry, 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.

Subscribed and sworn to before me this

12th day of

June

20 07

Commission
Expires: AT Term



Notary Public signature
Gara-Jones, ROD

To whom it may concern: I am filing now to initiate the permit for 2008. Thanks, Tom

**SOUTH DAKOTA
WATER PERMIT NO. 6878-3**

Date of first receipt of application July 30, 2007.

Date of return to applicant for corrections, amendments or changes July 30, 2007.

Date of receipt of corrected application August 8, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6878-3 to Thomas W Curry, 32306 477th Ave, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6878-3 appropriates 1.86 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 110 feet deep) located in center of the SE ¼ Section 16 to irrigate 130 acres located in the SE ¼ Section 16; all in T91N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is July 30, 2007.
4. The date of approval of Permit No. 6878-3 is September 17, 2007.
5. One-fifth of the construction is to be completed on or before March 17, 2010.
6. All construction is to be completed on or before September 17, 2012.
7. Water is to be put to beneficial use on or before September 12, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6878-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 09 2007

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack Per rock Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 24'
- g) Distance to nearest existing domestic well:
- On applicants property 2500' NA. On property owned by others 2,500'

2. Wastewater Disposal System Information NA

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

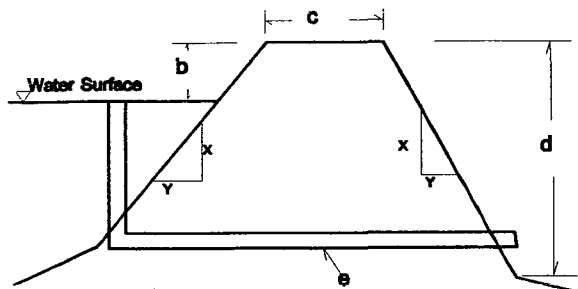
3. Dugout Information NA

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

4. Water Storage Dams NA

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:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 30, 2007

RECEIVED OF Tom Curry Farm Acct. 32306 477th Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>6878-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6878-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

03193

By [Signature]
Chief Engineer

20



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AUG - 8 2007

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 30, 2007

Thomas W Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

Enclosed is the aerial photo map submitted with the application. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Regarding the amount of water claimed, State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.86 cfs or 837 gpm to irrigate 130 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

① Signed Map copy enclosed -
enclosure

② Dear Karen, I have consulted an area well expert and he and I agree that the well capacity of 837 gpm. is sufficient for my needs. We will go with your figures - Thanks, Tom



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6878-3, Thomas W. Curry**

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. 6878-3, Thomas W. Curry, 32306 477th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6878-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6878-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 17, 2007

Report on Application for Water Right

Permit No. 6878-3

Thomas W. Curry

27 July 2007

Application No. 6878-3 is a new application proposing to appropriate 1.86 cfs from the Missouri-Elk Point aquifer in Union County, SD. The water is to be used for irrigation on 130 acres of land located at SE ¼ Section 16-T91N-R49W near the city of Elk Point, SD. The diversion rate of 1.86 cfs is the statutory limit for a diversion to irrigate 130 acres. The proposed diversion consists of one well to be constructed to the Missouri-Elk Point aquifer (M-EP). The proposed period of use is May 1st to October 31st of each year.

Aquifer – Missouri-Elk Point (M-EP)

The Missouri-Elk Point aquifer is a surficial outwash (unconsolidated gravel and sand) located in south-eastern South Dakota. It underlies nearly all of Union County and extends to Clay and Yankton Counties to the west. It averages 84 feet thick and the top of the aquifer ranges from 0 to 105 feet below the land surface. The Missouri-Elk Point is overlain by alluvium and underlain by the Dakota aquifer (Niehus, 1994). It blends into the Lower Vermillion-Missouri aquifer to the north and the Big Sioux aquifer to the north-east (**figure 1**).

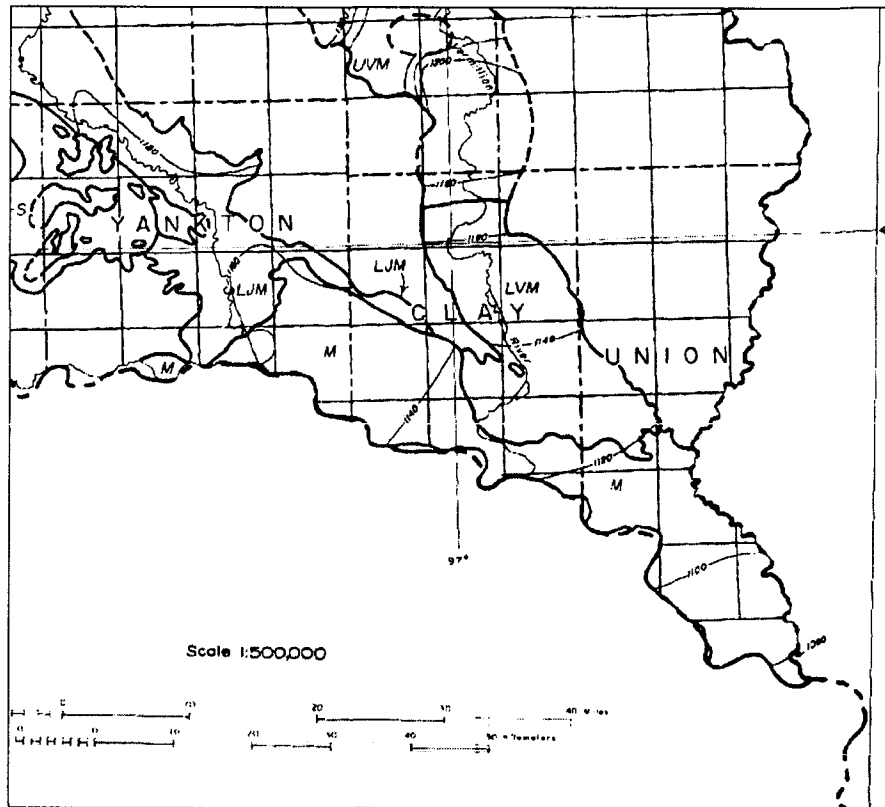


Figure 1: Aquifer map

The Missouri-Elk Point is hydraulically connected to both the Lower Vermillion and the Big Sioux aquifers and is recharged, in part, by both adjoining aquifers as well as from the underlying Dakota aquifer (Niehus, 1994). The general direction of flow in the Missouri-Elk Point is to the south-east (Niehus, 1994). The Missouri-Elk Point, in southern Union County, discharges primarily to the Big Sioux River (Niehus, 1994). Drainage in the far north-west of Union County is to the Vermillion River (Niehus, 1994). The aquifer underlies 99,600 acres of Union County with approximately 1.5 million acre-feet of recoverable water (Hedges, 1982).

Water availability

The Water Rights program operates a monitoring well approximately 5,000 feet south-west of the proposed site that is completed to the Missouri-Elk Point aquifer. The hydrograph of this observation well (UN-77M) is displayed in **figure 2**. Observation well UN-87I is located approximately 1.75 miles north of the site; its hydrograph is displayed in **figure 3**.

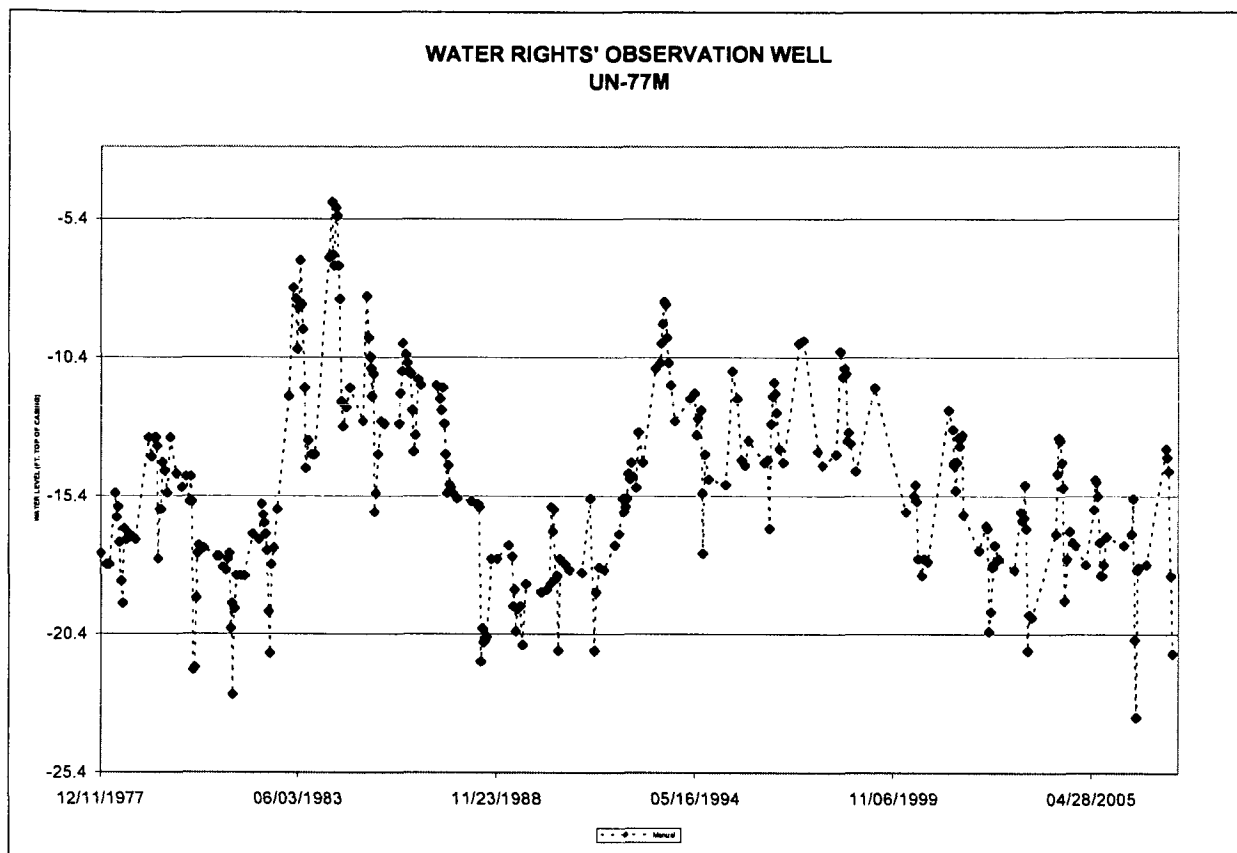


Figure 2: Observation well water levels

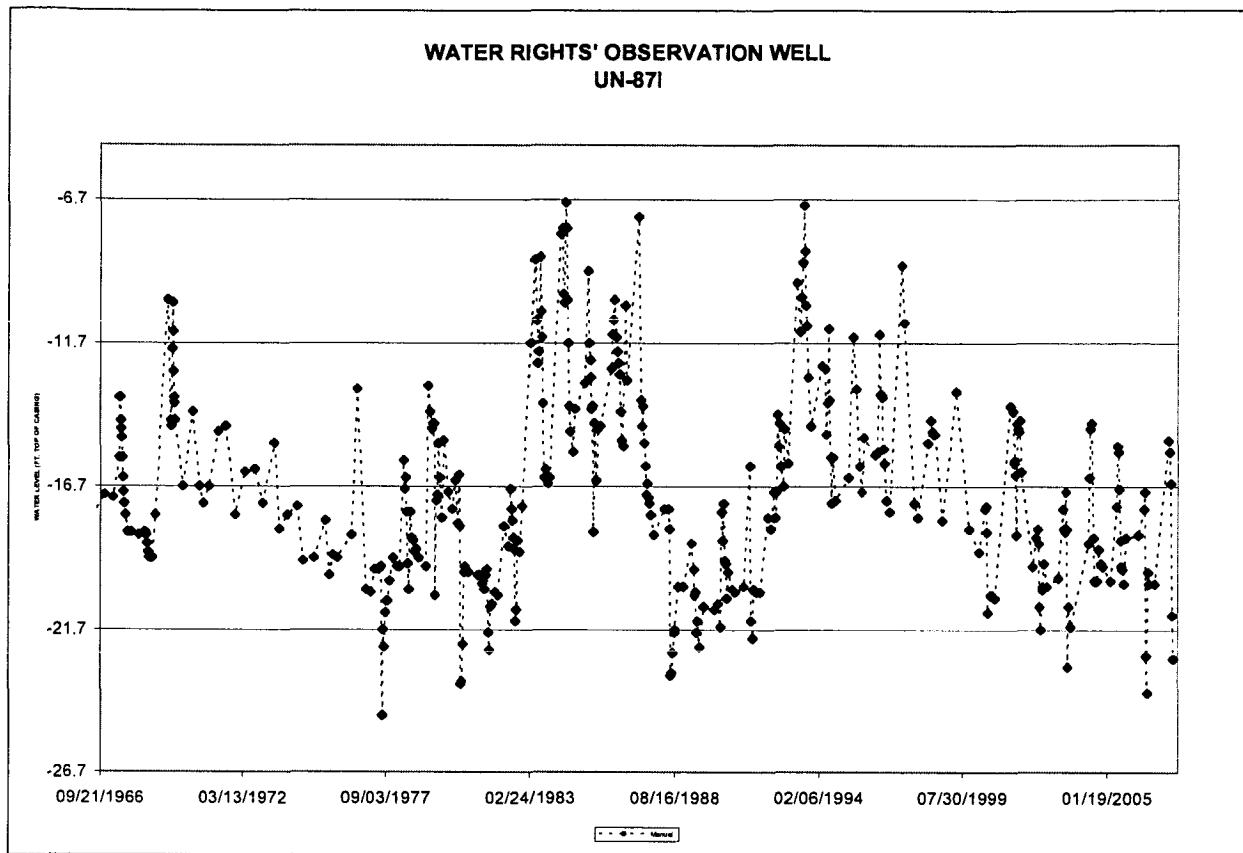


Figure 3: Observation well water level

The hydrographs in **figures 2 and 3** indicate that the aquifer is responding well to climatic conditions, rising water levels in wet years and declining water levels in dry years. The average annual appropriations and usage from the Missouri-Elk Point aquifer are shown in **table 1**.

Table 1: Water usage

Irrigation Questionnaire Missouri-Elk Point aquifer			
Year	Number of Permits	Appropriated (ac-ft)	Pumpage Reported (ac-ft)
1996	296	124606.2	9412.78
1997	305	126518.2	17182
1998	313	127862.6	11127.24
1999	308	125225.6	14748.02
2000	309	124852.2	26640.12
2001	313	125537.4	19071.88
2002	315	125555.8	23547.22
2003	314	125379.8	23734.67
2004	322	126955.8	23862.25
2005	335	130046.6	23964.5
2006	353	136491.6	27974.54
Average	317	127184.71	20115.02

The eleven reporting years between 1996 and 2006 had a recorded average of 317 permits that appropriated 127,184.71 ac-ft of water from the aquifer annually. The reported amount used for that same time period averaged 20,115.02 ac-ft or 15.8% of the appropriated water annually.

Review of Existing Permits

There are four water rights or permits within 5,000 feet of the proposed site. Water Right No. 2121-3 is located approximately 2,600 feet south-west of the proposed site. This water right appropriates 2.28 cfs from the Missouri-Elk Point aquifer. Water right No. 3070-3 is located approximately 4,000 feet west of the proposed site. It appropriates 1.7 cfs from the Missouri-Elk Point aquifer. Water Right No. 2449-3 is located approximately 4,500 feet south-west of the proposed site and appropriates 1.3 cfs from the Missouri-Elk Point aquifer. Permit No. 6520-3 is located approximately 5,300 feet north-west of the proposed site and appropriates 2.67 cfs of water from the Missouri-Elk Point aquifer.

Conclusions

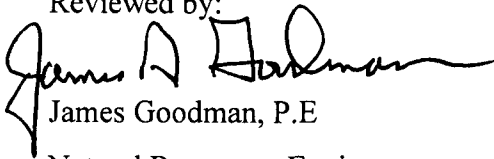
1. The Missouri-Elk Point aquifer is under water table conditions in southern Union County.
2. There is unappropriated water available in the Missouri-Elk Point aquifer.
3. The proposed appropriation can be developed without unlawfully impairing existing water rights.
4. The well authorized by Permit No. 6878-3 shall be constructed by a licensed well driller and shall comply with all applicable well construction rules and standards.



Mark Costello

Natural Resources Engineer

Reviewed by:



James Goodman, P.E

Natural Resources Engineer

Bibliography

Hedges, L. S. et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Big Sioux River, South Dakota and Iowa, for Planning Division, U.S Army Corps of Engineers, SDDENR, SDGS, Vermillion, SD. 57069.

Niehus, C., 1994, Water Resources of Lincoln and Union Counties, South Dakota, US Geological Survey, Water-Resource Investigations Report 93-4195. Rapid City, SD. 1994.

Water Rights, Observation Well Information. South Dakota Department of Environment and Natural Resources Pierre, SD. 57501. Accessed 13 August 2007.

RECEIVED

SEP 10 2007

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Odson

certify that the attached printed Notice was
taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

August 30, 2007

September 6, 2007

Cost of Printing \$ 46.20

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

9/6/07
(Date Signed)

NOTICE OF APPLICATION NO. 6878-3 TO APPROPRIATE WATER

Notice is given that Thomas W. Curry, 32306 477th Ave, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.86 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 110 feet deep) located in center of the SE1/4 Section 16 to irrigate 130 acres located in the SE 1/4 Section 16; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6878-3 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 this 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 this 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 recommendations 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 September 17, 2007.

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.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.
Publish August 30 and September
6, 2007
35-16-69



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 21, 2007

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

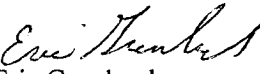
Enclosed is a Notice on Application No. 6878-3 to Appropriate Water to be published twice. Please publish the first notice on August 30, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Thomas W Curry, 32306 477th Ave, Elk Point SD 57025 (Ph # 605-356-2860).

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
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6878-3

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

Date _____

We are in receipt of your letter of August 21, 2007 enclosing Notice to Appropriate Water by Application No. 6878-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

August 21, 2007

Thomas W Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

Water Permit Application No. 6878-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Leader Courier printed at Elk Point SD (Ph # 605-356-2632). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application is 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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.

Instruction to Newspaper - Publish first Notice on August 30, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6878-3 to Appropriate Water

Notice is given that Thomas W Curry, 32306 477th Ave, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.86 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 110 feet deep) located in center of the SE ¼ Section 16 to irrigate 130 acres located in the SE ¼ Section 16; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6878-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 09 2007

Thomas W Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

Enclosed is Water Permit No. 6878-3 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

File No. 6878-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Tom Curry, 32306 477th Ave, Elk Point SD 57025

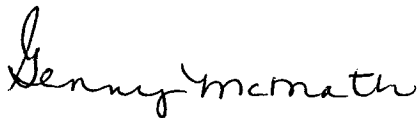
DATE: June 18, 2008

TELEPHONE:

RE: completion of works

COMMENTS:

Mr. Curry called and spoke with Eric Gronlund concerning the irrigation system authorized by Water Permit No. 6878-3. He reported he completed construction of the system and is ready for staff to conduct an investigation.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 2016

6878-3

Thomas W Curry
32306 477th Ave
Elk Point SD 57025

Dear Mr. Curry:

Your irrigation questionnaires have been received. I made changes for 2017 to forward the forms to the people you listed as the new renters.

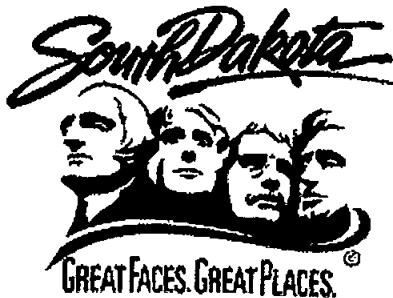
With respect to Water Permit No. 6878-3, I am returning it to you for completion. The front side of the form indicates a total of 130 acres were irrigated however the back side of the form is blank. Please take a few minutes to complete the form and return it to us by December 1st.

Enclosed is a postage paid envelope for your convenience. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive.

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



6878-3
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: SCOTT HANSON, RENTER, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 179-3, 1374-3, 2357-3 & 2358-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6878-3 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) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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.

6878-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2018

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right Nos. 179-3, 1374-3, 2357-3, 2358-3 and Water Permit No. 6878-3

Dear Mr. Hanson:

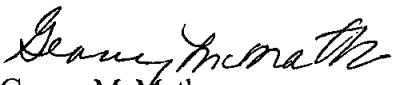
I am writing to acknowledge receipt of the 2017 irrigation questionnaires for the above listed water rights and water permit.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 179-3, 1374-3, 2357-3, 2358-3 and Water Permit No. 6878-3. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

With reference to the additional questionnaire you sent in for land in the W ½ SW ¼ Section 8 and NW ¼ NW ¼ Section 17, T91N, R49W, where did the number "0334-3" come from? The land is authorized for irrigation under Water Right No. 306-3 listed in the name of J J Curry & Sons. Curry Seed Company submitted a questionnaire for Water Right No. 306-3 on December 1st. I have included a copy of the form you sent in along with a copy of the form submitted by Curry's. My concern is that the information reported appears to be different. I am hoping to hear back from you or from Mr. Curry as to which information is correct.

Thank you in advance for your help in clarifying the questionnaires.

Sincerely,


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

c: Tom Curry, 32306 477th Ave, Elk Point SD 57025

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6878-3

I have this day, **November 3, 2016**, made a thorough examination of the water use system constructed by **Thomas W Curry, 32306 477th Ave, Elk Point SD 57025** of Permit No. **6878-3**, bearing the priority of **July 30, 2007** authorizing the diversion of **1.86** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **irrigation** purposes, of **130** acres, in **Union** County.

Inspection contact & relationship **Thomas Curry, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond-Wetmore Drilling, LLC**
- 2) No. of Wells **1**
- 3) Depth(s) **120** feet
- 4) Well log is available **Yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **80** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC Manufactured**
- 2) Length **40** feet
- 3) Static water level **16** feet

Pump:

- 1) Make **Grundfos Submersible**
- 2) Model **625ss300-2aa**
- 3) Capacity **750** GPM

Motor:

- 1) Make **Grundfos SS**
- 2) Model No. **Submersible**
- 3) Horsepower rating **30** hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsay
- 2) Overall length 1125 feet
- 3) Number of towers 6
- 4) End gun Yes
- 5) Capacity 750 GPM

Comments: Water Permit 6878-3 appropriated 1.86 cfs or 837 gpm, however only 1.67 cfs or 750 gpm were developed.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2008.

List any extended period of nonuse: Did not use in 2010 and 2014 due to adequate rainfall.

- 3) Exceptions to compliance are: Diversion rate exceeds statutory limit.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: West 1500', North 1240' from SE Corner of Sec 16-T91N-R49W; Lat 42.69641/Long -96.63145; SW ¼ SE ¼ Sec 16-T91N-R49W.
2. The works are capable of diverting and conveying to the place of use 1.67 cfs or 750 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
All land is located in Sec 16-T91N-R49W.

<u>NW ¼ SE ¼ - 28 ac</u>	<u>NE ¼ SE ¼ - 20 ac</u>
<u>SW ¼ SE ¼ - 32 ac</u>	<u>SE ¼ SE ¼ - 24 ac</u>

comprising a total of 104 acres of land and the license should be issued for 1.49 cfs or 670 gpm which is the statutory limit of 1 cfs per 70 acres irrigated.
3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

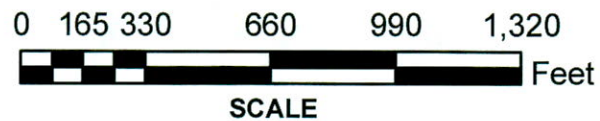
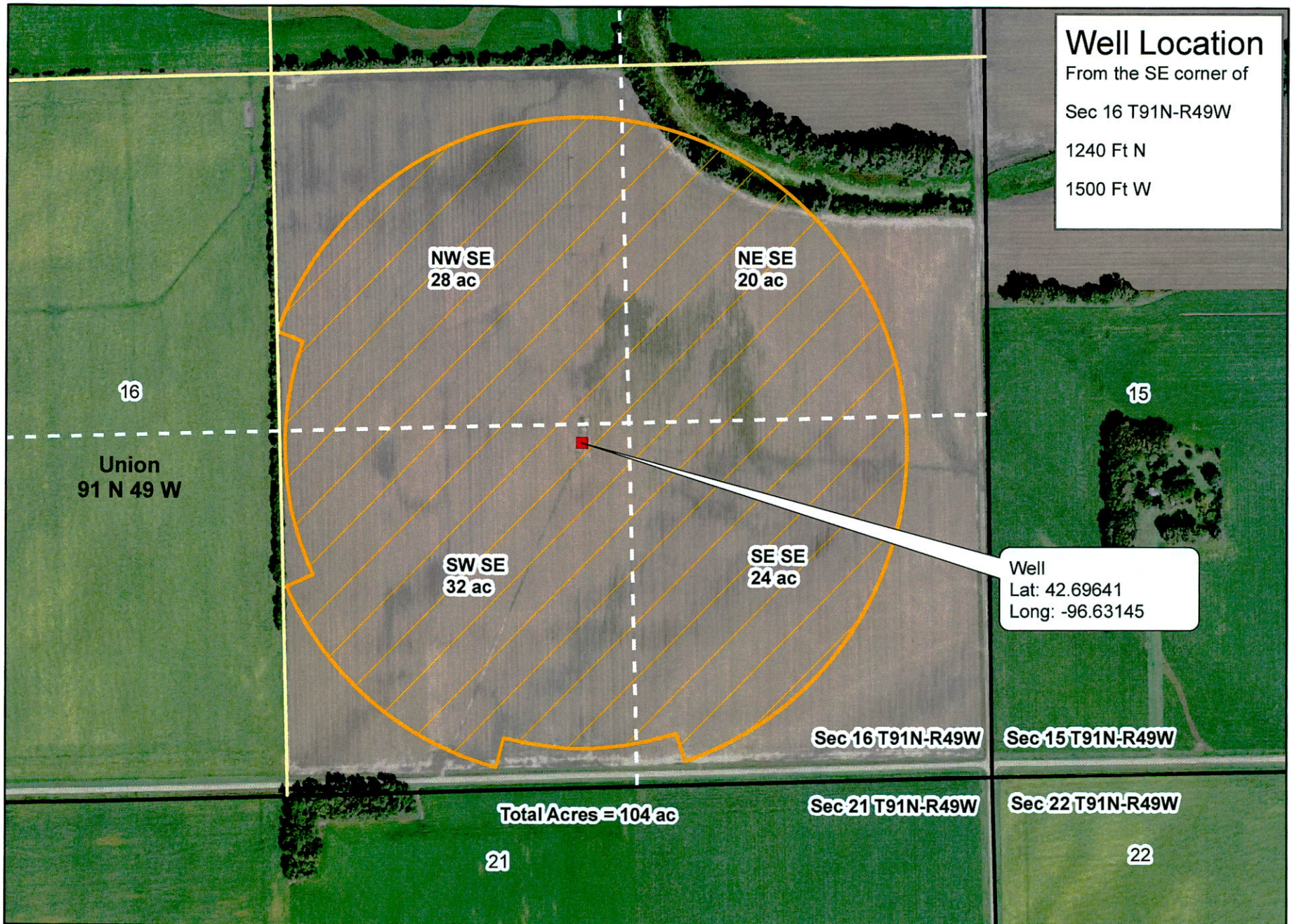
The diversion rate of Water Permit No. 6878-3 is greater than the statutory limit of 1 cfs per 70 acres irrigated.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **November 16, 2017**

6878-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
June 1, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 29 2018

6878-3

Thomas W Curry
32306 477th Ave
Elk Point SD 57026

Dear Mr. Curry:

Enclosed is Water License No. 6878-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTE: The investigation found your irrigation system is capable of diverting 1.67 cubic feet of water per second (cfs) which is equivalent to approximately 750 gallons per minute. The statutory limit for 104 acres is 1.49 cfs (equivalent to 670 gpm). Diversion of water under this water license is limited to 1.49 cfs.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6878-3**

(1) Thomas W Curry, 32306 477th Ave, Elk Point SD 57026 made Application No. 6878-3, July 30, 2007 for a water permit to divert 1.86 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 6878-3, with a priority date of July 30, 2007 was approved September 17, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 17, 2012 and for the application to beneficial use of said water on or before September 17, 2016.

(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 1.49 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,500'W & 1,240'N of the SE corner of Section 16, T91N, R49W (SW $\frac{1}{4}$ SE $\frac{1}{4}$);
Latitude 42.69641, Longitude -96.63145

(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:

T91N, R49W Section 16	NW $\frac{1}{4}$ SE $\frac{1}{4}$	28 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24 acres
Total		104 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thomas W Curry, 32306 477th Ave, Elk Point SD 57026 the holder and/or owner of Water Right No. 6878-3 is issued a license to appropriate water, the right to use 1.49 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of July 30, 2007 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6878-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6878-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in March, 2000 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*

continued

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 29 2018

date





6878-3

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: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6878-3 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) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 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 questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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.

6878-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2019

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3 & 6878-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3 & 6878-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

c: Thomas W Curry, 32306 477th Ave, Elk Point SD 57025



6878-3
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: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6878-3 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) 6878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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

January 28, 2020

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right/Permit Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3

Dear Mr. Hanson:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3. 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

c: Tom Curry

6878-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6878-3, 8364-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6878-3, 8364-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

C; TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2021

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3, 8364-3

Dear Mr. Hanson:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: SCOTT HANSON, MGR, 47674 327TH ST, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6878-3, 8364-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6878-3, 8364-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 179-3, 306A-3, 1374-3, 2357-3 & 2358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

c: TOM CURRY, 32306 477TH AVE, ELK POINT SD 57025

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

March 1, 2022

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3 & 8364-3

Dear Mr. Hanson:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 179-3, 306A-3, 1374-3, 2357-3, 2358-3, 6878-3 & 8364-3. 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