

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106>

MINUTES OF THE 231<sup>ST</sup> MEETING OF THE  
WATER MANAGEMENT BOARD  
REMOTE MEETING VIA AUDIO/VISUAL CONFERENCE  
PIERRE, SOUTH DAKOTA

MAY 19, 2021

CALL TO ORDER: Chairman Jim Hutmacher called the meeting to order at 9:00 a.m. Central Time. The roll was called, and a quorum was present.

Chairman Hutmacher announced that the meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

The following were present for the meeting:

Board Members: Jim Hutmacher, Leo Holzbauer, Peggy Dixon, and Tim Bjork. Chad Comes, Rodney Freeman, and Bill Larson were absent.

Department of Agriculture and Natural Resources (DANR): Eric Gronlund, Chief Engineer, Ron Duvall, and Genny McMath.

Attorney General's Office: David McVey, board counsel; Ann Mines Bailey, Water Rights Program counsel.

Consider rescission of suspension of Water Right 2675-3, Beau Gregg, Harrold, SD: Beau Gregg.

Court Reporter: Carla Bachand, Capital Reporting Services.

ADOPT FINAL AGENDA: Motion by Bjork, seconded by Holzbauer, to adopt the final agenda. A roll call vote was taken, and the motion carried unanimously.

CONFLICT DISCLOSURES AND REQUESTS FOR STATE BOARD WAIVERS: None.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: None.

ADMINISTER OATH TO DENR STAFF: The court reporter administered the oath to Eric Gronlund, Ron Duvall, Genny McMath, and Beau Gregg.

CONSIDER RESCISSION OF SUSPENSION OF WATER RIGHT NO. 2675-3, BEAU GREGG, HARROLD, SD: Ron Duvall stated that Water Right No. 2675-3 was licensed in 1980 for the irrigation of 278 acres from the Missouri River. The annual irrigation questionnaire was

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sent to Beau Gregg as the renter. Mr. Gregg has filed a transfer of ownership with the Water Rights Program to get the water right in his name.

The 2020 irrigation questionnaire was not received by the Water Rights Program. Notice was sent to Mr. Gregg via Certified Mail in January 2021 advising permit holders who hadn't submitted the irrigation questionnaire that the Water Management Board may suspend the water permit at its March board meeting. The Water Rights Program did not receive the questionnaire in the interim, and on March 3, 2021, the board suspended the water permit for one year effective April 3, 2021.

Mr. Gregg contacted the Water Rights Program requesting a meeting for the board to consider rescinding the suspension

Mr. Gregg stated that he did not receive the letter regarding the suspension until the end of April 2021. After receiving the letter, Mr. Gregg contacted the Water Rights Program, and explained that the letter was delivered to his neighbor's mailbox, and his neighbor had passed away in the fall of 2020. The property was in probate and the mailbox was not being checked regularly. Mr. Gregg said the person who now owns the neighbor's property gave him the letter a week prior to this Water Management Board meeting.

Mr. Gregg said he had completed the irrigation questionnaire online, so he believed the Water Rights Program had received it, but apparently it did not go through.

Mr. Duvall noted that Mr. Gregg has now completed and submitted the irrigation questionnaire.

Ms. Dixon asked if Mr. Gregg had routinely submitted irrigation questions in the past. Mr. Duvall said Mr. Gregg has been submitting irrigation questions on time in the past.

Motion by Bjork, seconded by Holzbauer, to rescind suspension of Water Right No. 2675-3, Beau Gregg.

Ms. Dixon asked if the letters are sent via Certified Mail, and if so, did the Water Rights Program receive a signature card.

Mr. Duvall said the post office indicated that it was signed for on January 26, 2021, but it does not say who signed for it.

A roll call vote was taken, and the motion carried unanimously.

Chairman Hutmacher suggested that in the future Mr. Gregg not have any late questionnaires.

ADJOURN: Motion by Holzbauer, seconded by Dixon, to adjourn the meeting. A roll call vote was taken, and the motion carried unanimously.

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A court reporter was present, and a transcript of the proceedings may be obtained by contacting Carla Bachand, Capital Reporting Services, PO Box 903, Pierre SD 57501, telephone number (605) 222-4235.

The meeting was also recorded, and the recording is available on the Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=106>.

Approved 7<sup>th</sup> day of July 2021.

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Water Management Board

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