



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 24 2008

1382A-1

G Eugene Johnson
635 Ramshead Place
Spearfish SD 57783

Dear Mr. Johnson:

Enclosed is your Reissued Water Permit No. 1382A-1. Your original permit, No. 1382-1, has been divided and reissued to reflect a change in ownership of a portion of the land.

For informational purposes, the construction period specified in Water Permit No. 1382-1 ended May 6, 1992. The same date for completion of works applies to Reissued Water Permit No. 1382A-1. This transfer of ownership does not authorize completion of any portion of the project (acreage, well or diversion rate) not in place by May 6, 1992.

If you have any questions concerning the reissued water permit, please contact Genny McMath with this program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

SOUTH DAKOTA
REISSUED WATER PERMIT NO. 1382A-1 FOR IRRIGATION
DIVISION OF WATER PERMIT NO. 1382-1 INTO 1382A-1 AND 1382B-1

The Water Management Board approved Water Permit Application No. 1382-1 on May 6, 1987 for G Eugene Johnson authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

Water Permit No. 1382-1 authorizes diversion of 1.19 cubic feet of water per second (cfs) from ground water (two wells into the Minnelusa or Madison Aquifers) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T7N, R2E to irrigate 83.5 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, T7N, R2E.

Based on an ownership change filed with the permit on June 20, 2008, Water Permit No. 1382-1 is being divided and reissued as follows:

No. 1382A-1 – G Eugene Johnson, 635 Ramshead Place, Spearfish SD 57783 authorizes diversion of 0.85 cfs from ground water (two wells – Madison or Minnelusa Aquifers) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T7N, R2E to irrigate 59.5 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, T7N, R2E;

No. 1382B-1 – Jill M Trimble & Bradley E Bunch, 623 Ramshead Place, Spearfish SD 57783 authorizes diversion 0.34 cfs from ground water (two wells – Madison or Minnelusa Aquifers) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T7N, R2E to irrigate 24 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T7N, R2E.

1. 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: April 1 – November 30.
2. The date from which applicant may claim right is March 18, 1987.
3. One-fifth of the construction is to be completed on or before October 6, 1989.
4. All construction is to be completed on or before May 6, 1992.
5. Water is to be put to beneficial use on or before May 6, 1996.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- The casing of the wells is to be constructed under Permit No. 1382-1 (*1382A-1*) shall be pressure grouted with cement (bottom to top) from the producing formation to the surface and constructed in compliance with Water Management Board Rules, Chapter 74:02:04.

continued

Reissued Water Permit No. 1382A-1

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- The wells approved under this permit shall be valved and the flow reduced to a minimum when not being used. The wells shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If the wells are abandoned and the permit cancelled, they must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- The wells 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.
- 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

JUL 24 2008

date





1382A-1

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January 24, 2012

NOTICE

TO: G EUGENE JOHNSON, 635 RAMSHEAD PL, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1382A-1. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1382A-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 1382A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



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

February 10, 2012

1382A-1

G Eugene Johnson
635 Ramshead PL
Spearfish SD 57783

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 1382A-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

ATTACHMENT TO WATER PERMIT NO. 1382A-1

History:

The originating Water Permit No. 1382-1, held by G Eugene Johnson, authorized diversion of 1.19 cfs from ground water (two wells – Minnelusa or Madison Aquifer) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T7N, R2E to irrigate 83.5 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27 and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, T7N, R2E.

On June 20, 2008, an ownership change was filed for a portion of the land described in Water Permit No. 1382-1. The permit was subsequently divided and reissued to reflect separate ownership. The permit was divided as follows:

- **Water Permit No. 1382A-1: G Eugene Johnson** – authorizing diversion of 0.85 cfs from ground water (two wells – Minnelusa or Madison Aquifer) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T7N, R2E to irrigate 59.5 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, T7N, R2E;
- **Water Permit No. 1382B-1: Jill M Trimble and Bradley E Bunch** – authorizing diversion of 0.34 cfs from ground water (two wells – Minnelusa or Madison Aquifer) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T7N, R2E to irrigate 24 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T7N, R2E.

Ownership change for Water Permit No. 1382A-1

On July 13, 2015, ownership changes were filed for land described in Water Permit No. 1382A-1. These changes require Permit No. 1382A-1 to be divided and reissued to reflect separate ownership.

An inspection of the water use system for all three permits (Nos. 1382B-1, 1382C-1 and 1382D-1) was conducted for licensing purposes. Based on the system as developed, water licenses will be issued as follows:

- **Water Permit No. 1382B-1: Jill M Trimble and Bradley E Bunch** – authorizing diversion of 0.34 cfs from one well (Minnelusa Aquifer) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 to irrigate 24 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T7N, R2E.
- **No. 1382C-1, G Eugene Johnson and Karol Johnson** - authorizing diversion of 0.43 cfs from one well (Minnelusa Aquifer) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 to irrigate 30 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T7N, R2E;
- **No. 1382D-1, Polly and Jeff Garrett** – authorizing diversion of 0.24 cfs from one well (Minnelusa Aquifer) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 to irrigate 16.5 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T7N, R2E.

Summary

Water Permit No. 1382B-1 was not part of the July 13, 2015 ownership change and will be licensed on its own. With the division of Water Permit No. 1382A-1 and subsequent licensing under Water Right Nos. 1382C-1 and 1382D-1, nothing remains under No. 1382A-1.