

WATER PERMIT NO. 1782-1

Name of Applicant: Floyd Johnson

Address: PO Box 610394, San Jose CA 95166

Phone: 408 356-6858

Amount of Water Claimed: 0.04 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: suburban housing and livestock

County: Perkins

Type of Waste Disposal System:

Location: near Shadehill Reservior

PRIORITY Date Received: 11-21-02

Application/License Fee: \$100

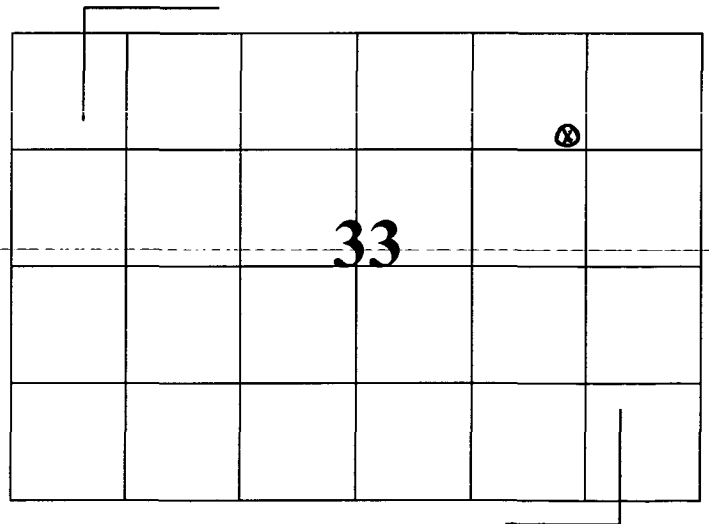
Corrected Application Received: 12-9-02

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 33-T21N-R15W

Land to be Irrigated: NA



Depth of Well: 315 feet deep

Well Driller: : Knutson Well Driling

Remarks:

Type of Map: aerial photo

Prepared by: Perkins Co. NRCS

Reviewed and the Number Assigned on: 12-9-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1782-1**

Date of first receipt of application November 21, 2002.

Date of return to applicant for corrections, amendments or changes November 22, 2002.

Date of receipt of corrected application December 9, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1782-1 to Floyd Johnson, PO Box 610394, San Jose CA 95161-0394 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. 1782-1 appropriates 0.04 cubic feet of water per second (18 gallons per minute) from one well (Hell Creek Formation) 315 feet deep located in the NE ¼ NE ¼ Section 33-T21N-R15E.
2. The water appropriated shall be used for the purpose of suburban housing and livestock watering and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1782-1 is February 21, 2003.
5. The date from which applicant may claim right is November 21, 2002.
6. One-fifth of the construction is to be completed on or before August 21, 2005.
7. All construction is to be completed on or before February 21, 2008.
8. Water is to be put to beneficial use on or before February 21, 2012.
9. ~~Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.~~

QUALIFICATION

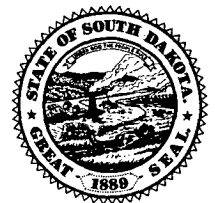
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

MAR 11 2003

date



FORM 2: Application for uses other than irrigation
(type or print)

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

(office use only)
No. 1782-1 Hydrologic Unit 10130302
Basin Grand River
Newspaper Lemmon Leader, Lemmon

RECEIVED

NOV 21 2002

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal ☒ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other LIVE STOCK

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

NE 1/4 NE 1/4 SECTION 33 Twp 21 North Rge 15
PERKINS CO SOUTH DAKOTA

1. Name of Applicant JOHNSON FLOYD Phone 408-356-6858
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 610394 SAN JOSE State CA 95161
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.04 *CFS or 18 **GPM ***AF
(*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 NE 1/4 NE 1/4 Sec 33 - T21N - R15E

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____

County PERKINS
5. County or counties where water will be used PERKINS

6. Annual period during which water is to be used YEAR LONG Jan 1 - Dec 31

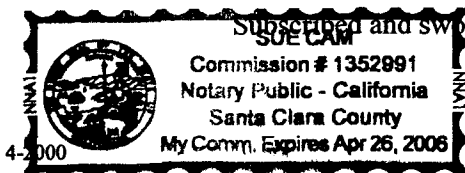
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

CALIFORNIA
STATE OF ~~SOUTH DAKOTA~~ SS
County of _____

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, FLOYD JOHNSON, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Floyd Johnson



Subscribed and sworn to before me this 5th day of NOVEMBER 20 02
Sue Cam
Notary Public signature

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 22, 20 02

RECEIVED OF Floyd L Johnson, PO Box 610394, San Jose CA 95161

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

Fee for Application for Permit No. <u>1782-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
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	50.00

No. 000374

By Darlene Ebele
Chief Engineer *gme*

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date December 9, 2002

RECEIVED OF Floyd L Johnson, PO Box 610394, San Jose CA 95161

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. <u>1722-1</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	50.00

No.

000413

By

Darlene Erbe
Chief Engineer *gm*

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To	Floyd Johnson	From	NRCS
Dept./Agency		Phone #	605-244-5222
Fax #	408-356-4298	Fax #	605-244-5223
NSN 7540-01-217-7988		5088-101	
GENERAL SERVICES ADMINISTRATION			

*John R. Perkins*27
21-153
21-15

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NE 1/4 Sec 33 Twp 21 Rg 15
 County Park

Please mark well location with an "X"

1 Mile

Well Completion Date
7-12-02

LOCATION:
 Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from _____ (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
mud rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>5" IN</u>	<u>0 FT</u>	<u>30 FT</u>	<u>8 3/4" IN</u>
<u>200 LB/FT</u>	<u>5" IN</u>	<u>30 FT</u>	<u>315 FT</u>	<u>7" IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>6</u>	<u>6 to 1 lb./gal</u>	<u>0 ft.</u>	<u>30 ft.</u>
<u>bentonite</u>	<u>8</u>	<u>20 to 1 lb./gal</u>	<u>30 ft.</u>	<u>217 ft.</u>

Describe grouting procedure pump on top of cup packer at 217 ft.

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 5" IN Length 60 FEET

Material PVC

Slot Size 50 Set From 255 Feet to 315 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? rubber

Describe packer(s) and location? cup packer 217-219

DISINFECTION: Was well disinfected upon completion?
☒ YES, How: chlorine
☐ NO, Why Not? clorox

Laboratory sent to for water quality analysis _____

Well Owner: Johnson Ranch
 Business Name: _____
 Address: 1849 S. W. Cabin Rd.
Sioux Falls, S.D. 57653

WELL LOG	DEPTH	
	FROM	TO
<u>gravel</u>	<u>0</u>	<u>4</u>
<u>sandy clay + clay</u>	<u>4</u>	<u>45</u>
<u>coal</u>	<u>45</u>	<u>47</u>
<u>clay</u>	<u>47</u>	<u>134</u>
<u>sandy clay</u>	<u>134</u>	<u>151</u>
<u>clay + shale</u>	<u>151</u>	<u>245</u>
<u>sandy clay</u>	<u>245</u>	<u>255</u>
<u>sandy + sandy clay</u>	<u>255</u>	<u>313</u>
<u>clay</u>	<u>313</u>	<u>315</u>

STATIC WATER LEVEL 46 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: air

☐ Bailed

☒ Other _____

Pumping Level Below Land Surface

180 ft. After 1 Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED
 NOV 21 2002
 WATER RIGHTS PROGRAM

This well was drilled under license # 112

And this report is true and accurate.

Drilling firm Knutson Well Drilling

Signature of License Representative: Robert Knutson

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 22, 2002

RECEIVED

DEC 09 2002

WATER RIGHTS
PROGRAM

Floyd Johnson
PO Box 610394
San Jose CA 95166

Dear Mr. Johnson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for suburban housing and livestock use. In order to complete the application the following is required.

Please submit a map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. The map 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. Commonly, aerial photo maps obtained from either the local Natural Resource Conservation Service or Farm Service Agency work well. Representatives from those offices can help meet the map requirement. The local NRCS and FSA offices for Perkins County are located in Bison SD.

We have received your check for \$50 . The total application/license filing fee is \$100. Please submit an additional \$50.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 1782-1
FLOYD JOHNSON
JANUARY 9, 2003

Water Permit Application No. 1782-1 proposes to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well completed into the Hell Creek aquifer, (315 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T21N-R15E, Perkins County. The water is for suburban housing use and livestock watering.

Aquifer: Hell Creek Formation

Geology and Aquifer Characteristics:

Examination of the SD Well Completion Report submitted with this application and review of the areal geology (Bolin, 1955) indicate that this well is completed into either the upper Hell Creek Formation or the lower Ludlow Formation. The Hell Creek Formation consists of bentonitic shales, clays, silts and fine to medium-grained sandstone. The Ludlow formation is a medium and fine grained arkosic and greywacke sand with clayey sands. The two formations are similar in composition and were deposited under similar settings; therefore distinction between the Hell Creek and Ludlow Formations it is not straightforward. Croft (1978) indicates the contact between the formations "was arbitrarily drawn at the base of some otherwise unidentifiable beds that showed a high resistivity on several electric logs." The contact between the Hell Creek and the overlying Ludlow Formation was described by Bolin, (1955) as "at the base of a coal facies which lies immediately above the "somber" colored bentonitic sediments of the Hell Creek and below the yellow to buff Ludlow sands and silts."

Since this well site is located within one-half mile of the base of the fairly flat lying Ludlow Formation and the maximum thickness of the formation is identified as 330 feet (Bolin, 1955); for academic purposes, the source aquifer for this well can be considered the Hell Creek aquifer. The Hell Creek aquifer underlies approximately 1,776,640 acres of Perkins County and contains an estimated 31,091,200 acre-feet of recoverable water in storage in the county (Allen, and others, 1984). The aquifer is laterally extensive and occurs in northwestern South Dakota, southwestern North Dakota, and southeastern Montana.

Recharge to the aquifer is through infiltration of precipitation and seepage from streams and nearby Shadehill Reservoir. The average annual recharge has not been estimated for the aquifer. However, the Water Rights Program monitors an observation well completed into the Upper Hell Creek aquifer approximately 60 miles west-southwest of this well. Measurements taken from the well indicate the water level fluctuates in response to seasonal and annual climatic conditions, that is, the water level rises in the spring and declines the rest of the year, and water level is lower during drought years. Water level measurements suggest that withdrawals have not exceeded recharge over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

Effects on Existing Water Rights:

A number of domestic wells (primarily stock wells) are completed into the Hell Creek aquifer and there are a total of seven water permits/rights appropriating water from the aquifer in South Dakota (Water Rights, 2003). The nearest appropriation, the City of Lemmon, is over 13 miles northeast of this site. It is not likely that this appropriation will have an adverse impact on water rights in the area since the requested diversion rate is relatively low and the distance to existing wells is sufficient to minimize any interference.

Conclusions:

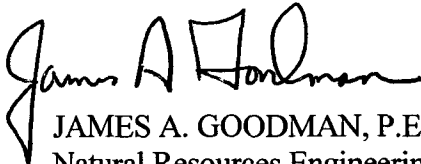
1. The Upper Hell Creek aquifer is a viable source of groundwater in this area.
2. Recharge to the Hell Creek aquifer, which is through direct infiltration of precipitation, has not been quantified.
3. There is a reasonable probability that unappropriated groundwater is available from the Hell Creek aquifer in this area.
4. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small diversion rate requested from the well and the distance to existing users.
5. The SD Water Well Completion Report submitted with this application indicates the well was constructed in accordance with the SD Well Construction Standards.



KEN BUHLER

Natural Resources Engineering Specialist

Approved by:



JAMES A. GOODMAN, P.E.

Natural Resources Engineering Director

References:

Allen, J.C., Iles, D.L., Petres, A.K., 1984, Analysis of Groundwater and Streamflow data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory: Department of Water and Natural Resources Division of Geological Survey

Croft, M.G., 1978, Ground-Water Resources of Adams and Bowman Counties, North Dakota: North Dakota Geologic Survey Bulletin 65- Part III, 54 p.

Bolin, E.J. 1955, Areal Geology of The Bison Quadrangle, South Dakota Geologic Survey, scale, 1:62,500

Water Rights Program, 2003a, "Domestic Well Log Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2003b, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2003c, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

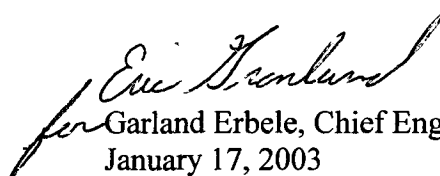
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1782-1, Floyd Johnson**

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. 1782-1, Floyd Johnson, PO Box 610394, San Jose CO 95161.

The Chief Engineer is recommending APPROVAL of Application No. 1782-1 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 qualification:

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.

See report on application for additional information.


for Garland Erbele, Chief Engineer
January 17, 2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2003

Lemmon Leader
PO Box 180
Lemmon SD 57638-0180

ATTENTION: Legal Public Notice

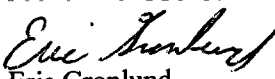
Enclosed is a Notice of Hearing on Application No. 1782-1 to Appropriate Water to be published twice. Please publish the first notice on February 4, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Floyd Johnson, PO Box 610394, San Jose, CA 95166 (Ph # 605-356-6858).

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-----

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

No. 1782-1

Date _____

We are in receipt of your letter of January 21, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1782-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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.**

January 21, 2003

Floyd Johnson
PO Box 610394
San Jose CA 95161

Dear Mr. Johnson:

Water Permit Application No. 1782-1 for suburban housing & livestock use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lemmon Leader printed at Lemmon, SD (Ph # 605-374-3751). 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 a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on February 4, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1782-1 to Appropriate Water

Notice is given that Floyd Johnson, PO Box 610394, San Jose CA 95161 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well (Hell Creek Formation) 315 feet deep located in the NE ¼ NE ¼ Section 33-T21N-R15E. The water is for suburban housing and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1782-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 21, 2003.

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.

Affidavit of Publication

STATE OF SOUTH DAKOTA

)
) ss:

COUNTY OF PERKINS

I, Kim Olson, being the first duly sworn under oath say: The Lemmon Leader is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, published by the Leader Publishing Co., Inc. in Lemmon, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive weeks upon the following dates, to-wit:

February 4, 11, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of \$40.47 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Kim Olson

Subscribed and sworn to before me this 20th day of February, 2003

Margaret Walker
Notary Public, South Dakota
Commission expires 12-12-07

(Seal)

NOTICE OF APPLICATION NO. 1782-1

To Appropriate Water

Notice is given that Floyd Johnson, PO Box 610394, San Jose, CA 95161 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from one well (Hell Creek Formation) 315 feet deep located in the NE1/4N/E1/4 Section 33-T21N-R15E. The water is for suburban housing and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1782-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application.

Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 21, 2003.

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. Pimer, Secretary, Department of Environment and Natural Resources.

(Pub. Feb. 4, 11, 2003)

RECEIVED

FEB 26 2003

Drinking Water 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

MAR 11 2003

Floyd Johnson
PO Box 610394
San Jose CA 95168

Dear Mr. Johnson:

Enclosed is Water Permit No. 1782-1 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 3-15-03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
MAR 21 2003
WATER RIGHTS
PROGRAM

FROM:

Floyd Johnson
(name)

PO Box 610394
(address)

San Jose Ca 95161
(city, state, zip)

408-356-6858
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

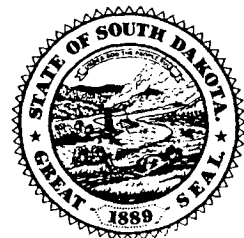
Water Permit No. 1782-1 states that the water use system is to be constructed by
3-15-03, and water is to be put to beneficial use by 3-15-03
(date) (date)

The water use system was completed on 10-2003
(date)

Applying the water to beneficial use was completed on 10-2003
(date)

You may schedule an investigation so that the water license may be issued.

Floyd Johnson
(signature)



Permit No. 1782-1
Grand River - Water District

Contact Person & Address: **Floyd Johnson, PO Box 321197, Los Gatos CA 95032**

Report Of Examination Of Works

On, **July 22, 2008**, I made a thorough examination of the water use system constructed by **Floyd Johnson** of **PO Box 321197, Los Gatos CA 95032** holder of Permit No. **1732-1**, bearing the priority of **November 21, 2002** authorizing the diversion of **0.04** cu. ft. per second of the waters of **ground water (Hell Creek)** for **suburban housing development** purposes, in **Perkins** County.

The system is in the following condition **good**. The point of diversion is located **From the NE corner of Sec 33 T21N-R15W** with a longitude of **-102.25955** and a latitude of **45.74335** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **0.04** cu. ft. per second of water which is to be used for **suburban housing development**. Water has been put to beneficial use and the license should be issued for **0.04** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **N.A.**
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|--|--|
| 1) Well Drilling Firm: <u>Knutson Well Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>315</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------------|----------------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>255</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|--|---------------------------------|
| 1) Type <u>plastic</u> | 2) Length <u>60</u> feet |
| 3) Static water level <u>180</u> feet | |

Pump:

- 1) Make Grundfos
- 2) Model Submersible
- 3) Size 4
- 4) Capacity 18 GPM

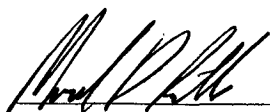
Motor:

- 1) Make Grundfos
- 2) Model No. N.A.
- 3) Horsepower rating 4 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 1 inches

Comments : none



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

9-3-08

Date

No. 1782-1



WEST CABIN SITE RD

Sec 33 T21N-R15W

Lat: 45.74335000
Lon: -102.25955000
From the NE Corner
of Sec 33 T21N-R15W
20 ft W & 1250 ft S



Mark D Rath
Natural Resources Engineering Specialist
SD Dept of Environment and Natural Resources

7-31-08



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 31 2003

1782-1

Floyd Johnson
PO Box 321197
Los Gatos CA 95032

Dear Mr. Johnson:

Enclosed is Water License No. 1782-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1782-1

(1) Floyd Johnson, PO Box 321197, Los Gatos CA 95032 made Application No. 1782-1, November 21, 2002 for a water permit to divert 0.04 cubic feet of water per second from groundwater (one well), Perkins County, South Dakota for suburban housing development and livestock watering purposes. Permit No. 1782-1, with a priority date of November 21, 2002 was approved February 21, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 21, 2008 and for the application to beneficial use of water on or before February 21, 2012.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1782-1 is issued a license, bearing a priority date of November 21, 2002 to appropriate 0.04 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: 20 feet west and 1,250 feet south of the northeast corner of Section 33-T21N-R15E (NE ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1782-1 including the following now applicable qualification:

- 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.

Garland Erbele

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

OCT 31 2008

date

