

WATER PERMIT NO. 1790-1

Name of Applicant: John H Merriman

Address: 600 6th West, Lemmon SD 57638

Phone: 605 374-3249

Amount of Water Claimed: 2.06 cfs

Total Acres: 144 acres

Source of Water Supply: Grand River

Water to be used for: irrigation

County: Perkins

Type of Waste Disposal System:

Location: 12 miles south of Lemmon

PRIORITY

Date Received: 8-7-02

Application/License Fee: \$300

Corrected Application Received: 3-24-03

Period of Annual Use: May 1 – August 31

Remarks: Lands were once authorized for irrigation under cancelled Water Right No. 295-2

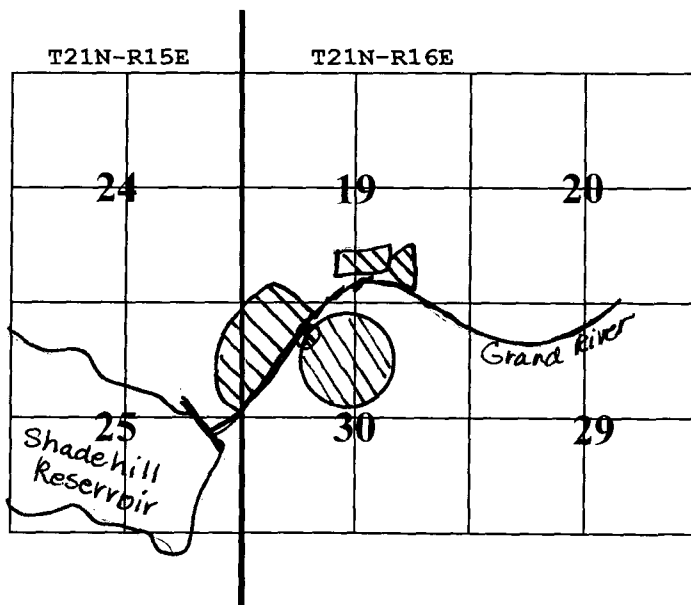
Diversion Point: NW ¼ NW ¼ and NE ¼ NW ¼

Sec 30-T21N-R16E

Land to be Irrigated: SW ¼ SE ¼, S ½ SW ¼, Sec

19; NW ¼ W ½ NE ¼ Sec 30-T21N-R16E; E ½

NE ¼ Sec 25-21N-R15E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: ~~XX~~ 3-24-03 By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1790-1

Date of first receipt of application August 7, 2002.

Date of return to applicant for corrections, amendments or changes August 8, 2002.

Date of receipt of corrected application March 24, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1790-1 to John H Merriman, 600 6th West, Lemmon SD 57638 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. 1790-1 appropriates 2.06 cubic feet of water per second from the Grand River located in the N 1/2 NW 1/4 Section 30-T21N-R16E to irrigate 144 acres located in the SW 1/4 SE 1/4, S 1/2 SW 1/4 Section 19, W 1/2 NE 1/4, NW 1/4 Section 30; T21N-R16E and the E 1/2 NE 1/4 Section 25-T21N-R15E.
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 – August 31.
3. The date from which applicant may claim right is March 24, 2003.
4. The date of approval of Permit No. 1790-1 is May 30, 2003.
5. One-fifth of the construction is to be completed on or before November 30, 2005.
6. All construction is to be completed on or before May 30, 2008.
7. Water is to be put to beneficial use on or before May 30, 2012.
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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. 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

JUN 13 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>1790-1</u>	Hydrologic Unit <u>10130303</u>
	Basin <u>Grand River</u>	
	Newspaper <u>Lemmon Leader, Lemmon</u>	

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Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. 895-2
(Use predates Mar 2, 1955)

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

- Name of Applicant John H Merriman Phone 605-374-3249
(check one) Owner Tenant/lessee
Mailing Address 600 6th West Lemmon So Dak State 57638
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.06 *CFS or 1600 **GPM ***AF Total Acreage 320/44
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Grand River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Grand River Below
Shodehill Reservoir NW 30-21-16 NENE 30-21-16
County Perkins
- County or counties where water will be used Perkins
- Annual period during which water is to be used May 1 June July August 31
- 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>NW 30-21-16</u>	<u>160</u>
<u>SW 1/4 SE 1/4 19-21-16</u>	<u>80</u>	<u>W 2 NE 30-21-16</u>	<u>80</u>
<u>SW 1/4 SE 1/4 15AC SE 1/4 SW 1/4 2AC</u>		<u>NW 1/4 NE 1/4 16AC SE 1/4 NW 1/4 24AC</u>	
<u>SW 1/4 SW 1/4 3AC</u>		<u>SW 1/4 NE 1/4 16AC NW 1/4 NW 1/4 32AC</u>	

8. Give a description of the project. (Attach sheet if more space is needed)
- Sec 25-T21N-R15E
NE 1/4 NE 1/4 6AC
SE 1/4 NE 1/4 3AC

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STATE OF SOUTH DAKOTA) SS
County of Perkins

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, John Merriman, 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 John Merriman

Subscribed and sworn to before me this 6 day of August 20 02

Notary Public Signature

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417271

Pierre, August 7, 2002

RECEIVED OF John Merriman, 600 6th Street West, Lemmon SD 57638

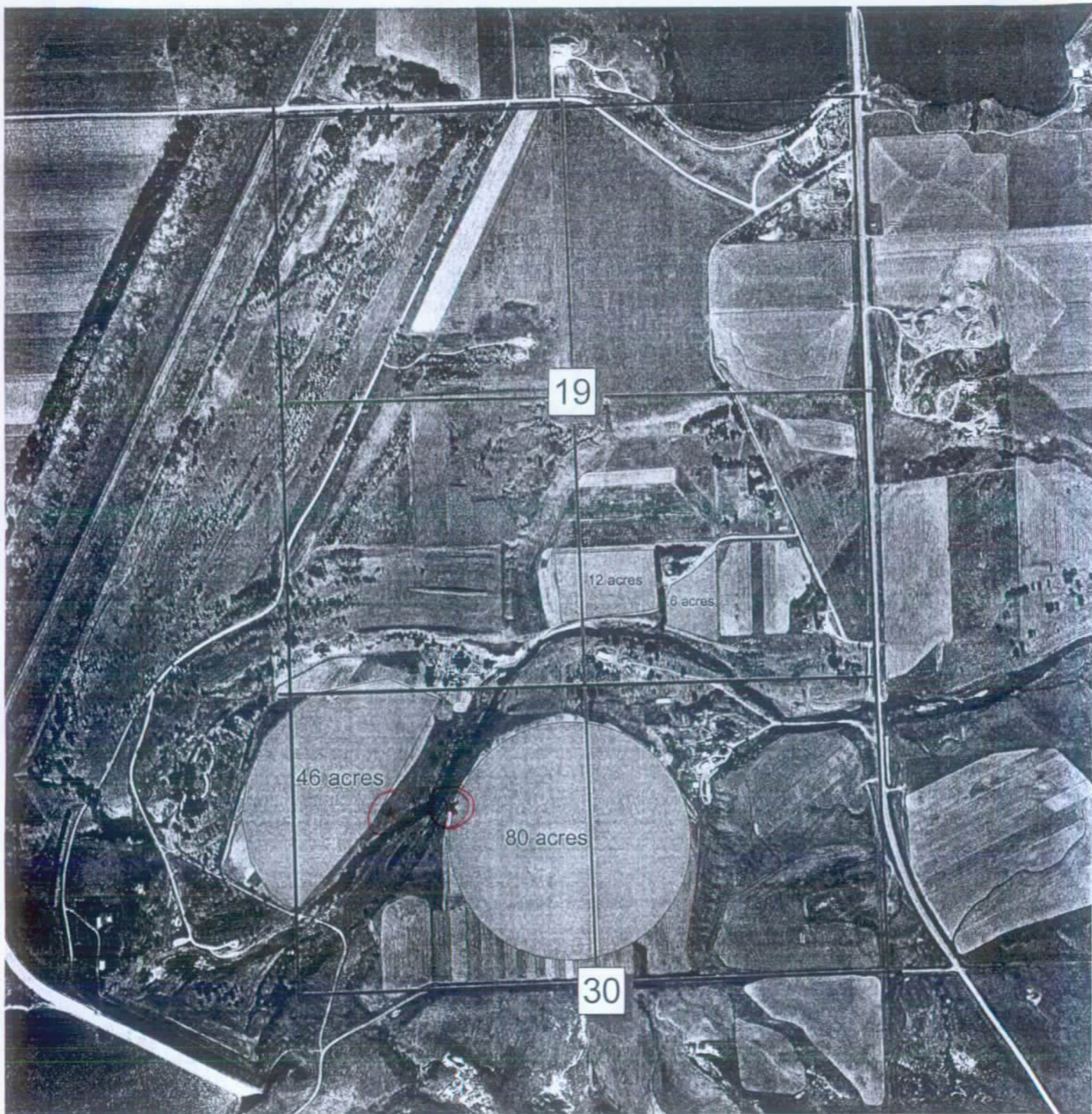
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	325	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	375 00

By Darland Erbele
Chief Engineer
gm

Water Rights projection of irrigation by John Merriman
(map shows Section 19 and N 1/2 Section 30, T21N, R16E)



Section 19, T21N, R16E

SW SE - 15 acres

SE SW - 2 acres

SW SW - 3 acres

Section 30, T21N, R16E

NW NE - 16 acres

SW NE - 16 acres

NE NW - 24 acres

SE NW - 24 acres

NW NW - 32 acres

SE NW - 3 acres

Section ~~24~~²⁵, T21N, R15E

NE NE - 6 acres

SE NE - 3 acres

TOTAL -- 144 acres

Estimated by: Eric Gronlund
Water Rights Program, DENR

1790-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 2002

1137-1

John Merriman
600 6th St W
Lemmon, SD 57638

Dear Mr. Merriman:

Thank you for taking the time to visit with me regarding ownership of Water Right No. 1137-1. Enclosed is a partially completed Notice of Transfer of Ownership form for use in changing the ownership from Doyle and Barbara Gossman to your name.

Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the filing fee can be made payable to the Water Rights Program.

During our phone conversation you requested forms for applying for a new water right on the land that was once permitted under Water Right No. 295-1 for Don Merriman. Enclosed is a set of application forms and an instruction sheet.

If all 321 acres were to be irrigated, the fee would be \$375 (\$325 for application and \$50.00 for license). The license fee is now assessed up front with the application to prevent having to charge additional fees when the project is completed and ready for licensing. If you do not wish to apply for the entire acreage, the fee would be less. The instruction sheet included with the application forms outlines the fee structure.

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

Sincerely,

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

enclosures



August 8, 2002

John H Merriman
600 6th West
Lemmon SD 57638

Dear Mr. Merriman:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. The application is being returned in order for you to complete Item Nos. 2, 4, 6 and 7.

Enclosed is an aerial map we have made for the area of your proposed irrigation. On the map, please outline the lands you intend to irrigate and mark the location(s) of the diversion points.

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 (i.e. local NRCS office). Possibly someone from your local NRCS office could assist you in preparing the map and application.

For your information, enclosed is a copy of the map and water license for Water Right No. 295-2.

We received the Notice of Transfer form for Water Right No. 1137-1. The filing fee for the transfer will be \$2.50.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

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John H Merriman
600 6th West
Lemmon SD 57638

Dear Mr. Merriman:

On August 7, 2002, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for irrigation in Perkins. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosures



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November 20, 2002

Mr. Donald Merriman
Box 66
Shadehill, SD 57653

On Tuesday, November 12, 2002 you sent an email to our department asking about your son obtaining a water right to irrigate land he leases from you. This would be, as we understand it, for the same land that had been previously covered under water right No. 295-2 that you held prior to it being cancelled by the Water Management Board.

On August 7, 2002 we received a \$375.00 check and a partially completed application for a water right from John Merriman. We responded by letter on August 8, stating that he needed to complete Item Nos. 2,4,6 and 7 and complete the aerial map that we included outlining the land proposed to be irrigated and mark the location of the diversion point(s). The map needs to be signed by a Registered Land Surveyor, Registered Professional Engineer or government employee who normally prepares maps. Commonly, either the local NRCS or FSA representatives can help producers meet this map requirement. Your local NRCS and FSA offices for Perkins County are located in Bison.

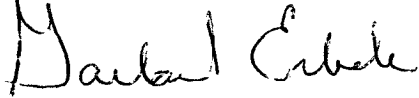
On October 18, 2002 we sent John a reminder letter indicating that we had not received the additional information. Once we have all the necessary information, we will process the application, which includes a public notice, and hopefully issue the permit. If the intent is to irrigate next year, I encourage him to get this information to us so we can work to get a permit in place by March.

As a side note, irrigation of noncommercial family gardens, trees and shrubbery of less than one acre is allowed under South Dakota water law, without a water permit, provided the pumping rate does not exceed 25 gallons per minute. In addition, drip irrigation for noncommercial purposes such as shelterbelts is allowed without a permit regardless of the acreage, as long the diversion rate does not exceed 18 gallons per minute.

You also commented on the release of water from Shadehill Reservoir by the Bureau of Reclamation. I spoke with the Bureau about this. They are currently discharging 20 cfs from the reservoir. This is intended to meet downstream domestic needs, maintain a fishery and provide a live stream to the Missouri River. The present discharge is five cfs lower than a winter release under normal water years. Freezing of the channel and lowland flooding occurs if the flow drops much below the present level.

Hopefully, this answers your questions. Your son can certainly apply for a water right for land that was originally covered under your permit. As I mentioned we need to get additional information from him to complete the application. As soon as that is received we can move forward with processing. Use of water for irrigation without a permit is prohibited under South Dakota state law. If either of you have any questions please contact Eric Gronlund with my staff at 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is written in a cursive, somewhat stylized script.

Garland Erbele, Chief Engineer

c: John Merriman
 Curt Anderson, Bureau of Reclamation



January 28, 2003

John H Merriman
600 6th St West
Lemmon SD 57638

Dear Mr. Merriman:

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

Enclosed are the maps you submitted. On the map, please mark the location of the diversion point. Also, this location needs to be listed as a quarter-quarter location on the application under Item No. 4. 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 (i.e. local NRCS office).

The breakdown of acreage under Item No. 7 of the application appears to be incorrect when compared to that outlined on the larger map. Eric Gronlund, with this office, has prepared a map which breaks down the location and calculated the number of acres as they appear on your larger map. By his estimation, the land you outlined to irrigate is approximately 144 acres. This is considerably less than the 320 acres listed on the application. Item No. 7 of the application and lands outlined on your map need to correspond. Please make the necessary changes or let us know if you concur with Eric's estimation. If you believe we have made an error on these acreage projections, please explain and provide the total acres that will be irrigated.

Item No. 2 of the application indicates the amount of water claimed to be 1600 gallons per minute (gpm). State Statutes limit diversions to 1 cubic foot of water per second (cfs) for each 70 acres irrigated (one cfs equates to 450 gpm). To irrigate 144 acres, you are allowed 2.06 cfs or approximately 925 gpm. Please state in writing the reason for needing a greater than the statutory limit, if you wish to request a greater diversion rate.

If you are proposing to irrigate less than 320 acres, we will refund the appropriate portion of the \$375 application/license fee submitted in August.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

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MAR - 5 2003

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March 11, 2003

John H Merriman
600 6th St West
Lemmon SD 57638

Dear Mr. Merriman:

On March 5th we received your amended application and signed map. I believe there is some confusion regarding the map and the number of acres you intend to irrigate. Your initial application states your intent to irrigate 320 acres from the Grand River with diversion points located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE NW $\frac{1}{4}$ Section 30-T21N-R16E.

I sent you a map in my January 28th correspondence that was prepared by Eric Gronlund estimating the acres to be irrigated at 144 acres. This estimate was based on the areas you outlined on the map originally submitted with your application. **Do you concur that you will only be irrigating 144 acres in the areas as described on the map?** As stated in my previous letter, the amount of water allowed for irrigation of 144 acres is 2.06 cubic feet of water per second (925 gpm). If you agree with this amount, please complete the enclosed form and return in the self addressed stamped envelope.

If you still intend to irrigate a total of 320 acres you will need to submit a map that outlines the 320 acres and corresponds with the legally described areas on Item No. 7 of your application. Our suggestion if you intend to apply to irrigate a total of 320 acres is to again contact the NRCS office and have someone there help you prepare a map outlining all of your proposed irrigation. On this map, please mark the two diversion points. This map will need to be signed by the NRCS representative that helped prepare it.

For purposes of the public notice, it is important that all the lands you intend to irrigate are included in that notice.

If you have any questions, please contact me. We want to make sure that your application accurately reflects your intended irrigation project.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

John Merriman Water Right Permit Application

Is it your intent of developing irrigation of 144 acres from the Grand River as shown on the attached map?

Circle one

YES

NO

Are you agreeable to a diversion rate from the Grand River of 2.06 cubic feet of water per second (925 gallons per minute) for the irrigation of 144 acres?

Circle one

YES

NO

SIGNATURE

John Merriman

Thank you

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MAR 24 2003

WATER RIGHTS
PROGRAM

Water Rights Program - File Documentation

NAME: John Merriman

ADDRESS: Lemmon SD

DATE: 3-24-2003 COUNTY: PK TELEPHONE: 605 374-3249

RE: Notice of Transfer of Ownership - FEE

COMMENTS:

On August 7, 2002, John Merriman submitted a Notice of Transfer of Ownership Water Right No. 1137-1 without the required \$2.50 filing fee.

On that same date, Mr. Merriman also submitted an Application for Permit to Appropriate Water for Irrigation with a \$375 fee (Receipt No. 417271). Mr. Merriman later amended his application reducing the number of acres to be irrigated thus reducing the required application/license fee to \$300. \$75 needs to be refunded.

Since the \$2.50 transfer fee has not been submitted, it will be subtracted from the \$75 to be refunded and applied towards the transfer fee for No. 1137-1.

\$375.00	amount originally submitted
- <u>300.00</u>	required application/license fee
75.00	
- <u>2.50</u>	required transfer fee
\$ 72.50	amount to be refunded

Karen Schlaak
Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 1790-1

John H. Merriman

April 29, 2003

Application No. 1790-1, John H. Merriman, proposes to appropriate 2.06 cubic feet of water per second from the Grand River. The diversion point is to be located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 30 T21N-R16E. The water will be used for irrigation of 144 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 19; the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 30; T21N-R16E and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25 T21N-R15E. The proposed project is located approximately 13 miles south of Lemmon in Perkins County.

Review of the Water Source

The applicant proposes to irrigate 144 acres from the Grand River located approximately a half mile downstream from Shadehill Reservoir. The U.S. Bureau of Reclamation (USBOR) maintains a 120,172 acre-foot reservoir in eastern Perkins County. USBOR's standard operating procedure for the reservoir operations is to provide for a minimum base flow release of 25 cfs into the Grand River. Although under drought conditions actual releases may drop as low as 20 cfs.

There are 15 existing water rights/permits appropriating 30.65 cfs from the Grand River downstream from Shadehill Reservoir to the confluence with the Missouri River. A review of Water Right Program records indicate that there have not been complaints filed concerning low flows on the Grand River downstream from Shadehill Reservoir.

The United States Geological Survey (USGS) maintains a stream flow gauging station on the Grand River near Little Eagle, approximately 100 river miles downstream from Shadehill Reservoir. Table 1 indicates a 90 % probability of flow of at least 9 cfs, during the months of May through August. At the 75% probability flow level, there is a flow of at least 30 cfs for those same months.

Table 1. Flow Probability Table for the USGS Stream Flow Gauging Station, Grand River at Little Eagle, 1959-2001.

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90 %	0.0	0.0	21.5	35.0	24.4	24.2	9.3	9.3	8.2	10.0	9.9	1.0
75 %	2.0	4.4	78.8	74.0	48.5	62.8	46.8	30.5	30.0	17.0	16.5	4.3
50 %	15.0	31.0	190.0	183.5	155.0	152.5	98.5	71.0	69.0	70.0	49.0	30.0
25 %	49.0	80.0	615.5	548.8	502.5	406.8	190.0	116.5	111.5	113.5	86.8	57.0
10 %	73.4	256.0	1996.0	1373.0	1228.0	799.9	394.6	192.6	167.7	177.2	118.4	84.0

Water availability should not be a problem for this proposed project except under extremely dry conditions when downstream senior water rights may be adversely impacted. There have been some soil and water compatibility concerns for irrigation from the Grand River. The applicant needs to be aware of these issues and take appropriate measures in managing his irrigation to avoid problems.

Conclusions

1. This application proposes to appropriate 2.06 cubic feet of water per second (cfs) from the Grand River for irrigation of 144 acres.
2. The USBOR operates Shadehill Reservoir. Their standard operating plan calls for a minimum release from the reservoir of 25 cfs.
3. Water availability should not be a problem for this proposed project except under extremely dry conditions when downstream senior water rights may be adversely impacted.



Mark D. Rath
Natural Resources Engineering Specialist

References

Water Rights Program Files, 2003. South Dakota Department of Environment and Natural Resources, Water Rights Program. Pierre South Dakota.

United States Bureau of Reclamation, 2003. Personal conversation with Curt Anderson, Facilities Engineer, USBOR Rapid City Field Office, Rapid City South Dakota.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1790-1, John H Merriman**

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. 1790-1, John Merriman, 600 Sixth West, Lemmon SD 57638.

The Chief Engineer is recommending APPROVAL of Application No. 1790-1 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 qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. 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
May 3, 2003

NOTE: The soils in your area and the use of water from the Grand River may require specific irrigation methods to be implemented. I encourage you to consult with the Water Resources Institute at SDSU or other qualified soils scientist to formulate an irrigation management plan which will maintain the suitability of the soils for plant growth and avoid damage to the soil structure.



DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 6, 2003

Lemmon Leader
PO Box 180
Lemmon SD 57638-0180

ATTENTION: Legal Public Notice

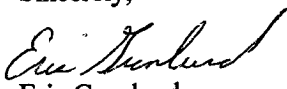
Enclosed is a Notice of Hearing on Application No. 1790-1 to Appropriate Water to be published twice. Please publish the first notice on May 13, 2003 with the second publication 7 days later.

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 John H. Merriman, 600 6th West, Lemmon SD 57638 (Ph # 605-374-3249).

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. 1790-1

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

Date _____

We are in receipt of your letter of May 6, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1790-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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www.state.sd.us/denr

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

May 6, 2003

John H. Merriman
600 6th West
Lemmon SD 57638

Dear Mr. Merriman:

Water Permit Application No. 1790-1 for irrigation 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 May 13, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1790-1 to Appropriate Water

Notice is given that John H Merriman, 600 6th West, Lemmon SD 57638 has filed an application for a water permit to appropriate 2.06 cubic feet of water per second from the Grand River located in the N 1/2 NW ¼ Section 30-T21N-R16E to irrigate 144 acres located in the SW ¼ SE ¼, S ½ SW ¼ Section 19, W ½ NE ¼, NW ¼ Section 30; T21N-R16E and the E ½ NE ¼ Section 25-T21N-R15E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1790-1 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 May 30, 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 to Appropriate Water

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:

May 13, 20, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of \$43.31 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 May, 2003

Myrtum Waller
Notary Public, South Dakota
Commission expires 12-12-07

(Seal)

NOTICE OF APPLICATION NO. 1790-1 to Appropriate Water

Notice is given that John H. Merriman, 600 6th West, Lemmon SD 57638 has filed an application for a water permit to appropriate 2.06 cubic feet of water per second from the Grand River located in the N1/2NW1/4 Section 30-T21N-R16E to irrigate 144 acres located in the SW1/4SE1/4, S1/2SW1/4 Section 19, W1/2NE1/4, NW1/4 Section 30; T21N-R16E and the E1/2NE1/4 Section 25-T21N-R15E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1790-1 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

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(Pub. May 13, 20, 2003)

RECEIVED

JUN - 3 2003

WATER RIGHTS
PROGRAM



JUN 13 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John H Merriman
600 6th West
Lemmon SD 57638

Dear Mr. Merriman:

Enclosed is Water Permit No. 1790-1 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 2003

John H Merriman
600 6th West
Lemmon SD 57638

Dear Mr. Merriman:

Recently you should have received the approval of Water Permit No. 1790-1. At the time of application, an application/license fee of \$375 was submitted. As explained on the file documentation enclosed, \$72.50 will be refunded to you. You should be receiving a refund check within the next couple of weeks.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosure

PAYMENT REQUEST FORM

PAYEE: John Merriman
600 6th Street West
Lemmon SD 57638

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund of overpayment

AMOUNT: \$72.50

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Daubert Erbe 4/19/03

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



1790-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: JOHN H MERRIMAN, 600 6TH ST W, LEMMON, SD 57638

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1092-1, 1137-1 & 1790-1. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1092-1, 1137-1 & 1790-1 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 1092-1, 1137-1 & 1790-1 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 February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1790-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9395

Your item was delivered at 9:30 am on January 15, 2004 in LEMMON, SD 57638. The item was signed for by B MERRIMAN.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9395

JOHN H MERRIMAN
600 6TH ST W
LEMMON SD 57638

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

mailing.

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail®
☐ Package Services



17901

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2004

1092-1
1137-1
1790-1

John H Merriman
600 6th St W
Lemmon SD 57638

Dear Mr. Merriman:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 1092-1 & 1137-1 and Water Permit No. 1790-1.

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,

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

Submitted With 2018 Questionnaire

RECEIVED

1790-1

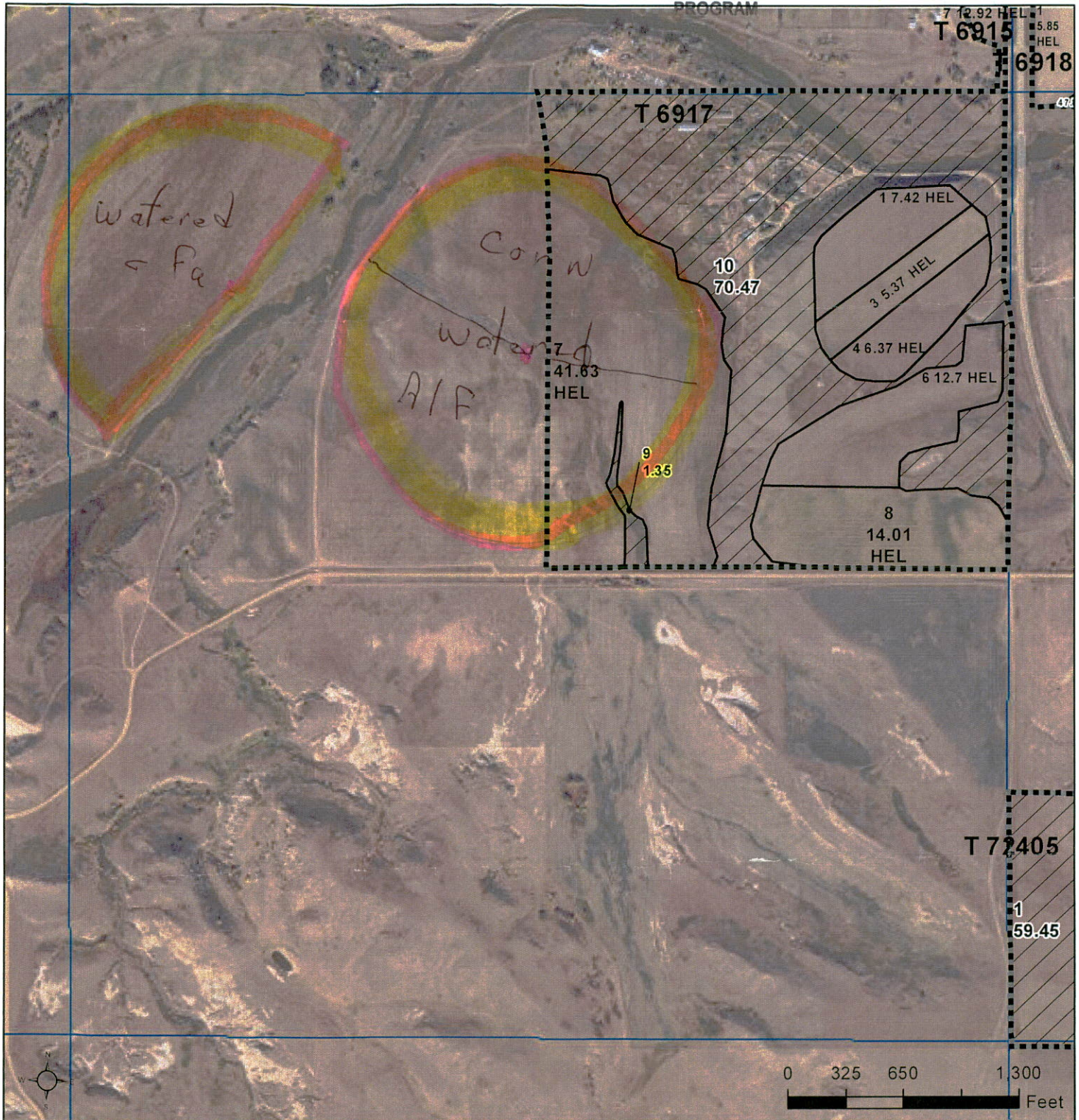


United States
Department of
Agriculture

Perkins County, South Dakota

DEC 07 2018

WATER RIGHTS
PROGRAM



Common Land Unit

- Tract Boundary
- Non-Cropland
- Cropland
- PLSS

Wetland Determination

- Restricted Use
- Limited
- Exempt from Conservation Compliance Provisions

2018 Program Year

Map Created July 28, 2017

Farm 4740

30 -21N -16E

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



1790-1
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: JOHN H MERRIMAN, 600 6TH ST W, LEMMON, SD 57638

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1092-1, 1137-1 & 1790-1. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 1092-1, 1137-1 & 1790-1 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) 1092-1, 1137-1 & 1790-1 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 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 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: <https://denr.sd.gov/iq> using this password: YJKGME**

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.

1790-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

1092-1
1137-1
1790-1

John W Merriman
600 6th St W
Lemmon SD 57638

Dear Mr. Merriman:

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 or Permit Nos. 1092-1, 1137-1 & 1790-1. 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,

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