

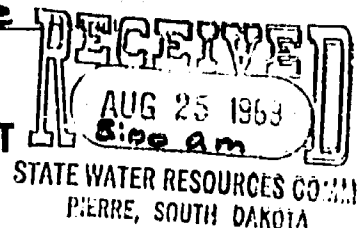
876-1

1. Considered NOVEMBER 12, 1969
2. Name of Applicant WARREN JOHNSON
3. Post Office Address SPEARFISH, S.D.
4. Amount of water claimed 1.0
5. Source of water supply ARTESIAN GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 71.30
7. Water to be diverted and used in LAWRENCE county
about 5 miles NORTH of SPEARFISH
8. Proof of Publication
Received ✓
Not Received 10-17-69
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

Map No. 731-1 Water Division No. 1 BELLE FOURCHE RIVER
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant WARREN JOHNSON
 Postoffice address RT. 2, BOX 394, SPEARFISH State SOUTH DAKOTA 57783
 If a corporation show date and place of incorporation NO
2. Method of accomplishing work (contract, employment of others, or by direct labor) ALL WORK COMPLETED
3. Name of diversion work WARREN JOHNSON'S IRRIGATION PROJECTS
4. Amount of water claimed (cubic feet per second) 1 c.f.s.
5. Source of water supply WELL NO. 1 and WELL NO. 2
6. Location of point of diversion (WELL NO. 1 - N55°30'E 2,630±FT. FROM S.W. CORNER SEC. 23, T7N, R2E, BHM.) (WELL NO. 2 - 2,910 Ft. North and 250 Ft. East of S.W. Corner, Sec. 23, T7N, R2E, BHM.) County LAWRENCE
7. Annual period or periods during which water is to be used MARCH TO NOVEMBER
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use, YES Total number of acres to be irrigated 71.3 ACRES

List below each forty acre sub-division, or lot, or fraction thereof and show number of acres to be irrigated in each

WELL-1 Land Description	No. Acres Irr.	WELL-2 Land Description	No. Acres Irr.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.7	SE $\frac{1}{4}$ NW $\frac{1}{4}$	.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.2
NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.8		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 0 years. Additional time required to complete application of water to the proposed beneficial use 0 years. (EXISTING)
11. Choice of newspaper for Notice of Intent to Appropriate Water publication: QUEEN CITY MAIL, SPEARFISH, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

WELL NO. 1 - Existing system as follows: 1,500 ft. underground, 6-inch A.C. pipe and 1,200 ft. 6-inch A1. portable pipe.

Estimated Total Cost \$ ----

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of LAWRENCE

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

Warren Johnson By: Signed George G. Ross EngineerSubscribed and sworn to before me this 25 day of September, 19 69

Oliver Skoog
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 876-1
WARREN JOHNSON RTE 2, BOX 394, SPEARFISH
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

WELL #1, LOCATED IN THE NE⁴SW⁴, SECTION 23, T7N, R2E,
 SHALL BE VALVED AND THE FLOW REDUCED TO A SAFE
 MINIMUM WHEN THE WELL IS NOT BEING USED FOR
 IRRIGATION PURPOSES.

Date of first receipt of application AUGUST 25 1969
 Date of return to applicant for correction, amendments or changes required --- 19---
 Date of receipt of corrected application --- 19---
 Approved NOVEMBER 12 1969 Recorded in Book 11 Page 62

WATER RIGHT PERMIT NO. 876-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 876-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 25 1969
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ ---
3. The whole of said work is ~~to be~~ completed ~~on or before~~ ---
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED ---
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before THIS DATE 19---; said water to be used during the following described annual period: MARCH TO NOVEMBER

Witness my hand this 3RD day of DECEMBER 1969

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued --- 19---

Water License Issued --- 19---

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

WELL NO. 1 -- 6' to 885' 4", 885' 1, 207' 3-3/4", 1207 to 1,303 Depth 1303
(1) Drill Hole, Diameter WELL NO. 2 - 4-inch Depth 1,088 ft.

NO. 1-6" down to 821'

(2) Casing, Type STEEL (Both) Diameter No. 2-4" Cas. Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen. No. 1 - None

Type No. 2 - Slotted Cas. Diameter 4" Casing, Length 30 Feet
(1050 to 1088') Bottom 30ft.

(4) Gravel Pack. Thickness No, Length of gravel pack No

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials WELL NO. 1 - Top of Minnelusa (See
Driller's Log Attached)

Well No. 1 - See Attached Driller's Log
Depth to top of water bearing material Well No. 2 - 1068 Feet

Depth to bottom of water bearing material Well No. 2 - 1088 Feet

Thickness of water bearing material _____

Depth to water (ground surface to water level) WELL NO. 1 - Flowing ±180 GPM
WELL NO. 2 - Flowing 80 GPM

(2) Distance to nearest existing household or livestock watering wells.

WELL NO. 1 - 150 rds. 175 rds
On same owner's property No. 2 - 150 rds. On property owned by others 200 rds rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

WARREN JOHNSON

By: George Gross - Engineer
Signature of Applicant

R2E

SURVEYOR'S CERTIFICATE

I, George G. Ross, Registered Land Surveyor do hereby certify that at the direction of the Owner, I have prepared from record the map to accompany the application for the proposed Warren Johnson Irrigation Projects #1 and #2 and that the locations of the wells, and the irrigable acres are as shown hereon.

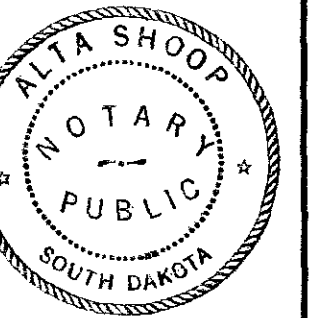
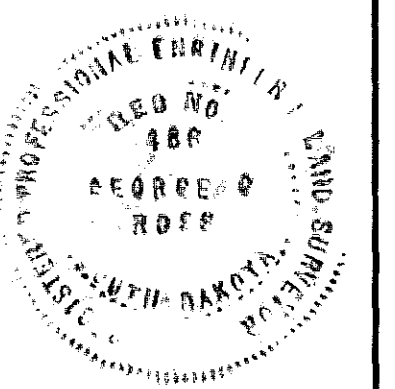
George G. Ross
Registered Land Surveyor

ACKNOWLEDGEMENT OF SURVEYOR STATE OF SOUTH DAKOTA, COUNTY OF LAWRENCE

Be it remembered that on this 21st day of August, 1969, before me, the undersigned, a notary public, personally appeared George G. Ross known to me to be the person, described in, and who executed the foregoing certificate.

My commission expires August 15, 1975.

Alta Shoop
Notary Public



Scale 1"=300'

Project No. 1

SE 1/4 NW 1/4 7.2 Ac.
SW 1/4 NE 1/4 9.7 Ac.
NW 1/4 SE 1/4 9.3 Ac.
NE 1/4 SW 1/4 27.8 Ac.

Total 54.0 Ac.

Project No. 2

SW 1/4 NW 1/4 15.3 Ac.
SE 1/4 NW 1/4 0.8 Ac.
NW 1/4 SW 1/4 1.2 Ac.

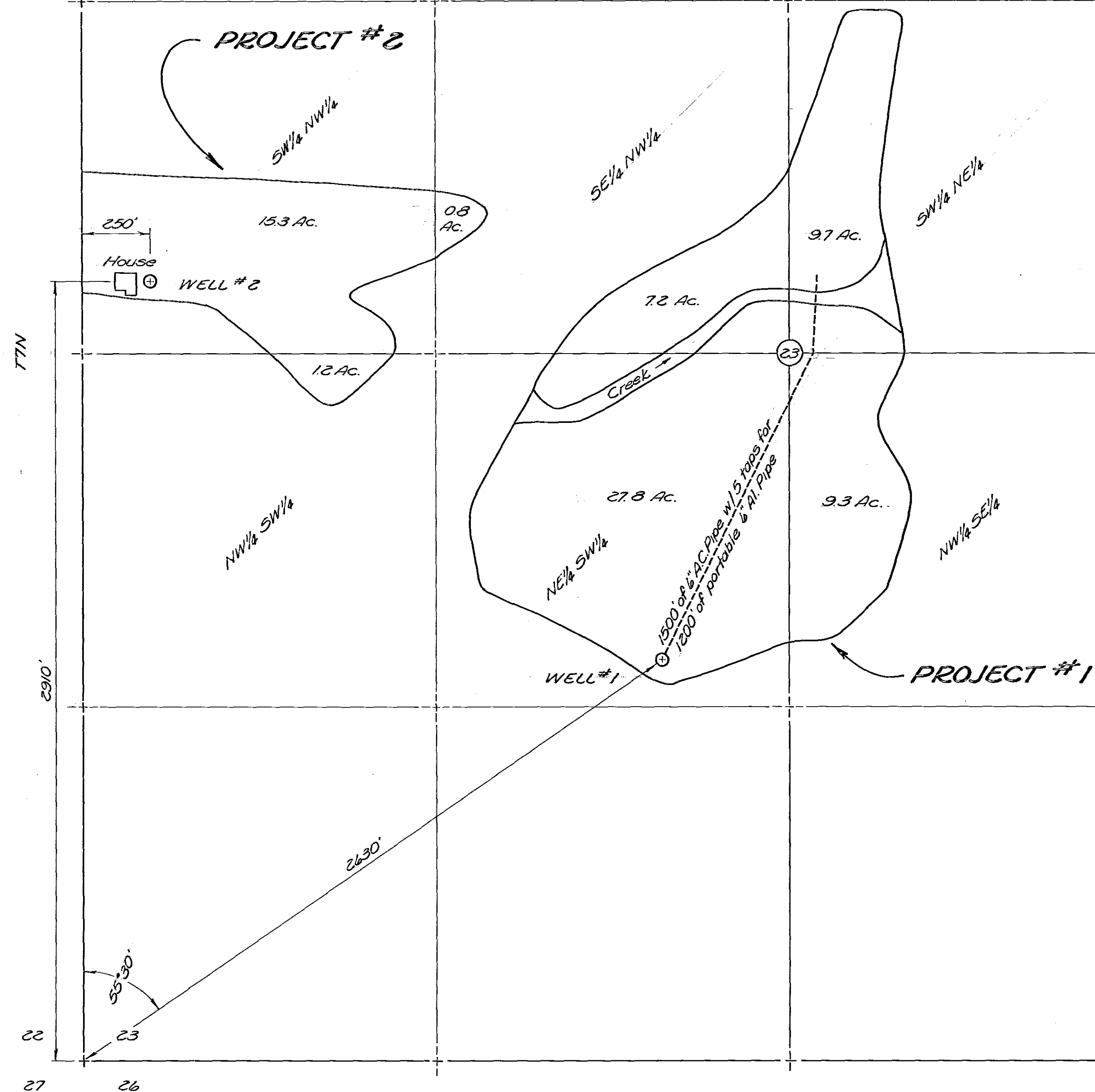
Total 17.3 Ac.

WARREN JOHNSON'S IRRIGATION PROJECTS

GENERAL LAYOUT

Brady Engineering Consulting Engineers Spearfish, South Dakota	Acct. No. WRS-52 Drawn By: L.R. Checked By: G.R.	Scale: 1"=300' Date: Aug. 1969 Sheet 1 of 1
--	--	---

MAP NO. 731-1 (APPL NO. 876-1)



- 931-952 yellow sand
952-1012 limestone streaks of white
and pink sand
1012-1027 pink in red sand streaks
of red silty shale
1027-1078 pink & white sand
1078-1093 red shale & sand
1093-1303 (Pink, red & white sand.
Reduced hole from $5\frac{3}{4}$ to $4\frac{1}{4}$
at 885 to $3\frac{3}{4}$ hole at 1207
Crossed to 821 ft. 6 in. black
pipe. cemented with 75 sacks
cement. Flowed about 300 gal.

DRILLER'S LOG

WELL #1

JARREN JOHNSON

- 0 - 11 Surface Sandy Clay
- 11 - 13 Lyp
- 13 - 15 Buff Sandy Shale
- 15 - 17 Lyp
- 17 - 31 Red Silty Shale
- 31 - 47 Lyp
- 47 - 527 Red Silty Shale with streaks of Lyp
- 527 - 647 Red Fine Sandy Shale
- 647 - 658 Gray + Green Silty Shale
- 658 - 679 Limestone light lavender
Brown + Buff colored limestone
Bottom 15 ft.
- 679 - 799 Buff + Red Silty Shale
- 799 - 816 Pink sand
- 816 - 851 Pink light gray limestone
and chert
- 851 - 916 White sand streaks of limestone
- 916 - 931 Limestone

No. 876-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA ;
County of Lawrence) ss.

I, Christine Parish hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Queen City Well

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City _____ of _____ Spearfish _____

County of Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

October 16

October 23

October 20

November 6

Christine Parish
(Signature)

Queen City Mail Truck Co. Inc.
(Title)

October 16, 1949

(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
September 27, 1969

Notice is hereby given that Warren Johnson whose post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of his water laws of South Dakota for a permit to appropriate for beneficial use 1.7 cubic feet of water per second of time from artesian ground water through the Johnson Wells No. 1 and No. 2, the point of diversion of which are to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Twp. 7N, Range 1E. Said water to be used for the purpose of providing irrigation on portions of the following described land: S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T7N, R1E.

The application No. 876-1 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of November, 1969, at 3:00 p.m. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION
By: Burton F. Jones
Water Rights Specialist
(666 - 44, O 10-23-90, N 6)

RECEIVED
OCT 17 1969

STATE WATER RESOURCES COMM'
PIERRE, SOUTH DAKOTA

Publish first publication, on or before October 16, 1969.NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 29, 1969Notice is hereby given that Warren Johnsonwhose post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use1.0 cubic feet of water per second of time from the artesian ground water through the Johnson Wells #1 and #2, the point of diversion of which ^{are} to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Twp. 7N, Range 2E. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T7N, R2E

This application No. 876-1 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 1969, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Warren Johnson
Route 2, Box 394, Spearfish, S.D.

By:

BURTON F. JONES
Water Rights Specialist

1-86

Arthur W. Ramey

Warren E. Johnson

(1)

(2)

127

7^N-2^E

SOUTH



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • • • • • Pierre, South Dakota 57501

Phone 605/224-3258

September 16, 1981

Warren E. Johnson
RR 2 Box 394
Spearfish, SD 57783

Dear Mr. Johnson:

I have been notified by the Water Rights Division that you are irrigating 99 acres of land in the NW & SW of Sections 23 & 4 T7 R2 without soil and water compatibility approval.

I have enclosed a WI-1 form for you to complete and forward, along with the proper soils information and a water sample from both wells and dry draw that you are using for irrigation to the Water Quality Laboratory at Brookings, South Dakota.

If you have any questions please feel free to contact this office.

Sincerely,

Martin Gertonson

Martin Gertonson
Program Director
Irrigation Division

MG: cf



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/224-3258

November 19, 1981

Warren E. Johnson
RR 2 Box 394
Spearfish, SD 57783

Dear Mr. Johnson:

We have been notified by the Water Rights Division that you are irrigating or intending to irrigate 159 acres, without soil and water compatibility.

Enclosed please find a copy of a WI-1 form for you to complete and forward, along with the proper soils information and a water sample from the source you are using for irrigation to the Water Quality Laboratory at Brookings, SD.

If you have any questions please feel free to contact this office.

Sincerely,

Martin Gertonson

Martin Gertonson
Program Director (Acting)

Enclosures: WI-1 form
Instruction Sheet

cf

Permit No. 876-1

Incorp. 876-1

Belle Fourche River Water District 10120203**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Warren E. Johnson
RR #2, Box 394, Spearfish, S.D. 57783 holder of
 Permit No. _____, bearing the priority of _____ 19____ authorizing
 the diversion of 2.3 cu. ft. per second of the waters of Two Wells and Dry Draw
 for Irrigation purposes, in Lawrence County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water: Well #1 - Flows. 150 gpm. Well #2 - Flows. 350 gpm est.
Rainmaster Power Take-off pump at the draw.
Pump IT-20-30, Ser #151050. pumps 1000 gpm est.
- B. Works used to transport water to place of use:
1250 ft. of underground A.C. pipe with risers
6" Aluminum pipe to use from risers to sprinklers or flood area.
- C. Works used to apply water to beneficial use:
sprinklers and Flood. with dikes and ditches

The system is in the following condition Fair

The point of diversion is located Well #1 = 200' N and 300' E of W 1/4 Cor Sec. 23; Well #2 = 1640'
N and 2150' E of SW Cor Sec. 23; Div Pt #3 (Draw) = 1950' E and 400' N of W 1/4 Cor
Sec. 23 All in T7N R2E

The works are capable of diverting and conveying to the place of use 3.33
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in T7N R2E

<u>SW 1/4 NW 1/4 - 23 = 36 Ac.</u>	<u>NE 1/4 SW 1/4 - 23 = 39 Ac</u>
<u>SE 1/4 NW 1/4 - 23 = 33 Ac.</u>	<u>SW 1/4 SW 1/4 - 23 = 5 Ac.</u>
<u>SW 1/4 NE 1/4 - 23 = 10 Ac.</u>	<u>SE 1/4 SW 1/4 - 23 = 21 Ac.</u>
<u>NW 1/4 SW 1/4 - 23 = 4 Ac.</u>	<u>NW 1/4 SE 1/4 - 23 = 11 Ac</u>

comprising a total of 159 acres of land and the license should be issued for 2.3 cfsApplicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date May 14, 1981

NOT TO SCALE

Johnson Ranch

1-8L

1-8L

T7N R2E

Warren E. Johnson

Water Rights
File Copy

22

①

3.8

22.5

26.7

#16

X
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 36 Ac.

~~23~~
SE $\frac{1}{4}$ NW $\frac{1}{4}$
33 Ac

SW $\frac{1}{4}$ NE $\frac{1}{4}$

X
10 Ac

~~3~~ 23

NW $\frac{1}{4}$ SE $\frac{1}{4}$
11 Ac

NE $\frac{1}{4}$ SW $\frac{1}{4}$
39 Ac

②

SW $\frac{1}{4}$ SW $\frac{1}{4}$
5 Ac

SE $\frac{1}{4}$ SW $\frac{1}{4}$
21 Ac 37

7N-2E

200'

300'

1950'

400'

1640'

2150'



No. _____

Map No. _____ Water Division No. _____ District _____

Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage X1. Name of Applicant Warren E. Johnson Phone No. (605) 642-3128Post Office Address R.R. 2 - Box 394 Spearfish State S.D. 57783
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor

3. Name of diversion work _____

4. Amount of water claimed (cubic feet per second) 25. Source of water supply two artesian wells6. Location of point of diversion one well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and second well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 7 North, Range 2, E.B.H.M., Lawrence County, S.D.

County _____

7. Annual period or periods during which water is to be used April 1 to October 30 annually8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Additional 60 acres Total number of acres to be irrigated 60

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - Sec. 23	14.6
SE $\frac{1}{4}$ NW $\frac{1}{4}$ " "	23.4
Cornoring in E $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 23	22

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system None years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Deadwood Pioneer Times

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

As stated above from artesian wells

Estimated Total Cost \$ None

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
)ss.
County of Butte)I, Warren E. Johnson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Warren E. JohnsonSubscribed and sworn to before me this 28 day of May, 1981Carol J. Bean
Notary Public (or other qualified officer)My Commission Expires: 9/12/84

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. _____

(Applicant)

(Post Office Address)

(State)

With the following qualifications.

Date of first receipt of application _____, 19____

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Management Board hereby grants and issues this Water Right Permit No. _____ authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____

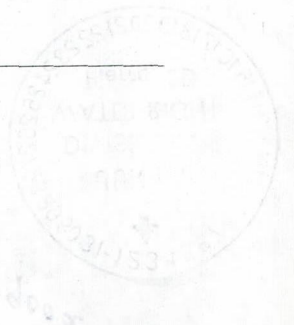
Witness my hand this _____ day of _____, 19____

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



D. Well Information

(1) Drill Hole, Diameter #1 - 4" #2 - 6", Depth #1 - 1080' #2 - 1500'
 (2) Casing, Type Steel (wood, concrete, steel, etc.), Diameter #1 - 4" #2 - 6", Thickness _____
 (3) Screen, Type None, Diameter _____, Length _____
 (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log) Furnished with original permit application

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

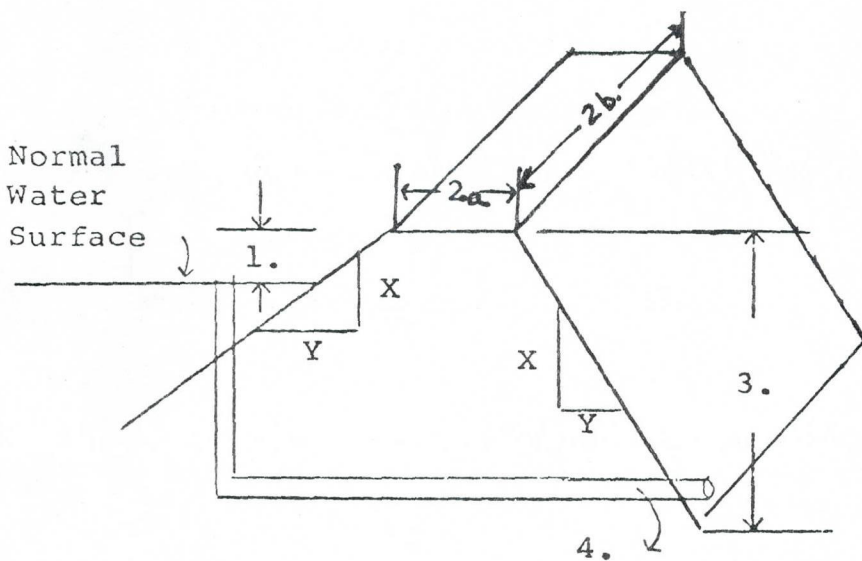
(2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
 2a Crest width _____ b. length _____
 3. Height of Dam _____
 4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
 X & Y slope:
 Upstream _____
 Downstream _____
 Surface area of impoundment _____
 Drainage area above dam _____

Chas. S. Johnson
 Signature of Applicant

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8245

PIERRE, June 3, 1981

RECEIVED OF Warren E. Johnson, RR 2, Box 394, Spearfish, SD 57783

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	150.00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing _____	
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (b+)



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

June 9, 1981

Warren E Johnson
RR 2, Box 394
Spearfish SD 57783

Dear Mr. Johnson:

We received your Form 2, Application for Permit and the check for \$150 to cover the cost of filing fees. After inspecting your application and comparing it with the area you indicated to me, during my inspection on May 14, 1981, I found that you are irrigating or planning on irrigating 159 acres (see attached map). This is 88.7 acres more than permit No. 876-1 called for. South Dakota Water Laws require a filing fee of \$225 for the additional 88.7 acres. Therefore you will need to send this office a check for an additional \$75 to cover the cost of the filing fee.

You also indicated to me that at the time, you pump from the draw. This also should be on your application for permit.

Enclosed are two copies of partially completed Form's 2's, which includes the additional land and also the lands which you are now irrigating. It also includes all three diversion points. You should check over the form and make any corrections necessary, sign, notarize both copies and return them to this office with a check for \$75 to cover the cost of the additional filing fee.

Water Quality approval will be required to for the additional land you are going to irrigate from the two wells. Water Quality approval will be required for all of the land you will be irrigating from the draw as this is a new source of water. I would suggest that you contact the State Conservation Commission regarding pumping from the creek as this water comes from the Spearfish lagoon which may or may not be suitable for irrigation at this time. They will advise you as to what action to take. Their phone number is 773-3259.

I am enclosing a map of your proposed irrigation project. If there are some corrections to be made on the map, please make them and return the map to this office. If there are no corrections you may keep the map for your information.

If you have any questions please feel free to contact this office.

Sincerely,

LERoy J MERNAUGH
Water Resources Engineer

LJM:kw

Equal Opportunity Employer

cc: Wynn Sudtelgte
Conservation Comm.

NR-101-9/79

Water Rights Division
605 773-3352

November 17, 1981

Warren E. Johnson
RR 2, Box 394
Spearfish SD 57783

Dear Mr. Johnson:

On June 9, 1981, this office sent a letter and a partially completed application to bring your Permit No. 876-1 into compliance with State Statutes. You are irrigating or planning on irrigating 159 acres in Section 23, T7N, R2E, portions of these lands are not now covered under your Permit.

If you plan to irrigate during the 1982 irrigation season a Water Permit must be acquired for the additional acreage from the Water Management Board to comply with the State Laws.

Water Quality approval will be required to for the additional lands you are going to irrigate from the two wells. Water Quality approval will be required for all of the land you will be irrigating from the draw as this is a new source of water. I would suggest that you contact the State Conservation Commission regarding pumping from the creek as this water comes from the Spearfish lagoon which may or may not be suitable for irrigation at this time. They will advise you as to what action to take. Their phone number is 773-3259.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

cc: Martin Gertonson
State Conservation Comm.

876-1 Warren E Johnson

2-10-86. I talked to Juan Stukel of the
Cons Comm and he said
all Johnson has to do is sign
the WI-1 form and return
to W Rights or Cons Comm.

Stukel said they have
validated the water sample
and there doesn't appear to be
any problem with the soil.

LeRoy McNaugh

WATER RIGHTS DIVISION

(605) 773-3352

February 11, 1986

Warren E. Johnson
Route 2, Box 394
Spearfish, South Dakota 57783

Dear Mr. Johnson:

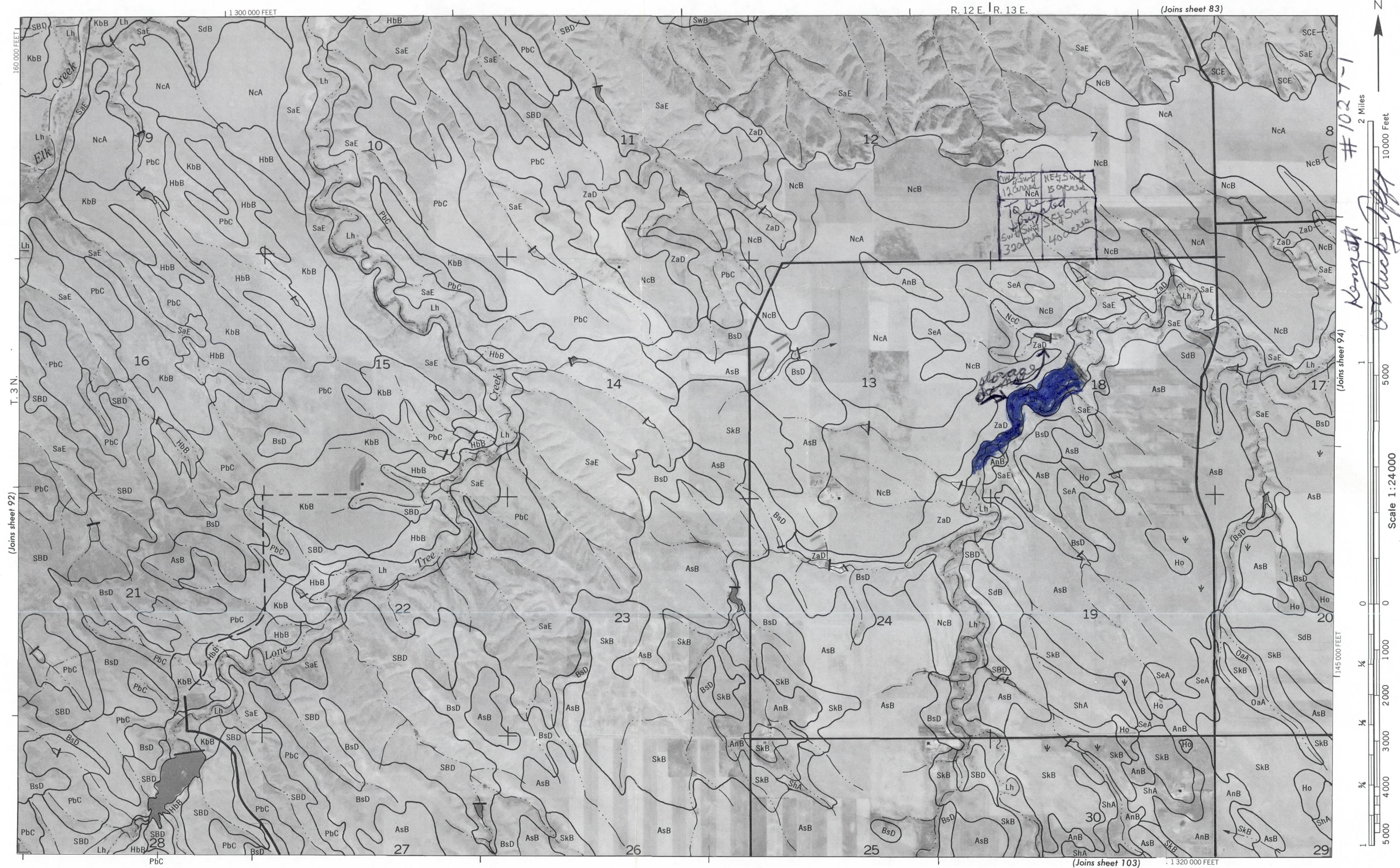
I talked to you by telephone on February 11, 1986 regarding your Water Permit Application. It is necessary for you to submit a WI-1, Soil and Water Compatability Permit Application Form". Enclosed is a nearly completed form. Please indicate the crops to be grown on Line 6. Then sign the form before a Notary Public and return to this office so that we may process your application.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:LJM:ms
Enc.

This map is compiled on 1974 aerial photography by the U. S. Department of Agriculture, Soil Conservation Service and cooperating agencies. Coordinate grid ticks and land division corners, if shown, are approximately positioned.



5/24/88

LICENSE FOR PERMIT NUMBER 876-1

1. Legal location of wells: Well #1: NE 1/4 SW 1/4, Well #2: SW 1/4 NW 1/4, section
23, T7N-R2E

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells 2 Depth well #1 1303 / well #2 1088

Casing a) diameter 6"-3 3/4" / 4"-1 1/2" Screen a) type none / steel
b) length 1303 / 1088 b) length - / 30 ft.
c) type steel / steel Static Water Level NA / NA

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size slowing well c) horsepower rating slowing well
d) capacity 50 / 400 GPM d) motor efficiency rating _____
e) turbine pump no. of stages _____

3. Distribution lines:

a) size of lines 6 in.
b) type AL
c) length N 3/4 miles

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size 1/8 in.
- 4) capacity (GPM) 450 total
- 5) PSI ?
- 6) ^{pipe} hose size 6 in.
- 7) ^{pipe} hose length 3/4 miles

One gun is mounted on every 6 ft. pipe

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

NA

✓

✓

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

1-82

Warren E Johnson

MSRadi
Natural Resources Engineer

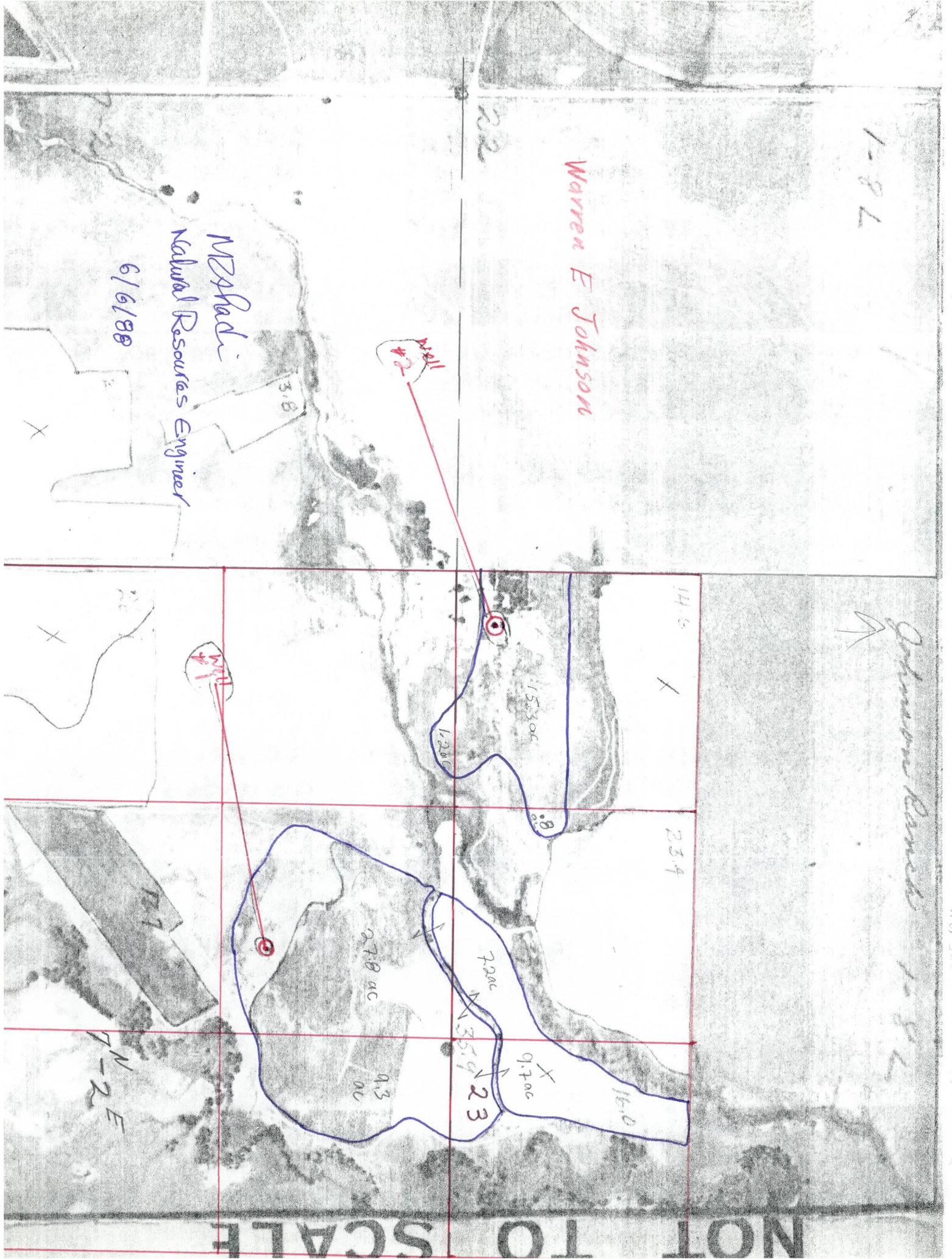
6/6/88

Johnson Ranch 1-82

Well #2

Well #1

NOT TO SCALE





**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 876-1

June 8, 1988

Warren Johnson
Route 2, Box 394
Spearfish, South Dakota 57783

Dear Mr. Johnson:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 876-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit.
This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411279

Pierre, June 14, 19 88

RECEIVED OF Warren E. Johnson, SR 2, Box 394, Spearfish, SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 876-1	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH MS

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4287

WR#

OWNERS NAME: Warren Johnson

OWNERS ADDRESS: RR #2, Box 394

Spearfish, SD 57783

COUNTY LAND LOCATED IN: Lawrence

PHONE: 642-3128

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION #1. SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-7-2

#2. NE $\frac{1}{4}$ NW $\frac{1}{4}$ 23-7-2

Depth _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-7-2	36	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23-7-2	39
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23-7-2	33	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23-7-2	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23-7-2	10	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23-7-2	21
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23-7-2	4	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 23-7-2	11

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 84-0019, 20, 21

7. ADJUSTED (SAR): 0.09/0.13/1.83

5. SALINITY (EC X 10⁶): 1000/900/2500

8. PERCENT SODIUM 0.70/1.12/6.90

6. SODIUM (SAR): 0.04/0.05/0.64

Requirements:

The area mapped as Canyon-Bridge complex 9-50% slope is excessively steep and is restricted from irrigation on slopes greater than 9%.

The drainage way in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ shall be maintained in grass and/or alfalfa to control erosion.



Kath L. Hanner
Director, Division of Conservation

Date: 9/12/88

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 25, 1988

Warren Johnson
RR 2, Box 394
Spearfish, SD 57783

Dear Mr. Johnson:

This letter is reference to Water Permit No. 876-1 and your water permit application for the additional acreage not covered by that permit.

In order to complete the processing of the permit application for the additional acreage, several items need to be submitted:

- (1) A fee of \$150 has been received. However, the correct fee for the additional 87.7 acres is \$225 (see enclosed instruction sheet). The difference of \$75 still needs to be submitted.
- (2) The dry-draw dam that you pump from needs to be included on the application. I am enclosing a partially completed application form that includes the dam location and the additional acreage. Please verify the location of the dry-draw dam as it is listed on this application. The application needs to be signed, notarized, and returned.
- (3) The dam information on the enclosed Form 2A also needs to be completed.

The additional information required to complete processing of your water permit application was outlined in a June 9, 1981 letter to you from LeRoy Mernaugh, a copy of which is enclosed. As mentioned in this letter, it will be necessary to obtain soil-water compatibility approval from the Division of Conservation for the water used from the dry-draw.

Please return items mentioned above to complete the processing of your water permit application. As soon as this information is received and the application is processed, a permit will be issued for those items not covered on Water Permit No. 876-1. Then, the final step, the Water License, will be issued to you and will combine both of your permits. You have already paid the \$50 processing fee for this step. Our file indicates it was received on June 14, 1988.

Should you have any questions, feel free to call me.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



July 13, 91
RR2 Box 394
Spearfish S.D.

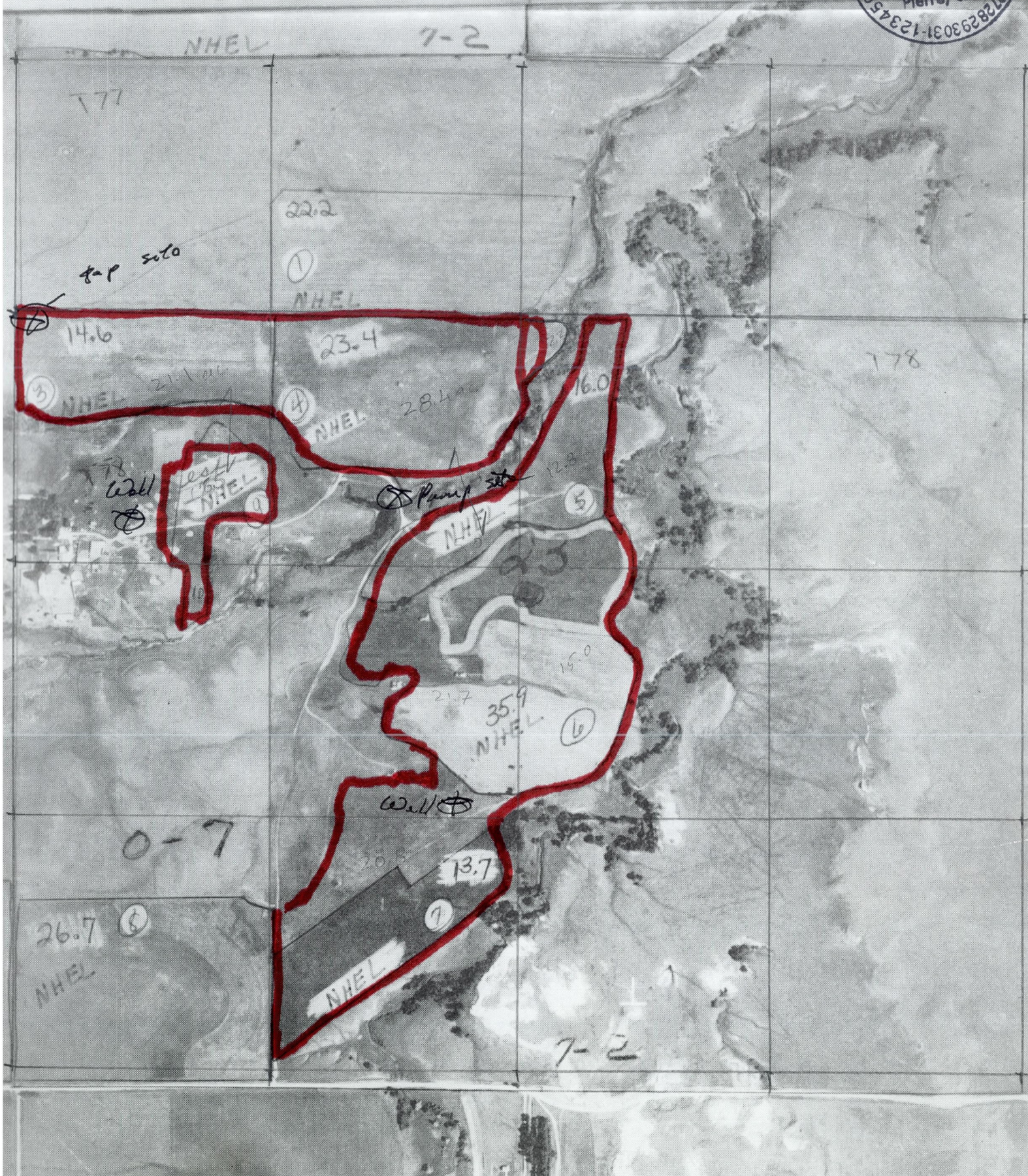
Dear Mr. Khadi,

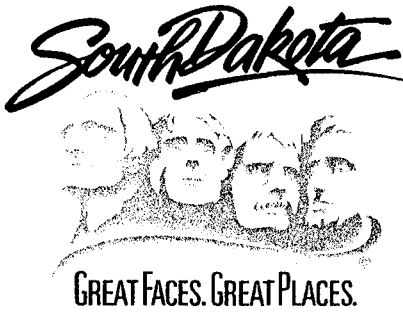
Sorry about being so slow.

I believe that the 3 sites are marked
as is the City water tap site. Any questions
give a call. Thanks for stopping in again!

Sincerely yours,
Steve Johnson







**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 22, 1991

Hazel Johnson
RR 2, Box 394
Spearfish, SD 57783

Dear Mrs. Johnson:

Inspections from your Water Permit No. 876-1 showed that your system was not developed as permitted. The enclosed application is for additional acreage diversions from the dry draw and the water from the sewage plant. Please refer to the enclosed instruction sheet and arrange for a water sample to be tested for soil/water compatibility. Soil/water compatibility tests have already been conducted for the wells. Water samples should be taken from the dry draw and the sewage plant tap. You have already submitted a map and the application fee. Please review the application for accuracy, sign it in the presence of a notary, and return it to our office in the enclosed envelope. 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 do not hesitate to contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
Division of Water Rights
Phone: (605) 773-3352

enclosures

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
- ☒ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Hazel Johnson Phone No. (605) 642-3128
- Post Office Address RR 2, Box 394 Spearfish State SD 57783
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 1.9 (0.9 add'l) Total acres irrigated 134.5 (63.2 add'l)
3. Source of Water supply Two artesian wells and a dry draw, also water from sewage plant
4. Location of point of diversion Well #1: SW $\frac{1}{4}$ NW $\frac{1}{4}$; Well #2: NE $\frac{1}{4}$ SW $\frac{1}{4}$; Dry Draw: SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sewage plant tap: SW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 23, T7N-R2E.
County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used April 1 thru October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.4 a
SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.6 a
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 a
NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.7 a

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.8 a
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0 a
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0 a

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to appropriate additional water from a dry draw and the tap from the Spearfish Sewage plant, and also to add acreage to Water Permit No. 876-1.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19____

Notary Public

Acreage for Water Permit No. 876-1 per submitted aerial photo:

All in Section 23, T7N-R2E

SE1/4 NW1/4	33.4	ac.		
SW1/4 NW1/4	27.6	ac.	Subtotal	61.0 acres
NW1/4 SW1/4	1.0	ac.		
NE1/4 SW1/4	21.7	ac.	Subtotal	43.5 acres
SE1/4 SW1/4	20.8	ac.		
NW1/4 SE1/4	15.0	ac.	Subtotal	15.0 acres
SW1/4 NE1/4	15.0	ac.	Subtotal	15.0 acres
			TOTAL:	134.5 ACRES



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 31, 1991

Hazel Johnson
RR 2, Box 394
Spearfish SD 57783

Dear Mrs. Johnson:

On October 22, 1991, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 876-1 by Rassool Ahadi, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms and a copy of the letter stating what information was required to process the application. Please review the application and have it signed and notarized.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 876-1 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

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 this office.

Sincerely,

Karen Schlaak
Natural Resource Analyst
(605) 773-3352

enclosures

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

WARREN JOHNSON
RR #2 BOX 394
SPEARFISH, SD 57783

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

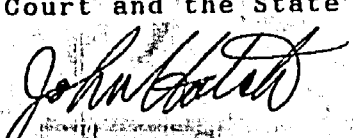
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 876-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 876-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources
Jou Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

April 29, 1987

876-1

Warren Johnson
RR #2 Box 294
Spearfish, SD 57783

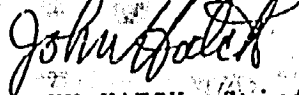
Dear Mr. Johnson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 876-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

January 29, 1988

WARREN JOHNSON
RR #2 BOX 294
SPEARFISH, SD 57783

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SECL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 876-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

February 9, 1988

876-1

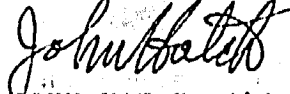
Warren Johnson
RR 2, Box 396
Spearfish SD 57783

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 876-1 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-318

February 8, 1989

WARREN JOHNSON
Rt #2 BOX 326
SPEARFISH, SD 57783

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 876-1. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 876-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 23, 1989

876-1

Warren Johnson
RR #2 Box 394
Spearfish, SD 57783

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 876-1. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

876-1

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

WARREN JOHNSON
RR #2 BOX 394
SPEARFISH, SD 57783

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 876-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

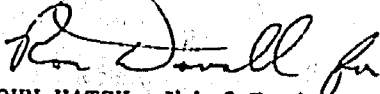
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings, pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 876-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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 received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 22, 1990

870-1

Mrs. Warren Johnson
RR #2 Box 394
Spearfish, SD 57783

Dear Mrs. Johnson:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 876-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

March 2, 1990

876-1

Mrs. Warren Johnson
RR 2, Box 204
Spearfish SD 57783

Dear Mrs. Johnson:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 876-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall/KS
RON DUVALL
Natural Resources Engineer
Water Rights Division

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 2, 1990

876-1

Mrs. Warren Johnson
RR #2 Box 394
Spearfish, SD 57783

Dear Mr. Johnson:

Enclosed is your 1989 irrigation questionnaire. In order for me to calculate the amount of water you used last year, you will need to supply the following:

1. Number of days pumped
2. Average number of hours per day, and
3. Average pump rate (in gallons per minute)

Please complete the questionnaire and return to to our office as soon as possible. Enclosed is a postage paid envelope for your convenience in returning the form.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

L

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 18, 1990

Second Notice
Permit No. 876-1

Mrs. Warren Johnson
RR #2 Box 394
Spearfish, SD 57783

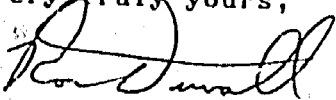
Dear Mrs. Johnson:

On February 22, 1990, notice was sent to you concerning the transfer of Water Permit No. 876-1 in the name of Warren Johnson. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,



RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: Mrs. Warren Johnson RR #2 Box 394 Spearfish SD 57783	4. Article Number 997-218-524 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee <i>(Signature)</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 9/20/80	

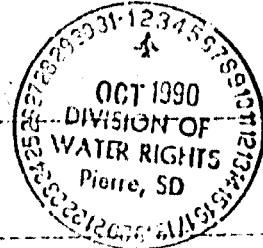
PS Form 3811, Apr. 1989

U.S.G.P.O. 1989-255-815

DOMESTIC RETURN RECEIPT

No. 476-1

Date:



(Telephone No.) 656422128

SA 1041, PL 694, 694 1041, 1994, 1994 Section 13, 179, 621

County of Larimer

David L. Johnson
(Signed)

Subscribed and sworn to before me this 27 day of September, 1990.

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 2, 1999

RECEIVED OF Hazel E. Johnson, SR 2 Box 394, Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 376-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hotchkiss
Chief Engineer

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 16, 1990

No. 876-1

Hazel Johnson
SR 2 Box 394
Spearfish, SD 57783

Dear Ms. Johnson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 876-1.

Our records now show you as the owner of this Water Permit.

Sincerely,

Jaci Konop

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure



876-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: HAZEL JOHNSON
SR #2 BOX 394
SPEARFISH SD 57783

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

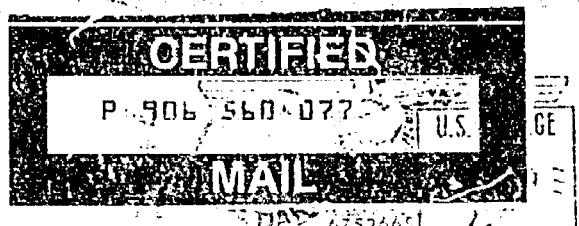
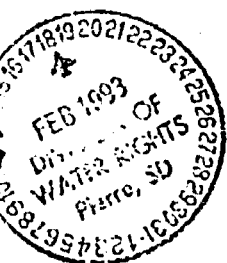
1. Amend Permit No(s) 876-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.



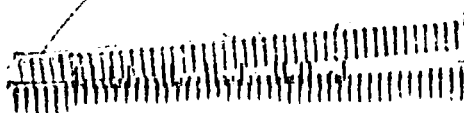
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



876-1

HAZEL JOHNSON
SR #2 BOX 394
SPEARFISH SD 57783

First M. No. 2-1-9-1
Second No. FEB 9-1
Returned 2-6





876-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 18, 1993

876-1

NOTICE

TO: Hazel Johnson, SR 2 Box 394, Spearfish, SD 57783
FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
SUBJECT: Violation of the Requirement to Submit the 1992
Irrigation Questionnaire

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 1 and February 9, 1993 to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

enclosure

John H. H. H.
Notary Public



876-1

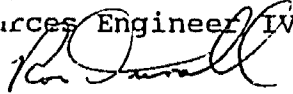
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1993

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: HAZEL JOHNSON
SR #2 BOX 39:
SPEARFISH, SD 57783

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 775-3352 

SUBJECT: Amendment to Water Permit No(s). 876-1

Pursuant to the provisions of the Notice dated January 29 1993, and following the hearing March 3, 1993, the Water Management Board has amended Water Permit No(s). 876-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.

876-1

CERTIFICATION

I hereby certify that on March 9, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1993, regarding NOTICE OF AMENDMENT TO WATER PERMIT(S) addressed as stated below:

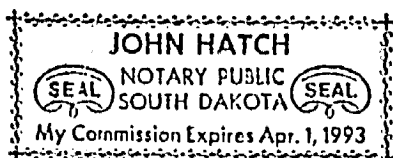
2440-3: Gordon Blume RR 2, Box 60, Redfield, SD 57469.
3005-3, 4255-3: Dan Hanson, RR 1, Box 6A, Elk Point, SD 57025.
2374-3: Mike Wurtz-Jamesville Colony, RR 1, Box 51, Utica, SD 57067.
876-1: Hazel Johnson, SR 2, Box 394, Spearfish, SD 57783.
1113-3: Mercer Brothers, RR 1, Box 9B, Blunt, SD 57522.
293-2, 294-2: Chance/Neteri Reynolds, HCR 59, Box 28, Edgemont, SD 57735.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 10th day of March, 1993.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSJ BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

HAZEL JOHNSON
RR 2 BOX 394
SPEARFISH SD 57783

NOTICE

RE: Violation of Water Permit No 876-1.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 876-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 876-1 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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 876-1 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

876-1

HAZEL JOHNSON
RR 2 BOX 394
SPEARFISH, SD 57783

4a. Article Number

P 757 566 37A

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ Return Receipt for Merchandise
☐ Express Mail

7. Date of Delivery

5. Signature (Addressee)

Hazel Johnson

6. Signature (Agent)

8. Address (Only if requested and fee is paid)

PS Form 3911, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 1, 1995

876-1

Gene Johnson
627 Lawrence St
Belle Fourche, SD 57717

Dear Mr. Johnson:

Enclosed, as we discussed, is a copy of Water Permit No. 876-1, the 1994 irrigation questionnaire and a "Notice of Transfer of Ownership" form for use in filing an ownership change.

Please review the transfer form and complete as necessary. The form will need to be signed in the presence of a notary and returned to our office with a required filing fee of \$2.50.

Please complete the 1994 irrigation questionnaire and return it to our office as soon as possible. As we discussed, **you may disregard the certified mail you received which included the "Notice of Violation of Water Permit"**. Improper notice was given since we mailed the original questionnaire and followup notice to Hazel Johnson.

I have included a postage paid envelope for your use in returning the transfer form, filing fee and 1994 irrigation questionnaire. If you have any questions concerning completion of the forms, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 876-1

Date: 4-5-95

I/We request that Water Permit No. 876-1

formerly owned by: Hazel Johnson

be transferred to: (name & address) Gene E. Johnson with Laurence
Belle Fourche SD 57717 (Telephone No) 892-4514

Title to the following described land(s)/property has been transferred as described above:

S 1/2 NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 23, T7N, R2E

I/We understand that the validity of Water Permit No. 876-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Laurens)

I/We Gene E. Johnson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Gene E. Johnson
(Signed)

Subscribed and sworn to before me this 4th day of April, 19 95.

DEBRA K. HARTMAN
MY COMMISSION EXPIRES
FEBRUARY 20, 2003

Debra K. Hartman
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 11, 1995

Gene Johnson
627 Lawrence St
Belle Fourche, SD 57717



876-1

Dear Mr. Johnson:

This will acknowledge receipt of the 1994 irrigation questionnaire and the "Notice of Transfer of Ownership" form you submitted. Both forms were completed properly, however the change of ownership can not be recorded without a required filing fee of \$2.50.

Please remit the filing fee at your earliest convenience. Upon receipt of the fee, Water Permit No. 876-1 will be transferred to your name.

Thank you for your assistance in this matter and if you have any questions, please contact me

Sincerely,

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414463

Pierre, April 14, 1925

RECEIVED OF Gene Johnson, PO Box 91, Belle Fourche, SD 57117

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. _____	
Fee for filing transfer form _____ less or permit No. _____ -1	50
Fee for filing extension request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	50

By John H. H. H. H.
Chief Engineer

876-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 17, 1995

No. 876-1

Gene E. Johnson
627 Lawrence
Belle Fourche, SD 57717

Dear Mr. Johnson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 876-1.

Our records now show you as the owner of Water Permit No. 876-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



January 30, 1996

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

TO: GENE E JOHNSON, 627 LAWRENCE, BELLE FOURCHE, SD 57717
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 876-1.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 876-1 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 876-1 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 1, 1996, 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.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GENE E JOHNSON
627 LAWRENCE
BELLE FOURCHE SD 57717

4a. Article Number

2 161 984 048

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

DEC 31

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Colby Croso

876-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 16, 1996

876-1

Gene E Johnson
627 Lawrence
Belle Fourche, SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 876-1.

I completed a questionnaire for you based on my February 16th telephone conversation with Linda. The questionnaire reflects that no irrigation was done in 1995 due to the excessive wet conditions. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling Linda and if you have any questions, please contact me.

Sincerely,

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



876-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: GENE E JOHNSON, HC 30 BOX 210, BELLEVILLE, SD 57717

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 876-1 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 876-1 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 28, 2000, 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.

876-1

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

GENE E JOHNSON
HC 30 BOX 210
BELLE FOURCHIE SD 57717

RECIPIENT: COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *[Signature]* ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

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4. Restricted Delivery? (Extra Fee)

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2. Article Number (Copy from service label)

2 227 670 465



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 7, 2000

876-1

Gene Johnson
HC 30 Box 210
Belle Fourche, SD 57717

Dear Mr. Johnson:

Thank you for calling in with the information needed for your 1999 irrigation questionnaire. I completed a form for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 876-1.

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



876-1

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: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717

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) 876-1. 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) 876-1 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) 876-1 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.

876-1



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Current Status

You entered 2301 3460 0000 8515 9258

Your item was delivered at 11:00 am on January 15, 2004 in BELLE FOURCHE, SD 57717. The item was signed for by M HUCK.

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BELLE FOURCHE SD 57717

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www.state.sd.us/denr

January 22, 2004

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit No. 876-1.

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



876-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 876-1 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 2, 2005 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) 876-1 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 25, 2005, 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.

876-1



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876-1

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www.state.sd.us/denr

February 25, 2005

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

Enclosed is your 2004 irrigation questionnaire. In order for the form to be considered complete, you will need to complete the back side of it.

Please write in the pump rate, days per month water was applied and the average hours per day.

Please complete the questionnaire and return it to us by March 4, 2005. I am enclosing a postage paid envelope for your convenience.

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

Sincerely,

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

enclosures



876-1

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 26, 2007

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 876-1 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 876-1 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 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

876-1

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www.state.sd.us/denr

February 13, 2007

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 876-1.

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



876-1
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 24, 2013

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 876-1 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 7, 2013** 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) 876-1 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 4, 2013**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2013

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 876-1. 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



876-1
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 16, 2015

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 876-1 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 4, 2015** 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) 876-1 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 **March 4, 2015** 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: <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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January 26, 2015 , 3:07 pm

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FOURCHE, SD 57717

Your item was delivered at 3:07 pm on January 26, 2015 in BELLE FOURCHE, SD 57717.

January 20, 2015 , 10:05 am

Notice Left (No Authorized
Recipient Available)

BELLE
FOURCHE, SD 57717

January 20, 2015 , 9:36 am

Notice Left (No Authorized
Recipient Available)

BELLE
FOURCHE, SD 57717

January 20, 2015 , 8:25 am

Departed USPS Facility

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January 18, 2015 , 11:46 pm

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January 16, 2015 , 9:45 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

January 16, 2015 , 6:16 pm

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January 16, 2015 , 11:02 am

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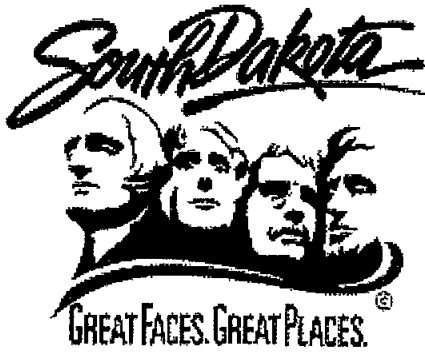
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19610 US HWY 85
BELLE FOURCHE SD 57717



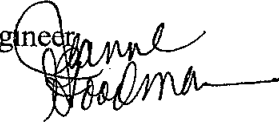
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and NATURAL RESOURCES

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

March 5, 2015

NOTICE OF ENTRY OF ORDER OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 876-1

On March 4, 2015, the Water Management Board ordered:

Effective April 4, 2015, Water Right No. 876-1 be suspended for the 2015 irrigation season for failure to submit the 2014 irrigation questionnaire.

If the 2014 irrigation questionnaire is received prior to April 4, 2015 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2015 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2015 unless the irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2014 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2015 in Pierre, SD. The letter should include your reasons for not completing the 2014 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

English

Customer Service

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DATE & TIME

STATUS OF ITEM

LOCATION

March 17, 2015 , 3:30 pm

Delivered

BELLE
FOURCHE, SD 57717

Your item was delivered at 3:30 pm on March 17, 2015 in BELLE FOURCHE, SD 57717.

March 9, 2015 , 10:35 am

Notice Left (No Authorized
Recipient Available)BELLE
FOURCHE, SD 57717

March 9, 2015 , 7:38 am

Departed USPS Facility

RAPID CITY, SD 57701

March 7, 2015 , 11:05 pm

Arrived at USPS Origin
Facility

RAPID CITY, SD 57701

March 6, 2015 , 4:32 am

Departed USPS Facility

HURON, SD 57399

March 5, 2015 , 9:29 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

March 5, 2015 , 6:06 pm

Departed Post Office

PIERRE, SD 57501

March 5, 2015 , 12:58 pm

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Return Receipt Fee (Endorsement Required)	
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Sent To: Kene E Johnson

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 2015

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

On March 4th, the Water Management Board ordered Water Right No. 876-1 be suspended if the 2014 irrigation questionnaire was not received prior to April 4, 2015. The questionnaire information for your water right was received March 23, 2015.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2015 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



876-1
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 15, 2016

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 876-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 876-1 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 **March 3, 2016** 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: <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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 2, 2016

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 876-1. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 25, 2019

Gene Johnson
19610 US Hwy 85
Spearfish SD 57717

Dear Mr. Johnson:

Water Permit No. 876-1 appropriates 1.0 cubic feet of water per second (448.8 gpm) from two wells completed into the Minnelusa aquifer for irrigation of 71.3 acres in Section 23-T7N-R2E. The water permit dates back to 1969 and is now held in your name.

Over the years, Water Rights Program staff conducted on-site visits to license the water permit for the diversion rate and number of acres developed. However on each occasion the diversion rate and acres exceeded what is authorized by the water permit. Water Rights efforts to get an application filed to reflect the irrigation system in place has been unsuccessful.

The last on-site licensing investigation was conducted in 2017 by Water Rights Inspector Steve Quissell. At that time he found the two wells capable of diverting 1.71 cfs (768 gpm) on 119.8 acres. This is 0.71 cfs (319 gpm) and 48.5 acres greater than the amount authorized. Please see enclosed map that represents the acreage capable of being irrigated and a table that shows the originally permitted acreage and what is currently irrigated.

In an effort to get the proper permitting in place, enclosed is a partially completed application to be reviewed and if correct for you to sign. The application/licensing fee is \$700. The application will then be reviewed; a recommendation made and then the application will be public noticed. The cost of publication in the newspaper will also be at the applicant's expense (approximately \$100). This is the process for every water permit application.

Finally, the Water Rights Program understands that ownership of the property may now be split between Gene Johnson, David (Jim) Johnson and Mathew Johnson. After we get the proper permitting in place, you may want to transfer ownership of the water right among the three landowners.

(continued)

If you have any questions, please do not hesitate to contact me. It is the Water Rights Program's goal to have water rights in place to reflect the system's capability so that you have a continuing legal right to the extent of irrigation that has been developed.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

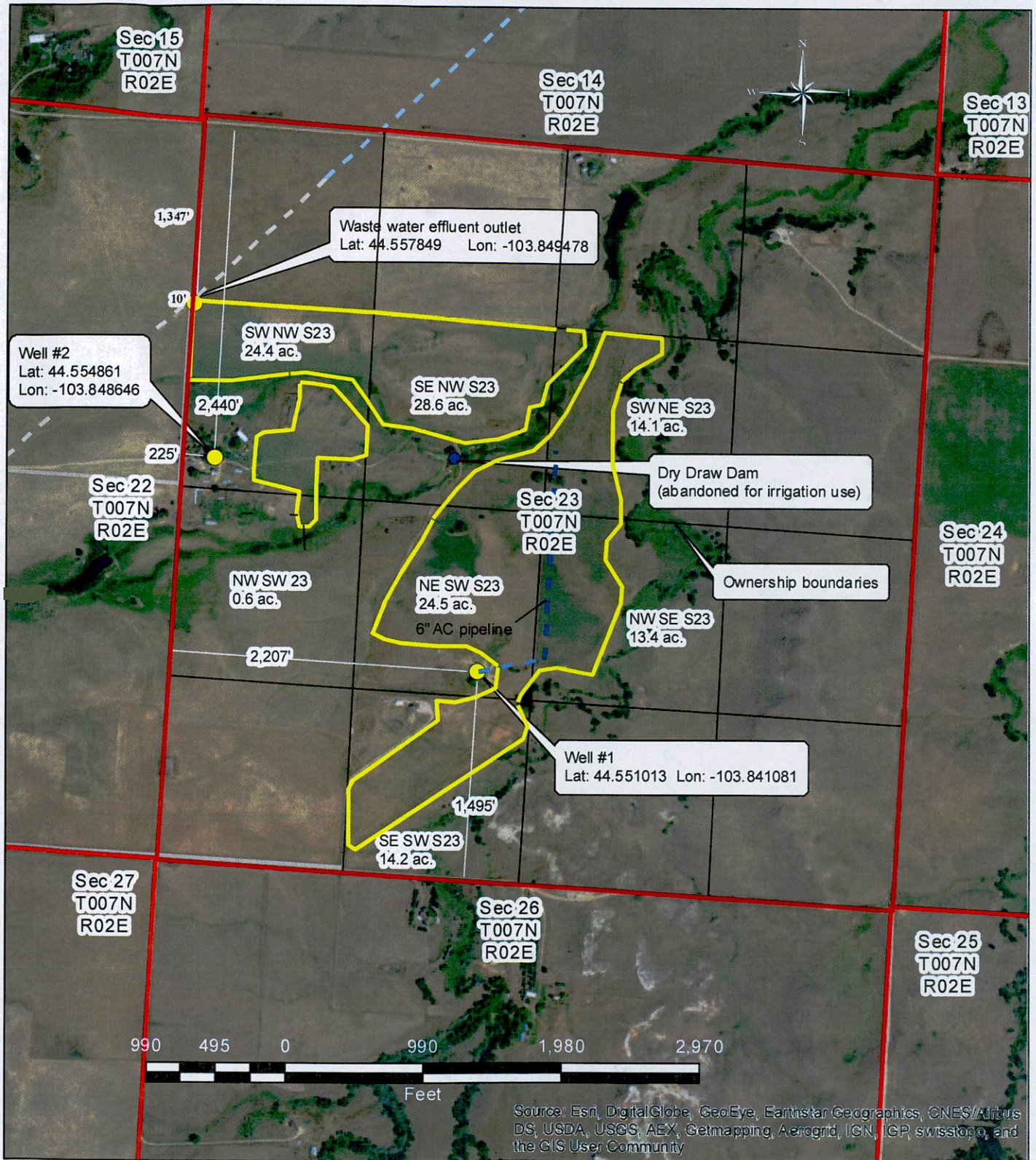
enclosures

Water Permit No. 876-1 – Gene Johnson

All in Section 23-T7N-R2E	Original Permitted Acres	Acres Based on Licensing Visit
SE ¼ NW ¼	8.0	28.6
SW ¼ NE ¼	9.7	14.1
NW ¼ SE ¼	9.3	13.4
NE ¼ SW ¼	27.8	24.5
SW ¼ NW ¼	15.3	24.4
NW ¼ SW ¼	1.2	0.6
SE ¼ SW ¼		14.2
TOTAL	71.3	119.8

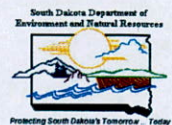
48.5 acres being irrigated more than what is authorized by Water Permit No. 876-1

Water Right #876-1
Gene Johnson
7/24/2017



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only)
	Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

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

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

additional diversion rate and acres irrigated to Water Right No. 876-1

1. Name to Appear on Irrigation Permit Gene Johnson

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 19610 US Hwy 85 Spearfish SD 57783
(Address) (City) (State) (Zip Code)

Phone _____ Mobile _____ Email _____

2. Amount of water claimed 0.71 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 48.5
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply two Minnelusa wells

4. Location of point of diversion NE 1/4 SW 1/4 and SW 1/4 NW 1/4 Section 23-T007N-R02E
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Lawrence

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used March 1 - November 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 NW 1/4 Section 23-T007N-R02E	28.6	SW 1/4 NW 1/4 Section 23-T007N-R02E	24.4
SW 1/4 NE 1/4 Section 23-T007N-R02E	14.1	SW 1/4 NW 1/4 Section 23-T007N-R02E	0.6
NW 1/4 SE 1/4 Section 23-T007N-R02E	13.4	SE 1/4 SW 1/4 Section 23-T007N-R02E	14.2
NE 1/4 SW 1/4 Section 23-T007N-R02E	24.5		

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

The breakdown of acres listed above is representative of the total acres authorized by Water Right No. 876-1 and those requested by this application. The total number of additional acres requested is 48.5.

I, Gene Johnson, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Bandy & unknown (logs on file)

For either Existing or Proposed Wells:

c) Well Depth (required) 1,033 Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

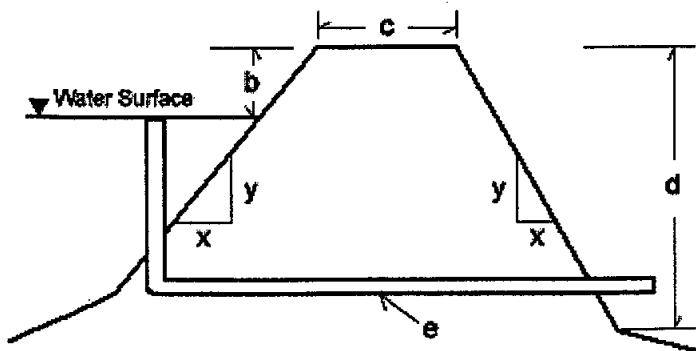
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 876-1

I have this day, July 24, 2017, made a thorough examination of the water use system constructed by Gene Johnson, 19610 US Hwy 85, Spearfish, SD 57783 of Permit No. 876-1, bearing the priority of 8/25/1969 authorizing the diversion of 1.0 cu. ft. per second water from two wells for irrigation purposes on 71.3 acres in Lawrence County.

Inspection contact & relationship to permit holder, if applicable: **Gene (Johnny) Johnson, owner**
605-641-4314
David (Jim) Johnson, shares well
Mathew Johnson, shares well

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Merle Bandy (1960)
- 2) Well No. 1 (NE ¼ SW ¼ S23)
- 3) Depth 1,303' feet
- 4) Well log Yes

Well Drilling Firm: Unknown (late 1950's)

Well No. 2 (SW ¼ NW ¼ S23)

Depth 1,088 feet

Well log No (information obtained from 1969 permit application)

Casing:

- 1) Diameter 6" 0 - 821'
- 2) Length 821 feet
- 3) Type black steel

Diameter 6" 0-821', 4" 821-1,050'

Length 1,050 feet

Type steel

Screen:

- 1) Type open hole
- 2) Length 482 feet
- 3) Static water level flowing feet
- 4) Flow @ completion est. 300 gpm, 40 psi closed in

Type 4" slotted steel

Length 38 feet (1,050 - 1,088')

Static water level flowing feet

Flow @ completion est. 80 gpm

Notes:

- 1) Flow measured 1961 (Dyer) 138 gpm
- 2) Flow measured 1964 (Curtis) 207 gpm
- 3) Flow measured 1966 (USGS) 138 gpm
- 4) Flow measured 1970 (Adolphson) 202 gpm
- 5) Flow measured 1981 (DENR) 350 gpm
- 6) Well repaired in 1970
- 7) Flow measured 1972 (USGS) 1,100 gpm
- 8) Well repaired 2015 to install 4" steel liner
900 gpm free flow, 90 psi closed in pressure
@ repair completion

Notes:

Flow estimated 1981 (DENR) 150 gpm
Flow measured 2017 for EOW 36 gpm

Comments: The well identified above as well #1 has been referred to as well #1 in all documents pertaining to Permit 876-1 except the 1981 Examination Of Work report filed by DENR in which it was mistakenly referred to as well #2. The flow measurements above shown for 1981 are corrected to reflect the proper well location. All other measurements as recorded.

A. Works used to divert the water: continued

Spearfish wastewater treatment effluent line:

A 6" irrigation outlet along the 18" effluent discharge line running from the Spearfish Waste Water Treatment Plant to the Redwater River provides a source of water for a portion of the irrigated acreage.

Dry Draw Dam:

The dry draw dam located on a tributary to the Redwater River in the SE ¼ NW ¼ Section 23 T7N R2E has been rarely used as an irrigation source and the operator considers it abandoned as a diversion point for irrigation use. The dam was identified as a diversion location on the 1981 EOW but is no longer used.

B. Works used to transport water to place of use:

Water is transported using irrigation ditches, 1,500 feet of buried 6" diameter AC pipe and 6" portable aluminum pipe.

C. Works used to apply water to beneficial use:

Wild flooding from open irrigation ditches, a one quarter mile side wheel roll system, 4" tow lines and a pto powered pump estimated at 1000 gpm. The wells also provide domestic water to livestock and 3 homes.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in fair condition with the points of diversion located as follows:

Well #1

1,495' N and 2,207' E of the SW corner Section 23 T7N R2E (44.551013, -103.841081)

Well #2

2,440' S and 225' E of the NW corner Section 23 T7N R2E (44.554861, -103.848646)

Waste Water Effluent Outlet

1,347' S and 10' E of the NW corner Section 23 T7N R2E (44.557849, -103.849478)

1. The works are capable of diverting and conveying to the place of use 1.71 cu. ft. per second of water (768 gpm) which is to be used for irrigation and domestic use. Water has been put to beneficial use (irrigation) to the maximum extent as follows:

Section 23 T7N R2E

SW ¼ NW ¼ 24.4 acres	NW ¼ SW ¼ 0.6 acres
SE ¼ NW ¼ 28.6 acres	NE ¼ SW ¼ 24.5 acres
SW ¼ NE ¼ 14.1 acres	NW ¼ SE ¼ 13.4 acres
SE ¼ SW ¼ 14.2 acres	

comprising a total of 119.8 acres of land.

All structures, wells and lands on map Yes

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

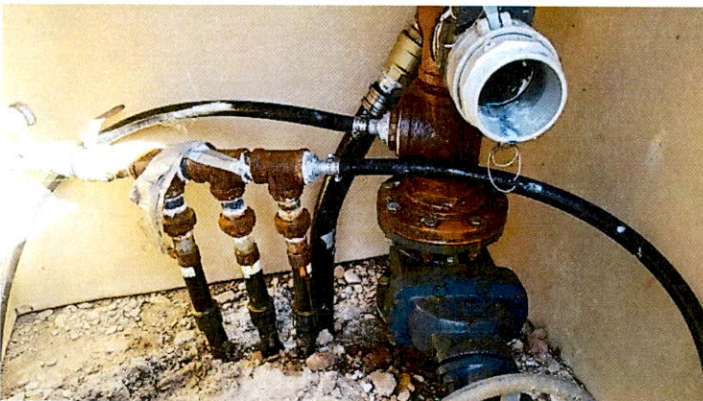
Permit No. 876-1 authorized diversion of 1.0 cfs from two existing wells located in the W ½ Section 23 T7N R2E to irrigate 71 acres in Section 23. The investigation report found 119.8 acres being irrigated with a maximum diversion capability of 1.71 cfs.

A portion the acreage being irrigated has been transferred to owners David Johnson and Mathew Johnson. Upon getting a new permit in place to reflect the total diversion rate and acres being irrigate each of the three current landowners will need to file a "Notice of Transfer of Ownership" to transfer the portion for the land they own and the water right will be split to reflect separate ownership.

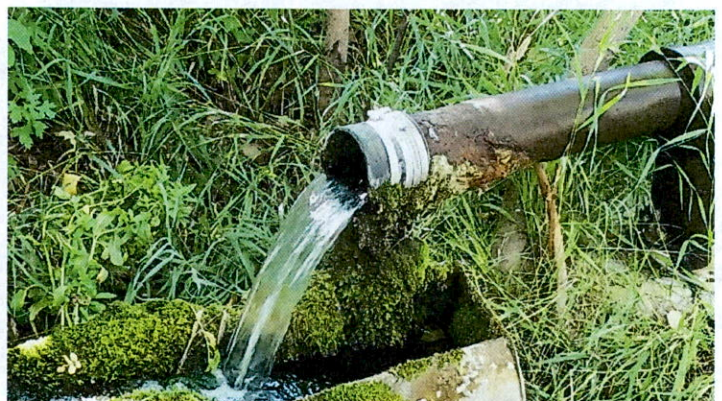


Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 28, 2017



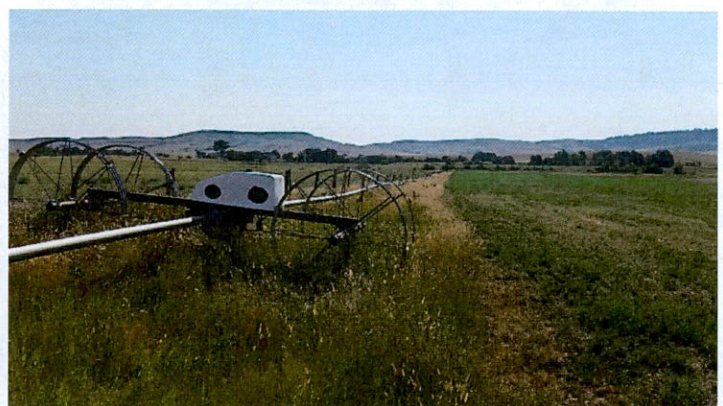
Well #1 with irrigation and domestic lines



Well #2 flowing to open ditch



6" Irrigation outlet from 18" effluent line



quarter mile side wheel roll



876-1
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: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717
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) 876-1. 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) 876-1 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) 876-1 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: QLBKUQ**

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.

876-1

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FAQs >

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Remove X

Your item was delivered at 9:10 am on February 3, 2020 in BELLE FOURCHE, SD 57717.

 **Delivered**

February 3, 2020 at 9:10 am
Delivered
BELLE FOURCHE, SD 57717

Get Updates ✓

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Tracking History

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GENE E JOHNSON		
19610 US HWY 85		
BELLE FOURCHE SD 57717		
PS Form 3800, April 2015 PSN 7530-02-000-9047		
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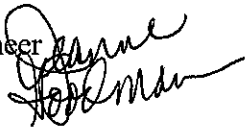
876-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 876-1

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Right No. 876-1 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

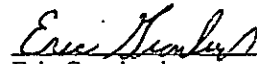
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

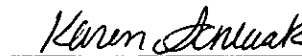
Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

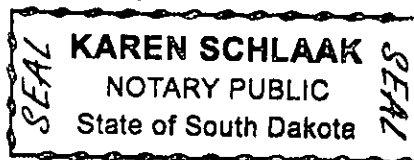
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 876-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 876-1 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the recommendation to the Board will be for a three year suspension.**
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 **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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://danr.sd.gov/iq> using this password: CGYNUC**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 14, 2022

876-1

Gene E Johnson
19610 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Johnson:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 876-1. 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
Genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 876-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 876-1 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 **March 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EJTRKP**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2024

876-1

Gene Johnson
19610 US HWY 85
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 876-1. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: GENE E JOHNSON, 19610 US HWY 85, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 876-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 876-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 876-1 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 **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PFPKSZ**

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.



876-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 8, 2025

TO: David & Patrica Johnson Family Trust, 1010 Johnson Ln, Spearfish SD 57783
Lazy JB Ranch LLC, 19610 US HWY 85, Belle Fourche SD 57717
Matthew Johnson, 19424 US HWY 85, Belle Fourche SD 57717

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
523 E Capitol Ave, Pierre SD 57501 *Amanda Dewell*

SUBJECT: Water Permit No. 876-1 Ownership and Additional Permitting

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information on annual water use from our state's waters. This year, it was found that the holder of Water Permit No. 876-1, Gene Johnson, has passed away.

Water Permit No. 876-1 authorized the diversion of water from two wells for the irrigation of 71.3 acres located in portions of Section 23, T7N, R2E. Although, a field inspection conducted for the purpose of licensing the irrigation system found an additional un-permitted 48.5 acres developed. Correspondence was sent to Mr. Gene Johnson urging him to bring the system into compliance but no response was ever received.

With the passing of Mr. Johnson, I am writing you to determine how Water Permit No. 876-1 should be divided, based on ownership, as well as request that you review the developed irrigated acres and bring the system into compliance, as was requested in 2017.

I have enclosed a map that was made by the Water Rights Program staff following the inspection conducted in 2017. Once you've reviewed the map and determined what portions of the irrigated acres, assuming irrigation is still taking place, please contact me to discuss how ownership should be transferred and what additional acres need to be applied for, accordingly.

Amanda.Dewell@state.sd.us or (605) 773-3352