

Water Right Number 1315-2

1. Considered 1-22, 19 76
2. Name of Applicant LAWRENCE J. MARKUS
3. Post Office Address CROOKSTON, NEBRASKA
4. Amount of water claimed 2.2
5. Source of water supply GROUND WATER (274' DEEP WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 156
7. Water to be diverted and used in TODD County
about 13S, 6 1/2 W Miles of MISSION
8. Proof of Publication
Received 1-5-76
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 1315-2
 Map No. 1113-2 Water Division No. 2 KEVAPAH RIVER District
 (Must be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER

To appropriate water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant Lawrence J. Markus
 Postoffice address Oriskany, State Nebraska 69212
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Labor - direct
 3. Name of diversion work Lawrence Markus Irrigation Project # 2
 4. Amount of water claimed (cubic feet per second) 2.2
 5. Source of water supply well
 6. Location of point of diversion 1860' N 45° W at SE corner Section 3
T 36 N - R 30 W
 County Todd
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use: Total number of acres to be irrigated 156

(a) 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.	Land Description	No. Acres Irr.
NW 1/4 of SE 1/4 Sec 3 - 36-30	46		
NE 1/4 of SE 1/4 Sec 3	39		
SW 1/4 of SE 1/4 Sec 3	39		
SE 1/4 of SE 1/4 Sec 3	38		

Attach sheet if more than 40 acres are needed

10. Time required to complete construction of water supply system 6 mos years. Additional time required to complete application of water to the proposed beneficial use + 4 yrs years.
 11. Choice of newspaper for Notice of Intent to Appropriately Water publication MISSION S.D. PAPER
 12. Principal Features of the Proposed Water Supply System.

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

Electrically driven deep well turbine

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

closed main line

C. Works proposed to apply water to beneficial use.

center pivot irrigation machineEstimated Total Cost \$60,000

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 BrookingsI, Lawrence Markus, 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.

Subscribed and sworn to before me this

Signed John F. W. [Signature]13 day of Oct, 1975

Notary Public for other qualified officers

P. E. # 1916

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1315-2

LAWRENCE J. MARKUS
(Applicant)

CROOKSTON
(Post Office Address)

NEBRASKA 69212
(State)

With the following modifications:

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

Date of first receipt of application OCTOBER 16, 19 75

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

Date of receipt of corrected application OCTOBER 27, 19 75

Approved JANUARY 22, 19 76 Recorded in Book 14 Page 183

WATER RIGHT PERMIT NO. 1315-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1315-2 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 OCTOBER 16, 19 75

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22, 19 78

3. The whole of said work is to be completed on or before JANUARY 22, 19 81

4. The limit of time from proof of beneficial use appropriated in accordance herewith is JANUARY 22, 19 84

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 2.70 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 JANUARY 22, 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 27TH day of JANUARY, 19 76

WATER RESOURCES COMMISSION

By:

John Hatch
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

- (1) Drill Hole, Diameter 30", Depth 271'
- (2) Casing, Type Steel, Diameter 12", Thickness 3/16"
(wood, concrete, steel, etc.)
- (3) Perforated Screen
Type Continuous Slot, Diameter 12", Length 40'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 60'

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 See attached sheet

Depth to top of water bearing material 65'

Depth to bottom of water bearing material 274'

Thickness of water bearing material 209'

Depth to water (ground surface to water level) 80'

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

On same owner's property No water rds. On property owned by others 320+ 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.

James J. [Signature]
Signature of Applicant

Chase Well Drilling, Inc.

AINSWORTH, NEBRASKA 69210

PHONE 387-1680

Lawrence Markus
Crocketon, Nebr.
Well #4
East of place

WELL LOG

0	-	8	Coarse sandstone
8	-	38	Loose sandstone
38	-	60	Firm sandstone
60	-	65	Sand and clay streaks
65	-	76	Sand
76	-	80	Loose sandstone
80	-	120	Firm sand
120	-	140	Firm sandstone and clay streaks
140	-	151	Firm sand
151	-	152	Hard sandstone (coarse)
152	-	200	Firm sandstone
200	-	220	Firm sandstone (coarse)
220	-	221	Clay streaks
221	-	250	Firm sand
250	-	260	Loose sand and clay streaks
260	-	264	Loose sand and clay streaks
264	-	274	Loose sand
274	-	280	Clay and sand
280	-	290	Clay
290	-	300	Red clay and rock

80' Static Water Level

Should produce approximately 600 GPM

It is assumed this well log will suffice for both Sec 3 & Sec 11. There have been test holes dug in Sec 11 which is nearly identical. See log for John D. Walking on his application.

There is also a well in Sec 36 - 37 - 30 which is identical.

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Lawrence Markus
ADDRESS: Civankston Nebraska
COUNTY: Todd

LEGAL DESCRIPTION

1. WELL LOCATION: SEC of 3 - 36 - 30
2. AREA TO BE IRRIGATED: SE⁴ of 3 - 36 - 30

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Pasture corn & alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-3; 6-9; 9-21 (Anecdotal based soils)
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Kalena: Holst (s) 10';
Holt-Holst fine sa. lo; Anecdotal - based fine sandy loam

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 75-932 (Same aquifer as in Sec 11)
8. SALINITY: EC = 355 (medium)
9. SODIUM: SAR = 0.18 (low)

the land capability for irrigation information has been acquired from

and:

James B. Fisher x

27 day of Sept 1975.

John P. Curran

PEH 1916

(Title)



1315-2

Publish first publication, on or before January 8, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 8, 1975

Notice is hereby given that Lawrence J. Markus
whose post office address is Crookston, Neb., 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 use
2 1/2 cubic feet of water per second of time from the ground water through the
Markus Irrigation Project No. 2 the point of diversion of which is to be located in the _____

Center of the SE 1/4
of Section 3, Twp. 36N, Range 60W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE 1/4, SECTION 3, T36N, R36W

This application No. 1315-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 1976, at 2:30PM M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/by Lawrence J. Markus
cc: Crookston, Nebraska 60312

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Margaret Sigert hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Todd Co. Tribune

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 Mission

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

Thursday, December 11, 1975
Thursday, December 18, 1975

Margaret Sigert
(Signature)

Co. Owner
(Title)

12-20-75
(Date Signed)

Notice of Intent to
Appropriate Water

Notice is hereby given that
Lawrence J. Markus whose post
office address is Crookston,
Neb. has made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 2.2 cubic feet of
water per second of time from
the ground water through the
Markus Irrigation Project No. 2,
the point of diversion of which is
to be located in the Center of the
SE $\frac{1}{4}$ of Section 3, Twp. 36N,
Range 30W. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land: SE $\frac{1}{4}$,
SECTION 3, T36N, R30W.

This application No. 1315-2 will
be considered by the Water
Rights Commission at their
office at Pierre upon the 22nd day
of January, 1976, at 2:30 p.m. All
interested persons may appear
and be heard.

WATER RIGHTS

Commission

By: Burton F. Jones

Water Rights

Specialist

Pub. Dec. 11 and 18



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57401

December 30, 1975

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

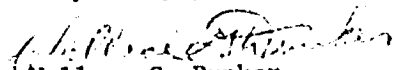
Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on January 22, 1976, at 2:30 p.m., a Hearing will be held by the Water Rights Commission at their office at Pierre, South Dakota on the applications of Lawrence J. Markus of Crookston, Nebraska, for permits so appropriate for beneficial use (1) 2.2 cubic feet of water per second of time from the ground water, the point of diversion being in the Center of the SE $\frac{1}{4}$ of Sec. 3, T. 36 N., R. 30 W and (2) 2.2 cubic feet of water per second of time from the ground water, the point of diversion being the Center of the NW $\frac{1}{4}$ of Sec. 11, T. 36 N., R. 30 W. for the purpose of irrigation.

This letter will serve as our written objection to such application for permits to appropriate ground water from within the boundaries of the Rosebud Indian Reservation. The issuance of such permits would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381; Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 313 F. 2d 359.

In filing this objection to the issuance of such proposed permits and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,


Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director
Superintendent, Rosebud Indian Reservation
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Mr. Lawrence J. Markus, Crookston, Nebraska 69212

January 28, 1976

Lawrence J. Marcus
Crookston
Nebraska 69212

Dear Mr. Marcus:

Enclosed herewith is your Water Right Permit No. 1315-2 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1315-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water To Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

Also the Office of the Solicitor, United States Department of Interior in a letter dated December 30, 1975 contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

Your Application No. 1316-2 was deferred to allow the Commission to collect further data regarding drawdown and recharge to the aquifer. The application will retain the priority while in the deferred status.

Sincerely,

JOHN HATCH
Chief Engineer
Division of Water Rights

JH/BFJ/bw
Encl: As stated

ded.

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,

Karen Schlaak

Karen Schlaak
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

*Inclosed please find \$50.00.
Charge for issuing of water License no. 1315-2*

*Resps. Yours
Lawrence J. Markus*

DWNR-814 8/83

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by LawrenceJ. Mackus of Crookston NE holder ofPermit No. 1315-2, bearing the priority of 10-16-1975 19____ authorizingthe diversion of 2.20 cu. ft. per second of the waters of groundwaterfor irrigation purposes, in Todd County.

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

- A. Works used to divert the water: One 274' well with 16" steel casing is used. The pump was made by Sargent. It is size 12EMC, has a capacity of 700 GPM with 5 stages. The motor is an U.S. Electric having a 100 HP rating.
- B. Works used to transport water to place of use:

Pipeline

- C. Works used to apply water to beneficial use: A Valley center pivot having 7 towers and an overall length of 1320' is used. The center pivot has an end gun

The system is in the following condition GoodThe point of diversion is located 1330' N & 1320' W of SE cornersec 3 T36N R30WThe works are capable of diverting and conveying to the place of use 1.6cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: NU¹SE¹ 3 - 34.0NE¹SE¹ 3 - 33.0 SW¹SE¹ 3 - 33.0 SE¹SE¹ 3 - 31.0 all ofT 36N R30Wcomprising a total of 131.0 acres of land and the license should be issued for 1.6 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: // Date 11-16-89Inspected by :
Frank Smith

(signature)

LICENSE FOR PERMIT NUMBER ~~13~~ 1315-21. Legal location of wells: 1330' N & 1320' W of SEcorner sec 3 T 36N R 30W

dams & structures: _____

2. Well Information: Well Drilling Firm Chase Well DrillingNo. of wells 1 Depth 274'Casing a) diameter 16" Screen a) type _____b) length 274' b) length _____c) type steel Static Water Level 80'Pump a) make Sargent Motor a) make US Electricb) model # 32976 b) model no. # C602636-685 85-15982c) size 12 EMC c) horsepower rating 100d) capacity 700 GPH d) motor efficiency rating _____

e) turbine pump _____

no. of stages 5

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

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 Valley
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1350'
- 5) End gun (Y/N) Y
- 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 _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

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

- | | | |
|----------|-------|---|
| <u>✓</u> | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>✓</u> | _____ | 2. Special Qualifications to permit being abided by. |
| <u>✓</u> | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

State of South Dakota
Water License No. 1315-2

(1) Lawrence J. Markus
of HC 78, Box 33, Crookston, Nebraska 69212
made Application No. 1315-2 October 16, 1975 for a water permit to appropriate
2.20 cubic feet per second of water from groundwater
Todd County, South Dakota for Irrigation purposes.
Permit No. 1315-2, with a priority date of October 16, 1975
was approved January 22, 1976 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before January 22, 1981 and for the application to beneficial use of said
water on or before January 22, 1984.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.6 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1330'N and 1320'W of the SE Corner
of Section 3, T36N, R30W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T36N, R30W

Section 3 NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 Acres	(NB)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0 Acres	(DA)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0 Acres	(DC)
S $\frac{1}{4}$ SE $\frac{1}{4}$	31.0 Acres	(DD)
TOTAL	131.0 ACRES	

(4) Pursuant to §46-5-30.1 Lawrence J. Markus
of HC 78, Box 33, Crookston, Nebraska 69212
the holder(s) and/or owner(s) of Water Permit No. 1315-2 is issued a license to appropriate water, the right to use
1.6 cubic feet per second of water from groundwater (one well) with a priority date
of October 16, 1975 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1315-2 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

January 24, 1985

RECEIPT

Division of Water Rights

No 4 9909

South Dakota Department of Water and Natural Resources

Pierre, January 24, 1985

RECEIVED OF Lawrence Markus, HC 78, Box 33, Crookston, NE 69212

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. 1215-2	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)

No. 1315-2

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

January 24, 1985

Lawrence J. Markus
HC 78, Box 33
Crookston, Nebraska 69212

Dear Mr. Markus:

Enclosed herewith is, Water License No. 1315-2. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water laws provide that you have a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:

Enclosures

WNR-817 3/83
Transmittal of Water License

#1315-2
#1548-2

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

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

February 17, 1989

John Markus - Operator
RR
Crookston, NE 69212

Dear Mr. Markus:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

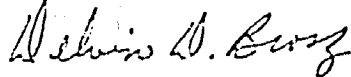


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

1315-2



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

JOHN MARKUS-OPERATOR
HC 78 BOX 33
CROOKSTON NE 69212

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1315-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, 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) 1315-2 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.

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Ron Duvall'.

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



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

JOHN L. MARKUS - OPERATOR
RR
CROOKSTON NE 69212

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1315-2; 1548-2; & 1949-2

The first notice to file chemigation report(s) for Permit No(s) 1315-2; 1548-2; & 1949-2 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1315-2; 1548-2; & 1949-2. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 1315-2; 1548-2; & 1949-2 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.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3

February 11, 1992

JOHN L MARKUS - OPERATOR
RR
CROOKSTON NE 69212

Dear Mr. Markus:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). (1315-2; 1548-2; & 1949-2. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 1992

1315-2
1548-2
1949-2

John L. Markus
HC 78 Box 33
Crookston, NE 69212

Dear Mr. Markus:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 1315-2, 1548-2 and 1949-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Genny McMath'.

Genny McMath
Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

JOHN MARKUS-OPERATOR
HC 78 BOX 33
CROOKSTON, NE 69212

4a. Article Number

Pack 557676

4b. Service Type

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

7. Date of Delivery

2-5-92

5. Signature (Addressee)

John Markus

6. Signature (Agent)

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



January 29, 1993

NOTICE

1315-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: JOHN L MARKUS
HC 78 BOX 33
CROOKSTON NE 69212

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

RE: Violation of Water Permit No(s) 1315-2 & 1548-2, 1949-2 and 1992 Irrigation
Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1315-2 & 1548-2, 1949-2. The request for the Questionnaires 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1315-2 & 1548-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 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 3, 1993, at 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. 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) 1949-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2 & 1548-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



1315-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1993

1315-2
1548-2
1949-2

John L Markus
HC 78 Box 33
Crookston, NE 69212

Dear Mr. Markus:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Permit Nos. 1315-2, 1548-2 and 1949-2.

The questionnaires were received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda pertaining to the questionnaire violations.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
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, 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 pay for the following services (indicate extra fee):

1. ☐ Address Change Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

13152

John Markus, Op.
HC 78 Box 33
Crookston NE 69212

4. Article Number

P378 080 595

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-7-97

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

5. Received By: (Print Name)

Cathy Markus

6. Signature: (Addressee or Agent)

X Cathy Markus

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



1315-2

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

February 4, 1997

NOTICE

TO: JOHN MARKUS-OPERATOR
HC 78 BOX 33
CROOKSTON NE 69212

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 1315-2; 1548-2 & 1949-2

The first notice to file chemigation report(s) for Permit No(s) 1315-2; 1548-2 & 1949-2 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 1315-2; 1548-2 & 1949-2. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 1315-2; 1548-2 & 1949-2 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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 57501-3181

February 4, 1997

NOTICE

TO: JOHN MARKUS-OPERATOR
HC 78 BOX 33
CROOKSTON NE 69212

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 1315-2; 1548-2 & 1949-2

The first notice to file chemigation report(s) for Permit No(s) 1315-2; 1548-2 & 1949-2 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 1315-2; 1548-2 & 1949-2. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 1315 2; 1548-2 & 1949-2 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.



1315-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1st, 1997

1315-2
1548-2
1949-2

John L Markus
HC 78 Box 33
Crookston, NE 69212

Dear Mr. Markus:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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



1315-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: JOHN L MARKUS - OPERATOR
RR
CROOKSTON, NE 68212

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

RE: Failure to Report Chemical Use under Water Permit No(s) 1315-2; 1548-2; & 1949-2

The first notice to file chemigation report(s) for Permit No(s) 1315-2; 1548-2; & 1949-2 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 1315-2; 1548-2; & 1949-2. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 1315-2; 1548-2; & 1949-2 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. 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.

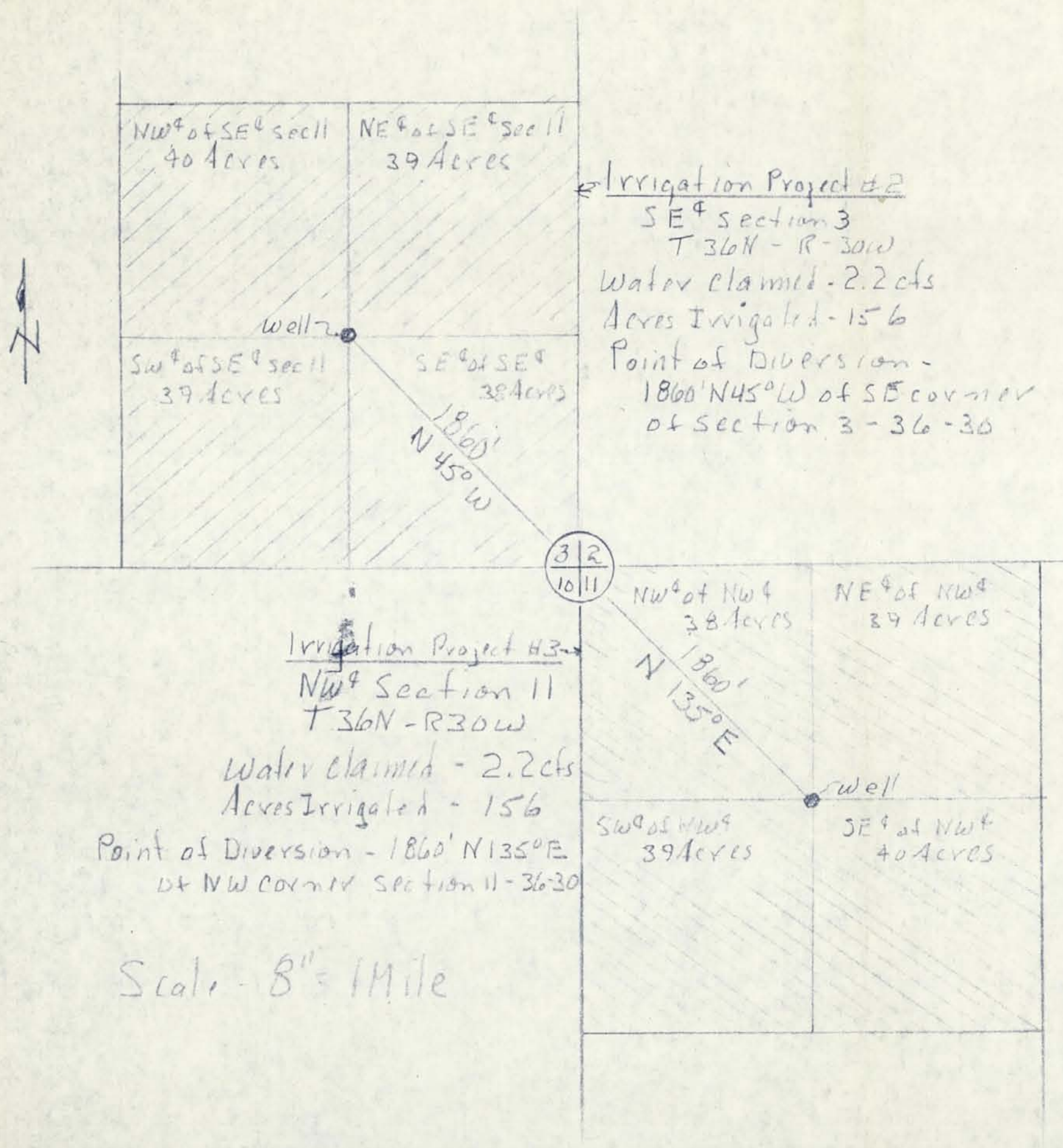
NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

cc: Lawrence J Markus, HC 78 Box 33, Crookston NE 68212

LAWRENCE J. MARKUS

IRRIGATION PROJECTS # 2 + 3

Crookston 69212 Nebraska
Todd County



Surveyor's Certificate
 I, John L. Wiersma, do hereby Certify that
 this map represents a reasonably accurate
 record of the land of:
 Lawrence J. Markus
 Crookston 69212 Nebraska
 Todd County
 Drawn by J.L.W.
 John L. Wiersma
 South Dakota
 10-13-75
 P.E. #1916
 Brookings S.D.

MAP # 113-2 APPL # 1315-2

NOT TO SCALE

37-30

153 R

78.4

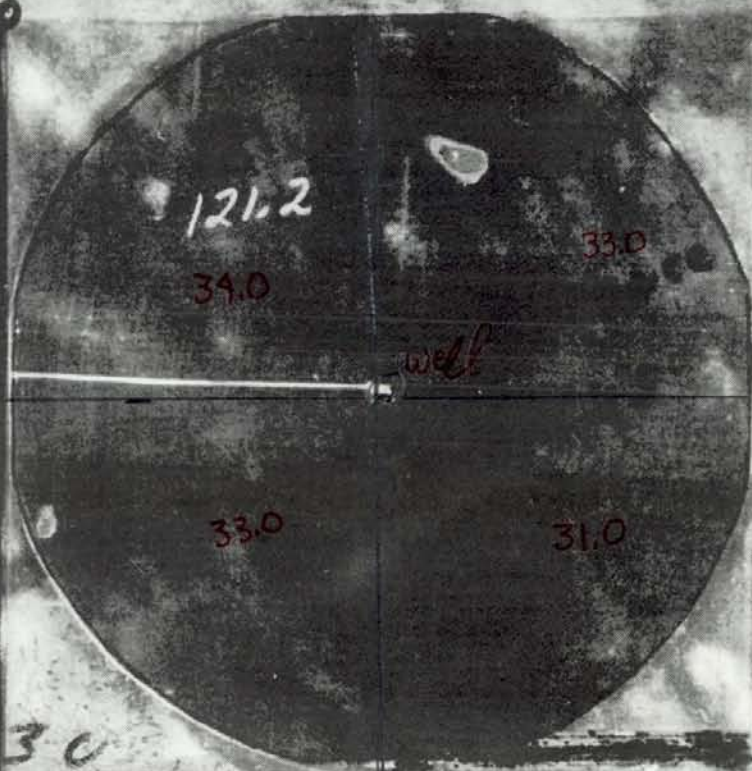
78.4

30

81.6

STANFORD
PAVELKA

36 30



WIR
1315-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 3, 2006

1315-2

John L Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

I am in the process of updating our irrigation questionnaire database and making sure that all addresses and ownership records are current.

I noticed that for several years we have been mailing the annual questionnaire for Water Right No. 1315-2 to you as "operator". The water right, listed in the name of Lawrence Markus authorizes irrigation of the SE ¼ Section 3, T36N, R30W.

Is our information still correct? Should the water right be listed in Lawrence's name with you as the operator or do you actually own the land?

If you would, please take a few minutes to either call or write and let me know if everything is still up to date. I am enclosing a postage paid envelope for your reply. Thank you in advance for your help.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 2006

1315-2

John L. & Cathy Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. & Mrs. Markus:

Thank you Cathy for calling and confirming the ownership change needed for Water Right No. 1315-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

AUG 17 2006

WATER RIGHTS
PROGRAM

No. 1315-2

Date: _____

I/We request that Water Right No. 1315-2

formerly owned by: Lawrence Markus

be transferred to: (name & address) John MARKUS

HC 78 Box 33

CROOKSTON Ne. 69212

Telephone No. 605-429-3233

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

131 acres – SE ¼ Section 3, T36N, R30W

I/We understand that the validity of Water Right No. 1315-2 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John MARKUS, the new owner, certify that the above information is true and correct.

John Markus
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 17, 20 06

RECEIVED OF John Markus, HC 78 Box 33, Crookston NE 69212

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 <u>1315-2</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02551

By

Darlene Ebele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 2006

1315-2

John Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

Thank you for following up on the ownership change for Water Right No. 1315-2. The transfer has been completed. The water right formerly listed in the name of Lawrence Markus is now listed in your name.

Enclosed is your Receipt No. 02551 in the amount of \$2.50. 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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2009

John L Markus
HC 61 Box 10
Merriman NE 69218-9600

RE: Water Right/Permit Nos. 1315-2, 1548-2, 1949-2, 2434-2, 2471-2 and 2559-2

Dear Mr. Marcus:

Enclosed is a "Notice" dated October 16, 2009 concerning your 2009 irrigation questionnaires.

The notice was originally mailed to HC 78 Box 33, Crookston NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

1315-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: XJXINK**

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.

1315-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

John L Markus
29861 SD Hwy 73
Merriman NE 69218-6526

RE: Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2

Dear Mr. Markus:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

1315-2



**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: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 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) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: SSNZSH**

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.

1315-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

John L Markus
29861 SD Hwy 73
Merriman NE 69218 6526

RE: Irrigation Questionnaires for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2

Dear Mr. Markus:

I am writing to acknowledge receipt of the information for your 2021 irrigation questionnaires. I completed forms for you based on my conversation with Mrs. Markus.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. 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: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 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) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: EXCABH**

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

January 23, 2024

1315-2, 1548-2, 1949-2,
2434-2 & 2471-2

John L Markus
29861 SD HWY 73
Merriman NE 69218

Dear Mr. Markus:

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). 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit number have 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

Cc: Julie Battershaw-Fernau, Western Oil Inc & Western Oil Trans Inc.