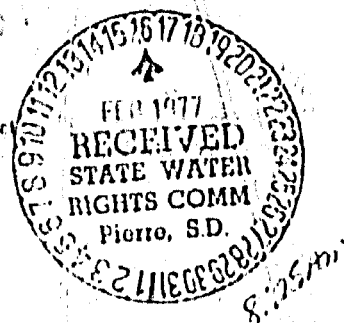


Water Right Number 1548-2

1. Considered 3-24, 19 77
2. Name of Applicant JOHN L. MARKUS
3. Post Office Address CROOKSTON, NEB.
4. Amount of Water claimed 1.90
5. Source of Water supply 500' WELL
6. Water to be used for IRR.
- Acres to be irrigated 132
7. Water to be diverted and used in Todd County  
about 12 S, 7 1/2 W miles of MISSION
8. Proof of Publication Received 3-14-77  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_
10. Remarks:

Form 2 - Application for Permit to Appropriate Water (Original) (Includes Approval and Permit)

No. 1548-2  
Map No. 1319-2 Water Division No. 2 KEYAPAH RIVER District \_\_\_\_\_  
(Blanks to be filled by the Engineer for the W. H. 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 John L. Markes  
Postoffice address Crescent, State Nebraska 69512  
(If a corporation show date and place of incorporation \_\_\_\_\_)  
2. Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_  
3. Name of diversion work \_\_\_\_\_  
4. Amount of water claimed (cubic feet per second) 1.9  
5. Source of water supply well  
6. Location of point of diversion Sec 31. 39. 29

- County Todd  
7. Annual period or periods during which water is to be used May 1st to Sep 15th  
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 13.2

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. |
|-------------------------------------|----------------|------------------|----------------|
| <u>NE 1/4 - SW 1/4 - 31. 39. 29</u> | <u>33</u>      |                  |                |
| <u>SE 1/4 - SW 1/4 - 31. 39. 29</u> | <u>33</u>      |                  |                |
| <u>NW 1/4 - SW 1/4 - 31. 39. 29</u> | <u>33</u>      |                  |                |
| <u>NE 1/4 - SW 1/4 - 31. 39. 29</u> | <u>33</u>      |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.  
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County - MISSOURI  
12. Principal Features of the Proposed Water Supply System.

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

well

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

center pivot

C. Works proposed to apply water to beneficial use.

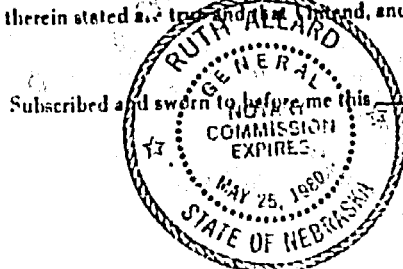
3 sprinkler

Estimated Total Cost \$50,000

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 Todd  
I, John Markes 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 John Markes  
15 day of Feb 19 77  
Ruth Allard  
Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1548-2

JOHN L. MARKUS  
(Applicant)

CREOLESTON  
(Post Office Address)

NEBRASKA 69212 With the following modifications:  
(State)

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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application FEBRUARY 16, 19 77

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

Date of receipt of corrected application FEBRUARY 18, 19 77

Approved NOVEMBER 30, 19 77, Recorded in Book 19 Page 166

WATER RIGHT PERMIT NO. 1548-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1548-2 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 FEBRUARY 16, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 30, 19 80
3. The whole of said work is to be completed on or before NOVEMBER 30, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 30, 19 82
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 1.4 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 NOVEMBER 30, 19 82; said water to be used during the following described annual period: MAY 1 TO SEPTEMBER 15

Witness my hand this 6<sup>TH</sup> day of DECEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John H. Hall  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_

Water License Issued \_\_\_\_\_, 19 \_\_\_\_

February 3, 1977

Mr. John L. Markus  
Crookston, NE 69212

Dear Mr. Markus:

Your water sample (Lab. No. 77-159) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

P.S. This letter pertains to SW 1/4 31.

UNDERWRITTEN  
COMMISSION  
FORM W1 #1

STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME John L. Markus

ADDRESS Crookston, Nebraska 68212

COUNTY Todd Co., So. Dak.

LEGAL DESCRIPTION

1. WELL LOCATION Center of SW 1/4 31-37-29
2. LOCATION OF AREA TO BE IRRIGATED Approximately 133 acres located in the SW 1/4 31-37-29

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT X \_\_\_\_\_ GUN \_\_\_\_\_
4. CROPS TO BE IRRIGATED Corn

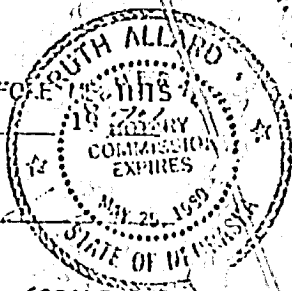
WATER QUALITY

5. SAMPLE NUMBER 77-159
6. SALINITY (EC X 10<sup>6</sup>) 360 (medium)
7. SODIUM (SAR) 0.16
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Todd Co. Conservation District, County Extension office or Soil Conservation Service.  
and:  
that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE  
38 DAY OF Jan

(TITLE OR SEAL)



APPLICANT'S SIGNATURE

APPROVED/RECEIVED

(SOILS INFORMATION ON REVERSE SIDE)

Form 2A Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 3.0, Depth 300
- (2) Casing, Type steel, Diameter 1 1/2, Thickness 1/4  
(wood, concrete, steel, etc.)
- (3) Perforated Screen  
Type metal slot, Diameter 1/4, Length 3 inches
- (4) Gravel Pack, Thickness 8 inches, Length of gravel pack 3.0 ft

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Depth to top of water bearing material 130

Depth to bottom of water bearing material 320

Thickness of water bearing material 190

Depth to water (ground surface to water level) 130

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

On same owner's property \_\_\_\_\_ rds. On property owned by others 100 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.

John Markes  
Signature of Applicant

Publish first publication, on or before March 10, 19 77NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 4, 19 77

Notice is hereby given that John L. Markus  
whose post office address is Crookston, Nebraska ~~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  
1.4 cubic feet of water per second of time from ~~the~~ ground water through the  
J.L. Markus #2, the point of diversion of which is to be located in the

Center of SW $\frac{1}{4}$ 

of Section 31, Twp. 37N, Range 20W. Said water to be used for the purpose  
of providing irrigation on the following described land:  
SW $\frac{1}{4}$ , Section 31, T37N, R20W

This application No. 1548-2 will be considered by the Water Rights Commission at their office at  
Pierre upon the 24th day of March, 19 77, at 10:00 A. M. All interested  
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON  
Water Rights SpecialistBFJ/bw John L. Markus, Crookston, Nebraska 69212  
cc:

Form B - Proof of Publication - Notice of  
Intent to Appropriate Water

No. 1548-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Deuel ) ss.

I, Kenneth A. Harn hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Deuel County 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

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

March 10, 1977  
March 17, 1977

Kenneth A. Harn  
(Signature)

Bookkeeper  
(Title)

March 10, 1977  
(Date Signed)

Notice of Intent to  
Appropriate Water

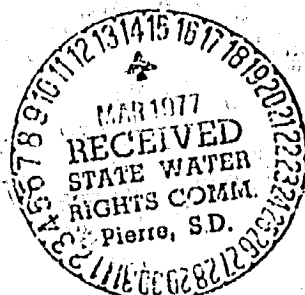
Notice is hereby given that  
John L. Markus whose post office  
address is Crookston, Nebraska,  
has made an application in  
accordance with the provisions  
of the water laws of South Dakota  
for a permit to appropriate for  
beneficial use 1.9 cubic feet of  
water per second of time from  
ground water through the J. L.  
Markus No. 2, the point of  
diversion, which is to be  
located in the Center of SW 1/4  
Section 31, Twp 37N, Range 29W.  
Said water to be used for the  
purpose of providing irrigation  
on portions of the following  
described land: SW 1/4 Section 31,  
T37N, R29W.

This application No. 1548-2 will  
be considered by the Water  
Rights Commission at their  
office at Pierre upon the 24th day  
of March, 1977, at 10:00 a.m. All  
interested persons may appear  
and be heard.

WATER RIGHTS  
COMMISSION

By: James Winterton  
Water Rights  
Specialist

Publ.: March 10 and 17



**REPORT OF ANALYSIS**  
**Water Quality Laboratory**  
**Water Resources Research Institute**  
**South Dakota State University**  
**Brookings, South Dakota 57006**

Submitted by: John L. Marks Date Rec'd January 31, 1977  
 Address: Brookston, Nebraska 69212 Sample No. 77-159  
 Identification Well  
SW4, Sec. 31, T 37N, R 29W

**WATER ANALYSIS**

|                                       |      |                             |      |           |
|---------------------------------------|------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 56   | ppm                         | 2.80 | me/l**    |
| Magnesium (Mg)                        | 11   | ppm                         | 0.90 | me/l      |
| Sodium (Na)                           | 5    | ppm                         | 0.22 | me/l      |
| Potassium (K)                         | 7    | ppm                         | 0.18 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 3    | ppm                         | 0.06 | me/l      |
| Nitrate (as N)                        |      | ppm                         |      | me/l      |
| Chloride (Cl)                         | 2    | ppm                         | 0.07 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 220  | ppm                         | 3.60 | me/l      |
| Carbonate (CO <sub>3</sub> )          |      | ppm                         |      | me/l      |
| Iron (Fe)                             |      | ppm                         |      | me/l      |
| Fluoride (F)                          |      | ppm                         |      | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |      | ppm                         |      | G.P.G.*** |
| Alkalinity (Methyl Orange)            | 130  | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0    | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 360  | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | 0.16 |                             |      |           |
| Sodium                                | 5.36 | % of cations                |      |           |
| Residual sodium carbonate             | 0.00 | me/l                        |      |           |
| pH                                    | 7.65 |                             |      |           |

Others:

\*ppm=parts per million

\*\*me/l=millequivalents per liter

\*\*\*G.P.G.=grains per gallon

COMMENTS: Total cations 4.10 me/l  
 Total anions 3.73 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-159

Amount Enclosed

Signed

Permit No. 1548-2

Water District

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

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

I have this day made a thorough examination of the water use system constructed by John L. Moeke of C. Moeke, ME holder of Permit No. 1548-2, bearing the priority of 1st 16 1977 authorizing the diversion of 1.7 cu. ft. per second of the waters of groundwaters (C. Moeke) for irrigation purposes, in T.33N County.

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

A. Works used to divert the water: The water is pumped from a well using a 200-gal pump, 200 WHP, 1/2 hp, 1/2" dia. The water is a 1/2" electric line, 1/2" dia, 1/2" dia.

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

Pipeline

C. Works used to apply water to beneficial use:

A Valley CP is used to apply the water. It has 8 towers, 170 feet spacing between towers and an overall length of 1300 ft.

The system is in the following condition Good

The point of diversion is located 11.20' E and 13.70' N of Hwy 181  
corner of Section 31, T37N, R29W

The works are capable of diverting and conveying to the place of use 250 GPM - 700 GPM  
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: NW 1/4 31 - 35.0 AC

NE 1/4 31 - 34.2 AC SE 1/4 31 - 28.5 AC SW 1/4 31 - 31.5 AC all of  
T37N R29W

comprising a total of 129.2 acres of land and the license should be issued for 1.85 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 9/1/85

[Signature]  
(signature)

LICENSE FOR PERMIT NUMBER 1548.2

1. Legal location of wells: 1020' East of A 1370' North of the

Sub corner of sec 31 T 37 N R 29 W

dams & structures: \_\_\_\_\_

2. Well Information: Well Drilling Firm Sargent

No. of wells 1 Depth 320

Casing a) diameter 16" Screen a) type \_\_\_\_\_

b) length \_\_\_\_\_ b) length \_\_\_\_\_

c) type steel Static Water Level 11

Pump a) make Sargent Motor a) make U.S. Electric

b) model # 3218A b) model no. R-9985-64-117 R21456100

c) size 1150 c) horsepower rating 100 HP

d) capacity \_\_\_\_\_ GPM 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) siederoli:

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 CP
- 2) number of towers 8
- 3) distance between towers 370'
- 4) overall length 1360'
- 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 850-900

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) PSI

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

- |                                     |                          |                                                                                             |
|-------------------------------------|--------------------------|---------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Special Qualifications to permit being abided by.                                        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. All Structures, wells and lands on map.                                                  |

REMARKS:

DATE RECEIVED

**State of South Dakota**  
**Water License No. 1548-2**

(1) John L. Markus  
of RG 73, Box 33, Crookston NE 69212  
made Application No. 1548-2, February 16, 1977 for a water permit to appropriate  
1.9 cubic feet per second of water from groundwater (one well),  
Todd County, South Dakota for irrigation purposes.  
Permit No. 1548-2, with a priority date of February 16, 1977  
was approved November 30, 1977 and issued to applicant(s) for diversion of water with construction of the described  
water supply system to be completed on or before November 30, 1982 and for the application to beneficial use of said  
water on or before November 30, 1982.

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 1.85 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is 1620'E and 1370'N of the SW corner  
of Section 31, T37N, R29E (CA)

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 lands all in T37N, R29W

Section 31 NW 1/4 SW 1/4 35.0 acres (CB)

NE 1/4 SW 1/4 34.2 " (CA)

SE 1/4 SW 1/4 28.5 " (CD)

SW 1/4 SW 1/4 31.5 " (CC)

TOTAL 129.2 acres

(4) Pursuant to §46-5-30.1 John L. Harts

of HC 72, Box 33, Crookston NE 69212

the holder(s) and/or owner(s) of Water Permit No. 1548-2 is issued a license to appropriate water, the right to use

1.25 cubic feet per second of water from groundwater (aquifer) with a priority date

of February 16, 1977 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. 1548-2 and subject to South Dakota State Law.

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

DEC 20 1985

REPRODUCTION,  
REDUCTION

3.5.1

ROLL NO. 22-11

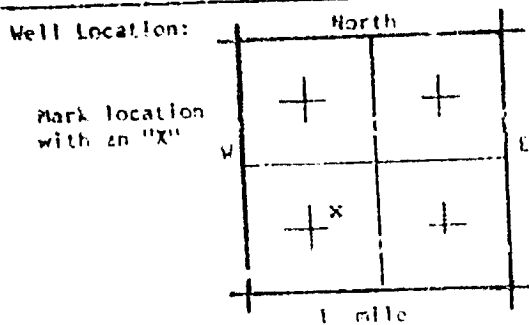
DATE MICROFILMED

CAMERA OPERATOR

**WELL DRILLERS REPORT**  
**SOUTH DAKOTA WATER RIGHTS COMMISSION**

4-78

Well Owner:  
 Name John Markus  
 Address Crookston, Nebraska



County Todd  
 SW 1/4 NE 1/4 Sec. 36 Twp. 37 Rg. 30

Proposed Use:  
☐ Domestic ☐ Municipal ☐ Test Holes  
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:  
☐ Forward Rotary ☐ Bored ☐ Jetted  
☒ Reverse Rotary ☐ Cable ☐ Other

**Well Construction:**

Diameter of Hole 34  
 Depth 320  
 Casing ☒ Steel ☐ Concrete  
☐ Plastic ☐ Other  
 If other, specify \_\_\_\_\_

Was casing end left open No  
 Was a well screen installed Yes  
 Describe Well Screen  
 Diameter 16" Material Steel  
 Slot size 3" x .125  
 Was well gravel packed Yes  
 Was well grouted No  
 Was water sample taken No

**Remarks:**

ss sandstone  
 sm small  
 lys layers  
 m.sand medium sand  
 cl clay  
 c.sand coarse sand

**Water Level Information:**

Static water level 20 below land surface  
 If flowing: closed in pressure \_\_\_\_\_ PSI  
 rate of flow \_\_\_\_\_ GPM  
 Controlled by:  
☐ Valve ☐ Reducers ☐ Other  
 If other, specify \_\_\_\_\_

**Well Test Data:**

☒ Pumped  
☐ Bailed Described: \_\_\_\_\_  
☐ Other  
 Pumping Level Below Land Surface  
217 ft. After 25 Hrs. pumped 800 GPM  
229 " " 15 " " 948 "  
234 " " 1 " " 1005 "

**Well Log:**

| Formation                      | Depth |     |
|--------------------------------|-------|-----|
|                                | From  | To  |
| sand                           | 0     | 10  |
| clay                           | 10    | 15  |
| sand, ss                       | 15    | 20  |
| sand, ss, sm. mag lys          | 20    | 40  |
| sand, ss                       | 40    | 51  |
| sand, ss, sm. mag lys          | 51    | 80  |
| sand, ss                       | 80    | 90  |
| sand, ss, sm. mag lys          | 90    | 106 |
| sand, ss                       | 106   | 114 |
| sand, ss, sm. mag lys          | 114   | 140 |
| m. sand, ss, sm. mag lys       | 140   | 169 |
| m. sand, ss                    | 169   | 200 |
| m. sand, ss, sm. cl. & mag lys | 200   | 214 |
| m. sand, ss                    | 214   | 224 |

(Use Back if Necessary)  
 JER

Date Completed: April 24, 1981

**Driller:**

Sargent Irrigation Co. 273  
 Driller's or Firm's Name License NO.  
 P.O. Box 70 West Highway 20  
Bassett, Nebraska 68714  
 Address

Bob Wilson 5-15-81  
 Signed By Date



**Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 1548-2

September 5, 1985

John L. Markus  
Crookston, Nebraska 69212

Dear Mr. Markus:

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. 1548-2 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,

Marlene Stirling  
Staff Assistant

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

DWNR-814 8/83



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352



September 18, 1985

1548-2

John L Markus  
HC 78 Box 33  
Crookston NE 69212

Dear Mr. Markus:

This will acknowledge receipt of and thank you for the \$50.00 fee you submitted September 17, 1985. On September 5, 1985 our office mailed you two separate letters, each requesting a \$50.00 filing fee. One fee was for a water permit application and one was for inspection and issuance of Water License No. 1548-2.

The \$50.00 fee just received has been applied to the permit application. An additional \$50.00 fee is still required for the inspection and issuance of Water License No. 1548-2. Upon receipt of \$50.00 fee from you, your water license will be issued and forwarded to you.

If you have any questions, please advise.

Sincerely,

*Genny McMATH*

GENNY MCMATH  
Natural Resources Analyst

GM:ks

*Equal Opportunity Employer*

# RECEIPT

Division of Water Rights

No 4 10197 •

South Dakota Department of Water and Natural Resources

Pierre, September 25, 1935

RECEIVED OF John Markus, RC 76, Box 33, Crookston RE 62212

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. 156 -                        | 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

(S)



No. 1548-2

# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

DEC 20 1985

John Markus  
HC 78, Box 33  
Brookston NE 69212

Dear Mr. Markus:

Enclosed herewith is, Water License No. 1548-2. 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:ls

Enclosures

WNR-817 3/83  
Transmittal of Water License



## Department of Water & Natural Resources

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

#1315-2  
#1548-2

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,

*John Hatch*

JOHN HATCH, Chief Engineer  
Water Rights Division

1548-2



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

JOHN L. MARKUS  
HC 78 BOX 33  
CROOKSTON NE 69212

NOTICE

RE: Violation of Water Permit Nos 1548-2, 1949-2 and 1991 Irrigation  
Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for .  
Permit Nos 1548-2, 1949-2. The request for the Questionnaires 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 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) 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 9:15 am, March 4, 1992, 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) 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.

If the questionnaires are received in this office before the March 4th hearing date, 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



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 DUVALL, 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 57501-3181

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,

A handwritten signature in cursive script, appearing to read 'Don Frye'.

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,

Genny McMath  
Natural Resources Analyst  
Water Rights Division



1548-2

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  
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.

1548-2



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*

Genny McMath  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352



February 4, 1997

**NOTICE**

1548-2

**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  
for John Hatch, Chief Engineer  
Water Rights Program

**SUBJECT:** Violation of Water Permit No(s) 1949-2, 1315-2 & 1548-2 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1949-2, 1315-2 & 1548-2. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997 in 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) 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.

If the questionnaires are received in this office on/or before February 28, 1997, 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 (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.



1548-2

**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.

1548-2



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 9, 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



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 69212

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:

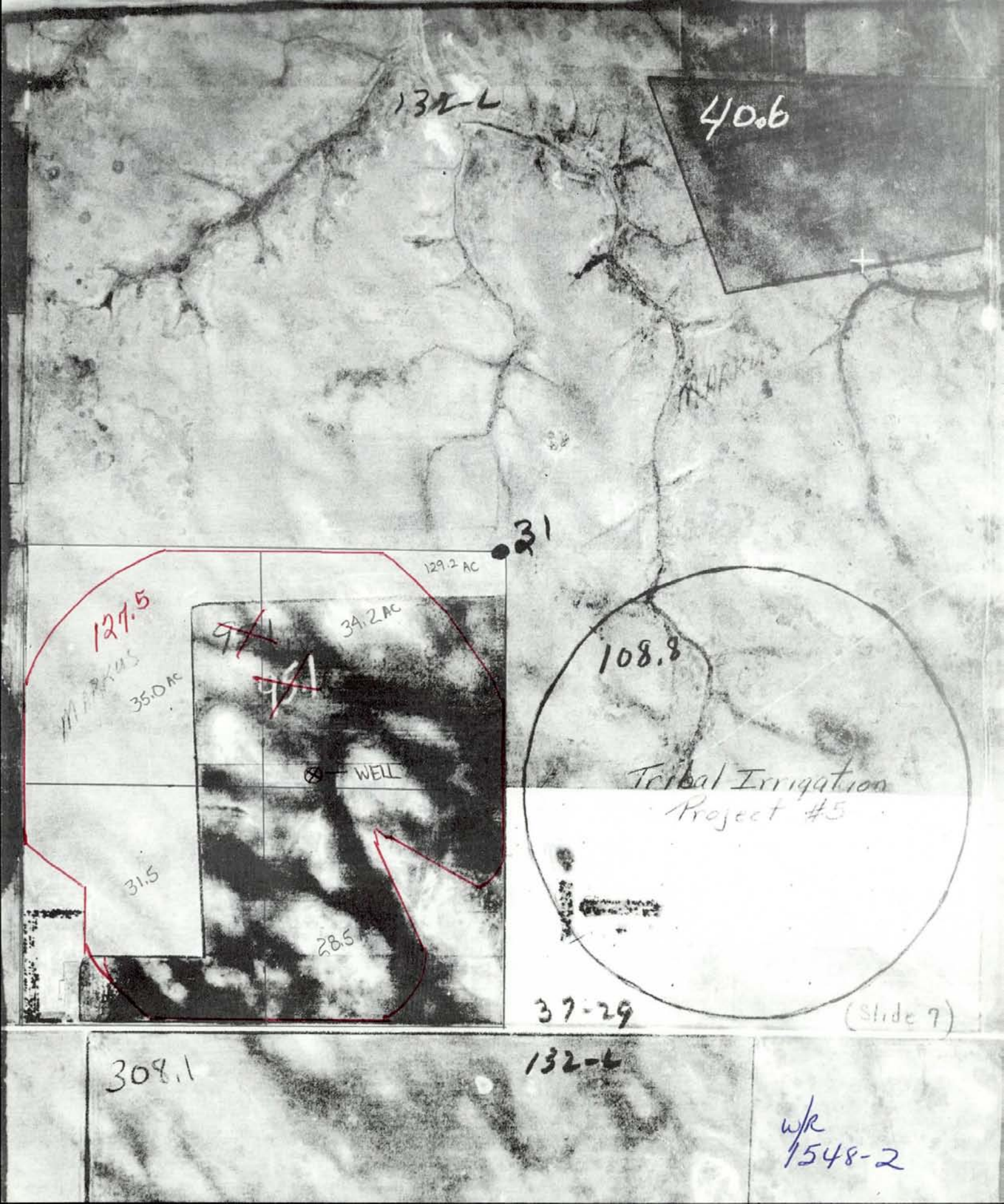
1. Suspend or cancel Permit No(s). 1315-2; 1548-2; & 1949-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 69212

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://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](mailto:genny.mcmath@state.sd.us)

enclosures

1548-2



**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](mailto: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.

1548-2



**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". The signature is written in a cursive, flowing style.

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

1548-2



**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](mailto: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.

1548-2



**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](mailto: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.