

WATER PERMIT NO. 2354-2

Name of Applicant: Wayne Johnson

Address: Box 202, Martin SD 57551

Phone: 605 685-6794

Amount of Water Claimed: 2.56 cfs

Total Acres: 240 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Bennett

Type of Waste Disposal System: NA

Location: 24 miles east of Martin

PRIORITY

Date Received: 2-6-96

Fee: \$275

Corrected Application Received:

Period of Annual Use: May 1 - Sept 30

Remarks:

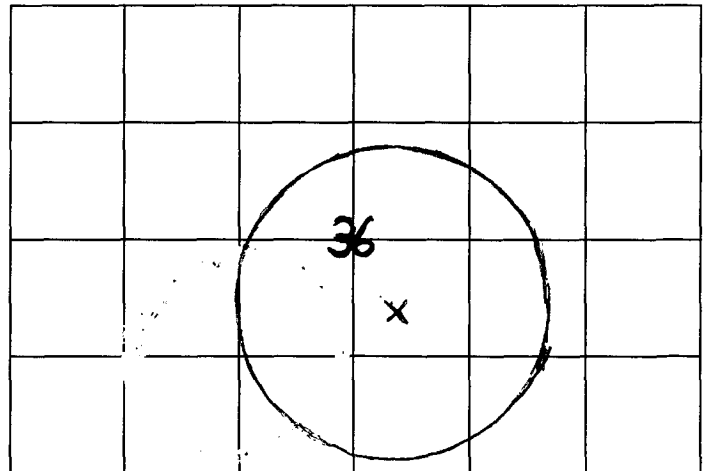
Diversion Point: NW 1/4 SE 1/4 Sec 36-

T38N-R34W

Land to be Irrigated: SE 1/4 NW 1/4, E 1/2

SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 36-

T38N-R34W



Depth of Well: 305 feet deep

Well Driller: Grosch Irrigation Co., Inc.

Remarks:

Type of Map: aerial

Prepared by: Diane Gronlund, NRCS

Reviewed and the Number Assigned on: 2-6-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2354-2</u> Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u> Newspaper <u>Bennett Co. Booster II, Martin, SD</u>



Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Wayne Johnson ☒ Owner ☐ Tenant/Lessee Phone 605-685-6794
Mailing Address Box 202 Martin State SD 57551
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 2.56 *CFS or 1150 **GPM ***AF Total Acreage 220 ~~240~~
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply groundwater
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in NW1/4 SE 1/4
Section 36 T38N R34W County Bennett
5. County or counties where water will be used Bennett
6. Annual period during which water is to be used May/June July Aug. Sept. 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>S² SE⁴ NW⁴</u>	<u>19</u>		
<u>E² SW⁴</u>	<u>68</u>		
<u>S² NE⁴</u>	<u>35</u>		
<u>SE⁴ all in Sec. 36 T38N R34W</u>	<u>118</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
Center Pivot Irrig. to be located SE 1/4 Sec 36 T38N R34W

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA) ss
County of Bennett

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

Signed Wayne Johnson
Subscribed and sworn to before me this 5th day of February 19 96
Nancy Storch Comm expires 10-17-99
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2354-2**

Date of first receipt of application February 6, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2354-2 to Wayne Johnson, Box 202, Martin SD 57551 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2354-2 appropriates 2.56 cubic feet of water per second from one well (Ogallala Formation) 305 feet deep located in the NW 1/4 SE 1/4 Section 36 to irrigate 240 acres located in the SE 1/4 NW 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 36; all in T38N-R34W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 30.
3. The date from which applicant may claim right is February 6, 1996.
4. The date of approval of Permit No. 2354-2 is March 18, 1996.
5. One-fifth of the construction is to be completed on or before September 18, 1998.
6. All construction is to be completed on or before March 18, 2001.
7. Water is to be put to beneficial use on or before March 18, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2354-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 26 1996
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 305'
- b) Casing Type 5dr 26 PVC Diameter 16" Thickness .620
- c) Screen Type Slotted Diameter 16" Thickness .620
- d) Gravel Pack Thickness 7" Length of Gravel Pack 285'
- e) Depth to Top of Water Bearing Material 128'
- f) Depth to Water (ground surface to water level) 128'
- g) Distance to nearest existing domestic well:
On applicants property 1 mi. On property owned by others 1 1/2 mi.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

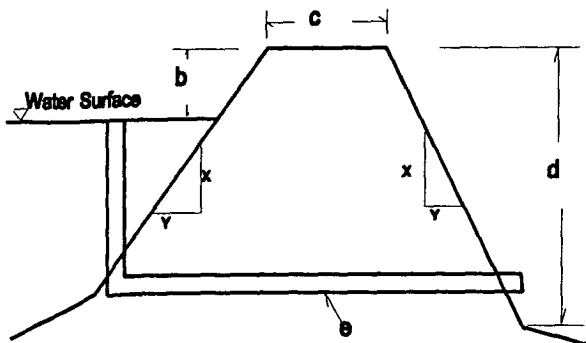
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414778

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 6, 19 96

RECEIVED OF Wayne or Karren Johnson, Box 202, Martin, SD 57551

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

Fee for Application for Permit No. <u>2354-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By John Hatch 
Chief Engineer

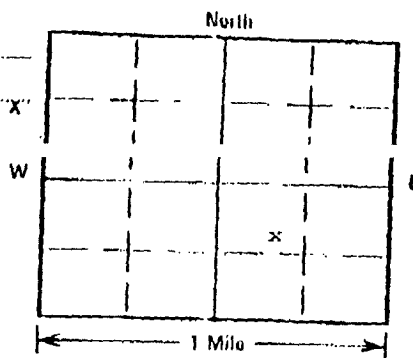
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SE 1/4 Sec 36 Twp 38 Rg 34

County Bennett

Please mark well location with an "X"



Well Completion Date March 28, 1996

Well Owner: Wayne Johnson

Business Name:

Address: P.O. Box 202

Martin, S.D. 57551

WELL LOG

FORMATION	DEPTH	
	FROM	TO
sandy top	0	1
sand	1	6
sandy clay & sand	6	22
sandstone & thin clay layers	22	36
fine sand & few thin clay layers	36	55
sandstone & fine sand	55	63
sand & sandstone	63	102
fine-med sharp pepper sand & thin clay layers	102	122
clay	122	124
fine pepper sand, sandstone & thin clay layer	124	153
sandstone & thin clay layer	153	161
sandstone & limestone	161	164
medium sharp pepper sand	164	178
medium-coarse sharp pepper sand	178	200
medium sharp pepper sand w/ some coarser layers	200	301
red rock	301	320

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, food lot, etc.)? ft. from NA (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

reverse circulation with air assist

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
 16.15 LB/FT 16 IN 1' AGL FT 165' DGL FT 30" IN
 LB/FT IN FT FT FT IN
 LB/FT IN FT FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
 cement 50 15.5 lb./gal 0 ft 20 ft
 lb./gal ft ft

Describe grouting procedure

pumped Tremie pipe

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter 16.0 IN Length 110' FT

Material PVC

Slot Size .051 Set From 163' Feet to 303 Feet

Other Information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION:

Was well disinfected upon completion? YES, How:

X NO, Why Not?

NA

Laboratory sent to for water quality analysis

STATIC WATER LEVEL

122

If flowing: closed in pressure NA PSI

GPM flow through inch pip

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

- ☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

145 ft. After 2 Hrs. pumped 000 GPM

157 ft. After 2 Hrs. pumped 1250 GPM

If pump installed, pump rate 1250 GPM

REMARKS

This well was drilled under license # 189

And this report is true and accurate.

Drilling firm Grosch Irrigation Co., Inc.

Signature of License Representative:

Signature of Well

Owner Holder:

Date:

NOT TO SCALE

111 21
T2055

Butman

151.0
2
T2054



121
38.34

111 321

Butman 136

85.4
TOTAL

T1395

approximately
240 acres
to be irrigated

center

85.4

NW
HE



radius ≈ 1824 ft

Dennis L. Lundquist
District Conservationist
21155 1st Avenue
Boulder, Colorado 80501

111 321

2354-2

REPORT ON WATER PERMIT APPLICATION NO. 2354-2

for Wayne Johnson

February 14, 1996

Application No. 2354-2 proposes to appropriate 2.56 cfs (1150 gpm) from one well approximately 305 feet deep located in the NW 1/4 SE 1/4 of section 36 to irrigate 240 acres located in the SE 1/4 NW 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4, SE 1/4 of section 36; all in T38N R34W in Bennett County.

AQUIFER - OGALLALA (OGLL)

The Ogallala consists of fine to medium mostly quartz sand and sandstone with minor amounts of clay and carbonates. The Ogallala lies unconformably upon the Arikaree Formation (locally called redrock) in this area. The aquifer is unconfined and under water table conditions. The Ogallala underlies 280,960 acres and contains an estimated 2.8 million acre feet of recoverable water in storage in Bennett County (Allen, 1984). The aquifer extends into Todd County to the east, Shannon County to the west and into Nebraska to the south. Also, the underlying Arikaree is considered an aquifer and is probably hydraulically connected to the Ogallala to some extent. The test hole log filed with this application indicates sand and sandstone from the land surface with minor amounts of clay to a depth of 301 feet. At the bottom of the hole, redrock was encountered from 301 to 320 feet (this is probably Arikaree).

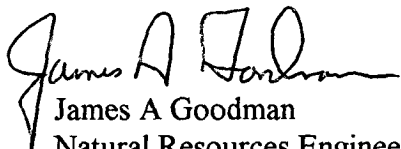
The Water Rights Program monitors an observation well (BT-78K) which is completed into the Ogallala and located about 1/2 mile southeast of the well location for this application. Water levels for this well show response to climatic conditions, that is, rising water levels due to wet climatic conditions and gradually declining water levels due to dry years. Also, it appears that there is some affect resulting from pumping of nearby irrigation wells. This amounts to about one foot of annual fluctuation. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 1674-2 which is located just south of this application. The well for this water right is approximately 1/2 mile south of the well for this application. This water right is also held by the applicant. Interference is not expected to be a concern. Significant drawdown caused by pumping does not extend very far from an individual production well. This is confirmed by the observation well hydrograph which is included with this report.

CONCLUSIONS

1. Water is available from the Ogallala Group.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern. The observation well hydrograph does not indicate that significant drawdown extends very far from the production well.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

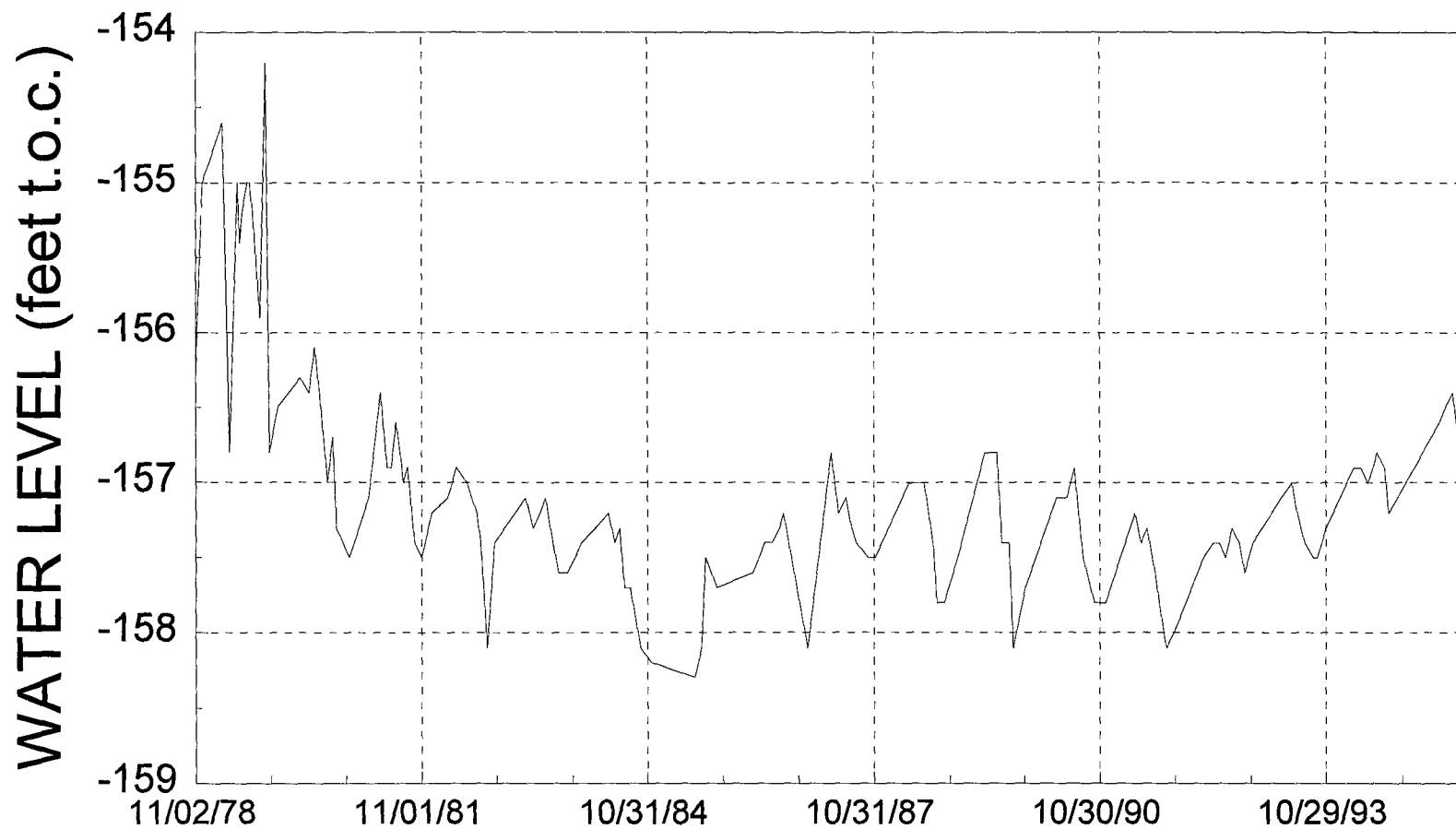
BIBLIOGRAPHY

Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1996, Unpublished Observation Well Records for Bennett County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

BT-78K



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2354-2, Wayne Anderson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2354-2, Wayne Anderson, P.O. Box 202, Martin, SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2354-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2354-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 20, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 21, 1996

Wayne Johnson
Box 202
Martin, SD 57551

Dear Mr. Johnson:

Water Permit Application No. 2354-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Bennett Co. Booster II printed at Martin, SD (Ph # (605) 685-6866). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1996

Bennett Co. Booster II
Box 610
Martin, SD 57551-0610

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2354-2 to be published twice. Please publish the first notice on February 28, 1996, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Wayne Johnson, Box 202, Martin, SD 57551 (Ph # (605) 685-6794).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 28, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2354-2 to Appropriate Water

Notice is given that Wayne Johnson, Box 202, Martin, SD 57551 has filed an application for a water permit to appropriate 2.56 cubic feet of water per second from one well (Ogallala Formation) 305 feet deep located in the NW 1/4 SE 1/4 Section 36 to irrigate 240 acres located in the SE 1/4 NW 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 36; all in T38N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2354-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota }
County of Bennett } ss.

Dale Lewis

being duly sworn, says: the Bennett County Booster II is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was

published in said newspaper for 2 successive issues, bearing the following dates:

February 28, 1996

March 6, 1996

, 19

, 19

, 19

, 19

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$34.84, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Dale Lewis

Subscribed and sworn to before me this 7 day

of March, 1996.

Mary Lewis

Notary Public
County of Bennett, South Dakota

My commission expires June 27, 192002.



NOTICE

NOTICE OF APPLICATION NO. 2354-2 to Appropriate Water

Notice is given that Wayne Johnson, Box 202, Martin, SD 57551 has filed an application for a water permit to appropriate 2.56 cubic feet of water per second from one well (Ogallala Formation) 305 feet deep located in the NW 1/4 SE 1/4 Section 36 to irrigate 240 acres located in the SE 1/4 NW 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 36; all in T38N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2354-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, S.D. 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.
2TC-40



Water Rights Program -- DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2354-2

ADDRESS: COUNTY: Bennett

DATE: March 14, 1996 TELEPHONE:

RE: Call from Kelly O'Connell, Range Conservationist with the BIA

COMMENTS:

Mr. O'Connell called concerning Water Permit Application No. 2354-2 filed by Wayne Johnson. He stated that the application was adjacent to trust land. Pat Keegan, an operator on trust range land called them concerning the application. Mr. Keegan is concerned about the impact to his domestic wells which are the only source of water for his cattle in the area.

This area must take the form of a checker board between trust land and privately owned property in Bennett County. I explained that a report prepared on the application found the Ogallala Group has water available and that interference is not expected to be a concern. I further stated that an observation well is located approximately 1/2 mile from the proposed application which fluctuates about one foot annually. The chief engineer's recommendation is for approval of the application with qualifications (standard well interference, well construction and irrigation questionnaire).

I explained domestic use takes precedence over appropriative rights in South Dakota. I also stated the four criteria that are looked at prior to the approval of any water permit. Mr. O'Connell wanted a letter from water rights stated that absolutely nothing will ever happen to domestic wells in the area. He seemed worried about the BIA's liability if anything ever happens to wells on trust lands. I told him I can provide a letter explaining our recommendation (with qualifications) and state statutes regarding domestic use. Mr. O'Connell is concerned that the wells will be impacted after the system is operational. He said then it will be too late to protect domestic use, especially in area where this is the only source of water for livestock.

I explained that Mr. Johnson's application was currently out for public notice and that any person has until March 18, 1996, to petition to intervene. Mr. O'Connell wanted to know if any further study was going to be conducted prior to the water permit being issued. I stated that if no one intervenes that the water permit will be issued based on the chief engineer's recommendation.

I faxed him a copy of the notice, report and recommendation.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1996

Kelly O'Connell, Range Conservationist
BIA, Pine Ridge Agency
Box 1203
Pine Ridge, SD 57770

Dear Mr. O'Connell:

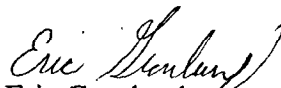
I am writing to follow up to our phone conversation concerning Wayne Johnson's Water Permit Application No. 2354-2. I faxed you a copy of the notice, staff report and chief engineer's recommendation on this application. Enclosed is a hard copy of this information and the water rights law of South Dakota.

You expressed concern that development of an irrigation system by Mr. Johnson may adversely impair domestic use of water on adjacent trust land. Domestic use of water takes precedence over all appropriative rights in South Dakota (SDCL 46-1-5). A permit to appropriate water may be issued only if there is reasonable probability that unappropriated water is available, the proposed diversion can be developed without unlawful impairment of existing rights, the use is beneficial and in the public interest (SDCL 46-2A-9).

Review of any application includes investigating water availability and potential for affects to domestic use and prior water rights. Review of this application found that water from the Ogallala formation is capable of sustaining additional withdrawals. Additionally, records from a nearby observation well indicate that there is not significant drawdown in the Ogallala formation from pumping of nearby irrigation wells. Based on this information the Chief Engineer's recommends approval of Application No. 2354-2 with qualifications. The first qualification requires the well owner control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Thank you for taking the time to call and express your concerns. I hope you find this information is helpful.

Sincerely,


Eric Gronlund

Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 26 1996

Wayne Johnson
Box 202
Martin, SD 57551

Dear Mr. Johnson:

Enclosed is Water Permit No. 2354-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

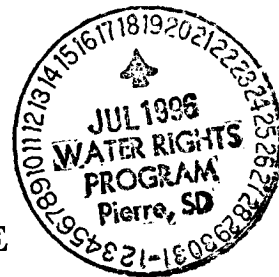
Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



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

Date July 16 1996

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

FROM: Wayne Johnson Box 202
(name) (address)
Martin SD 57551 605-685-6794
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2354-2.

Water Permit No. 2354-2 states that the diversion system is to be constructed by Mar. 2001, and that the water is put to beneficial use by
(date)

Mar 2005.
(date)

The diversion system was completed on May 21 1996.
(date)

Applying the water to beneficial use was completed on July 1 1996.
(date)

You may schedule an inspection so that the Water License may be issued.

Wayne Johnson
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1998

2354-2

Wayne Johnson
P.O. Box 202
Martin, SD 57551

Dear Mr. Johnson:

The investigation of your water use system was conducted on November 19, 1997, by Tim Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2354-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415661

Pierre, February 24 19 98

RECEIVED OF Wayne Johnson, P.O. Box 202, Martin, SD 57551

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. 2354-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hatch (Signature)

Permit No. 2354-2
White River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 19, 1997, made a thorough examination of the water use system constructed by Wayne Johnson of PO Box 202, Martin, SD 57551 holder of Permit No. 2354-2, bearing the priority of February 6, 1996 authorizing the diversion of 2.56 cu. ft. per second of the waters of groundwater for irrigation purposes, Bennett County.

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

A. Works used to divert the water:

Ingersoll-Dresser turbine pump, Model No. 512KSH, with 125 Hp General Electric Motor, Model No. 5K6268XHIA, 1150 gpm capacity

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

Approximately 40 feet of 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

T-L hydraulic drive 10 tower center pivot

The system is in the following condition good. The point of diversion is located 1880 ft. north & 2080 ft. west of the SE corner of Section 36-T38N-R34W (NW ¼ SE ¼). The works are capable of diverting and conveying to the place of use 2.56 (1150 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:

Section 36-T38N-R34W

SE ¼ SW ¼---22 acres

NE ¼ SW ¼--39

SE ¼ NE ¼ -- 9

SW ¼ NE ¼--30

SE ¼ NW ¼ -18

SE ¼ SE ¼---13 acres

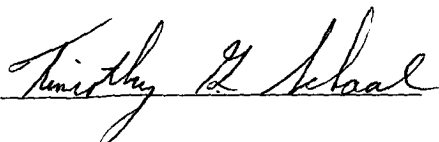
SW ¼ SE ¼ ---35

NW ¼ SE ¼ --40

NE ¼ SE ¼ ---26

comprising a total of 232 acres of land and the license should be issued for 2.56 cfs.
Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: January 13, 1998



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2354-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 19, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Wayne Johnson

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Wayne Johnson, PO Box 202, Martin, SD 57551

DIVERSION POINT LEGAL LOCATION: 1880 ft. north & 2080 ft. west of the SE corner of Section 36-T38N-R34W (NW ¼ SE ¼)

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch Irrigation Co. Inc.
- 2) No. of Wells 1
- 3) Depth(s) 305 feet
- 4) Well log is available yes
- 5) Comment: XXXX

Casing:

- 1) Diameter 16 inches
- 2) Length 165 feet
- 3) Type PVC

Screen:

- 1) Type slotted PVC
- 2) Length 140 feet
- 3) Static water level 122 feet

Pump:

- 1) Make Ingersoll-Dresser
- 2) Model 512KSH
- 3) Size XXX
- 4) Capacity 1150 GPM

Motor:

- 1) Make General Electric
- 2) Model No. 5K6268XHIA
- 3) Horsepower rating 125 hp

Hydraulic Drive:

15 Hp Lincoln AC Motor, Model 254TC with Vickers

Hydraulic pump

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length 40 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make T-L Hydraulic Drive
- 2) Overall length approx. 1750 feet
- 3) Number of towers 10
- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure low
- 7) Capacity 1150 GPM

CHEMIGATION EQUIPMENT:

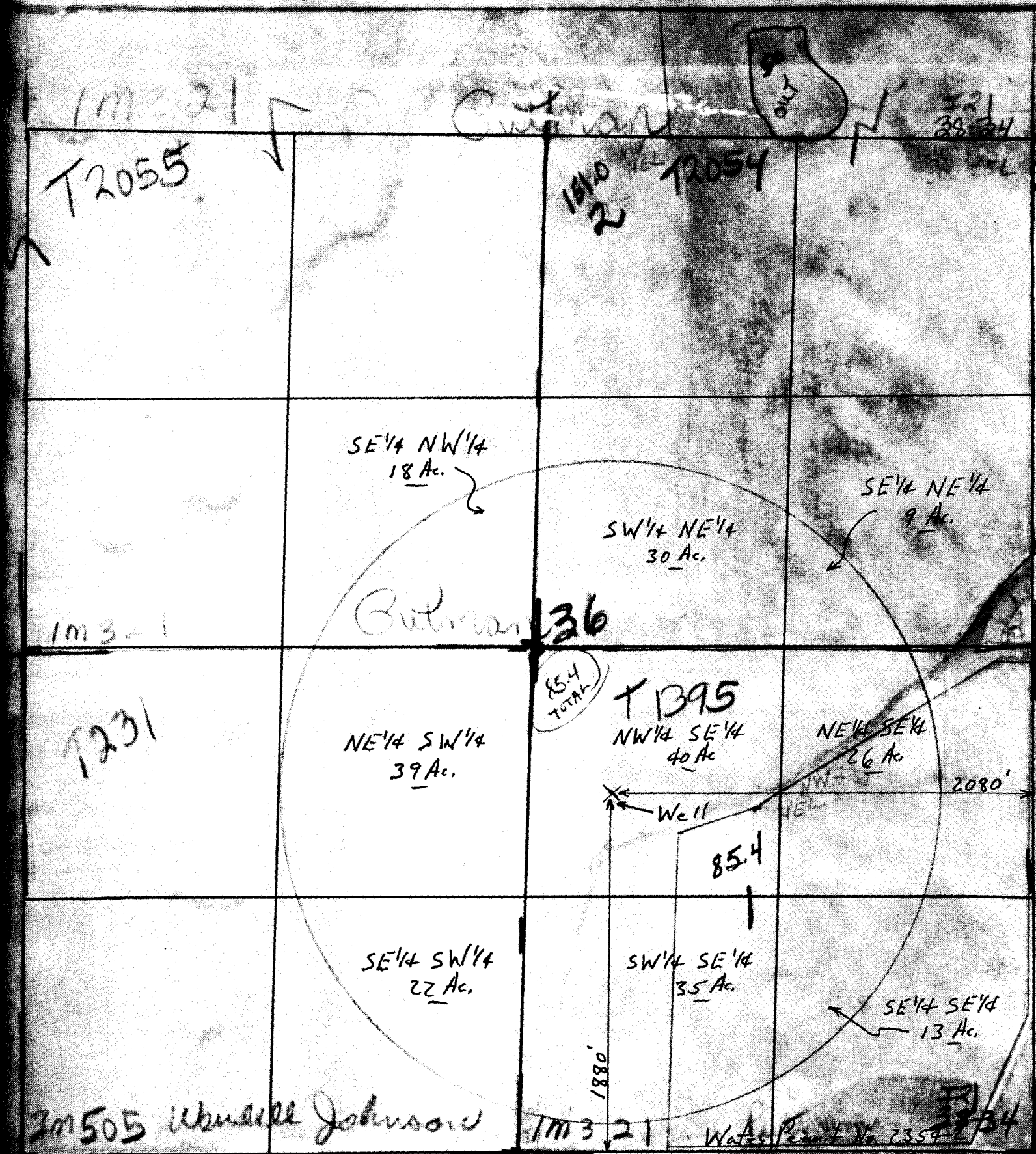
- 1) Does chemigate No- but has check valve

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

W/L. 2354-2

NOT TO SCALE



Timothy L. School
January 13, 1998

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2354-2

(1) Wayne Johnson, PO Box 202, Martin SD 57551-0202 made Application No. 2354-2, February 6, 1996 for a water permit to divert 2.56 cubic feet of water per second from groundwater (one well), Bennett County, South Dakota for irrigation purposes. Permit No. 2354-2, with a priority date of February 6, 1996 was approved March 18, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 18, 2001 and for the application to beneficial use of said water on or before March 18, 2005.

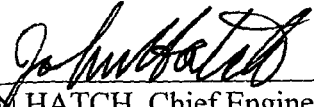
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on July 18, 1996. The *Notice* stated the diversion system was completed on March 21, 1996 and the water placed to beneficial use on July 1, 1996.

(2) It is certified that the applicant 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 2.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,880 feet north and 2,080 feet west of the southeast corner of Section 36-T38N-R34W (NW 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 36-T38N-R34W			
SE 1/4 SE 1/4	13 acres	SE 1/4 SW 1/4	22 acres
SW 1/4 SE 1/4	35 acres	NE 1/4 SW 1/4	39 acres
NW 1/4 SE 1/4	40 acres		
NE 1/4 SE 1/4	26 acres	SE 1/4 NE 1/4	9 acres
		SW 1/4 NE 1/4	30 acres
SE 1/4 NW 1/4	18 acres		
Total 232 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wayne Johnson, PO Box 202, Martin SD 57551-0202 the holder and/or owner of Water Permit No. 2354-2 is issued a license to appropriate water, the right to use 2.56 cubic feet of water per second from groundwater (one well) with a priority date of February 6, 1996 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. 2354-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

2354-2

Wayne Johnson
P.O. Box 202
Martin, SD 57551-0202

Dear Mr. Johnson:

Enclosed is Water License No. 2354-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415661 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2354-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

2354-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2006

1674-2
2354-2

Wayne Johnson
9320 Sheridan Lake Rd
Rapid City SD 57702-9060

Dear Mr. Johnson:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to PO Box 202, Martin SD. 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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 3, 2016

1674-2
2354-2

Barry Wolff
90714 N Eli Rd
Valentine NE 69201 8706

Dear Mr. Wolff:

I am writing in follow-up to our phone conversation concerning water rights held by Wayne Johnson. Mr. Johnson notified our program that he rented the land described in his water rights to you.

Each year we mail out irrigation questionnaires to irrigators in South Dakota to gather information on how much water is used from a particular water source. The information reported to us each year by the irrigators is very valuable. We use it as a management tool to assess how much water is being used and whether additional water is available for new water permits. State law requires us to protect water availability for existing water users before we issue new water permits.

Enclosed as I discussed with you are copies of the water rights and the maps that go with them. They will outline what is authorized for irrigation. I also included the 2014 and 2015 irrigation questionnaires pertaining to each water right. This will give you an idea of the type of information needed and how to complete the forms.

Please review the information and then complete the yellow irrigation questionnaires included in the packet. These need to be completed and returned to our office by December 1st. If you have any questions, please contact me.

Sincerely,

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

enclosures



2354-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: BARRY WOLFF, RENTER, 90714 N ELI RD, VALENTINE, NE 69201 8706

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1674-2 & 2354-2. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1674-2 & 2354-2 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1674-2 & 2354-2 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 questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: OMEDDR**

c: WAYNE JOHNSON, 9320 SHERIDAN LAKE RD, RAPID CITY SD 57702

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

1674-2
2354-2

Barry Wolff
90714 N Eli Rd
Valentine NE 69201-8706

Dear Mr. Wolff:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1674-2 and 2354-2. 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
email: genny.mcmath@state.sd.us

c: Wayne Johnson



2354-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 2, 2021

1674-2
2354-2

Wayne Johnson
9320 Sheridan Lake Rd
Rapid City SD 57702

Dear Mr. Johnson:

Enclosed are the two irrigation questionnaires and cover letter returned by your former renter for land covered under Water Right Nos. 1674-2 and 2354-2.

Please complete and return the forms by **December 3, 2021**. I have changed the records to indicate Mr. Wolff no longer farms the land.

If you have any questions, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 3, 2026

1674-2

2354-2

Wayne Johnson
9320 Sheridan Lake Rd
Rapid City, SD 57702

Dear Mr. Johnson,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us