

WATER PERMIT NO. 2471-2

Name of Applicant: John Markus

Address: HC 78 Box 33, Crookston NE 69212

Phone: 605 429-3233

Amount of Water Claimed: 1.78 cfs

Total Acres: 135 acres

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Todd

Type of Waste Disposal System:

Location: about 20 miles southwest of Mission

PRIORITY

Date Received: 11-8-2001

Fee: \$150

Corrected Application Received::

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: aproximate center of

Sec 36-T37N-R30W

Land to be Irrigated: NE ¼ Sec 36-T37N-R30W

Depth of Well: 290 feet

Well Driller: : _

Remarks:

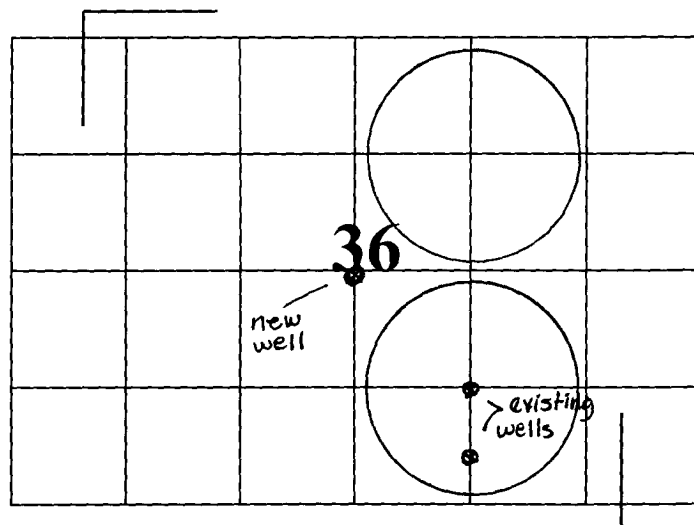
Type of Map: aerial

Prepared by: Daniel R Petrik, NRCS

Reviewed and the Number Assigned on: 11-08-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2471-2

Date of first receipt of application November 8, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2471-2 to John Markus, HC 78 Box 33, Crookston NE 69212 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. 2471-2 appropriates 1.78 cubic feet of water per second (cfs) from one well to irrigate lands authorized by Water Right No. 1949-2. Water Right No. 1949-2 appropriates 2.1 cfs from two wells located in the SE $\frac{1}{4}$ Section 36 to irrigate 265 acres located in the E $\frac{1}{2}$ Section 36; all in T37N-R30W. This permit authorizes 1.78 cfs from one additional well (Ogallala Aquifer) 290 feet deep located in the approximate center of Section 36 to irrigate the 135 acres located in the NE $\frac{1}{4}$ Section 36; all in T37N-R30W. The two existing wells located in the SE $\frac{1}{4}$ Section 36 will be used to irrigate the SE $\frac{1}{4}$ while the new well will supply the NE $\frac{1}{4}$ of Section 36.
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 - October 31.
3. The date from which applicant may claim right is November 8, 2001.
4. The date of approval of Permit No. 2471-2 is January 21, 2002.
5. One-fifth of the construction is to be completed on or before July 21, 2004.
6. All construction is to be completed on or before January 21, 2007.
7. Water is to be put to beneficial use on or before January 21, 2011.
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. 2471-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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. Combinations of diversion authorized by Water Right No. 1949-2 and this Permit may not exceed 1.0 cfs per 70 acres.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 01 2002

date



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	No. <u>2471-2</u> (office use only)
	Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>
	Newspaper <u>Todd Co. Tribune, Mission</u>



Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant John MARKUS Phone 1-605-429-3233
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 78 Box 33 Crookston Ne. State S. DAK 69212
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 135
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 Section 36 T 37 R 30 (approximate center)
County Todd
- County or counties where water will be used Todd
- Annual period during which water is to be used MAY ~~through~~ to Oct. 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>T 37 R 30 Sec. 36 NE 1/4</u>	<u>135</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
One well drilled at center of T 37 R 30 Sec. 36 NE 1/4

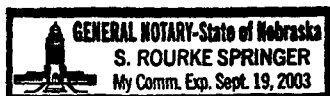
NEBRASKA
STATE OF SOUTH DAKOTA) SS
County of CHERRY

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

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

Applicant's signature John Markus

Subscribed and sworn to before me this 6th day of NOVEMBER 20 01



S. Rourke Springer
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 34" Depth 290
- b) Casing Type PVC Diameter 16" Thickness
- c) Screen Type SDR-26 .057 Diameter 16" Thickness .057
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 110 to 120 ft.
- f) Depth to Water (ground surface to water level) 105'
- g) Distance to nearest existing domestic well: 1/4 mi
- On applicants property ✓ On property owned by others

2. Wastewater Disposal System Information

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

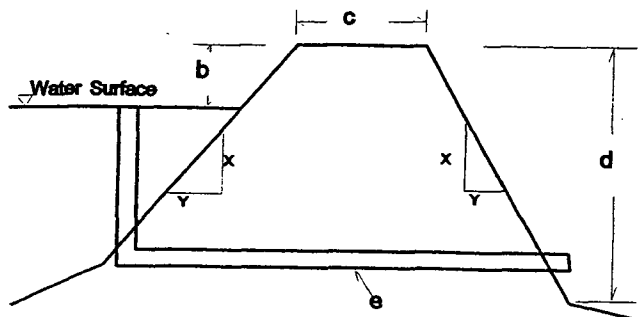
3. Dugout Information

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

4. Water Storage Dams

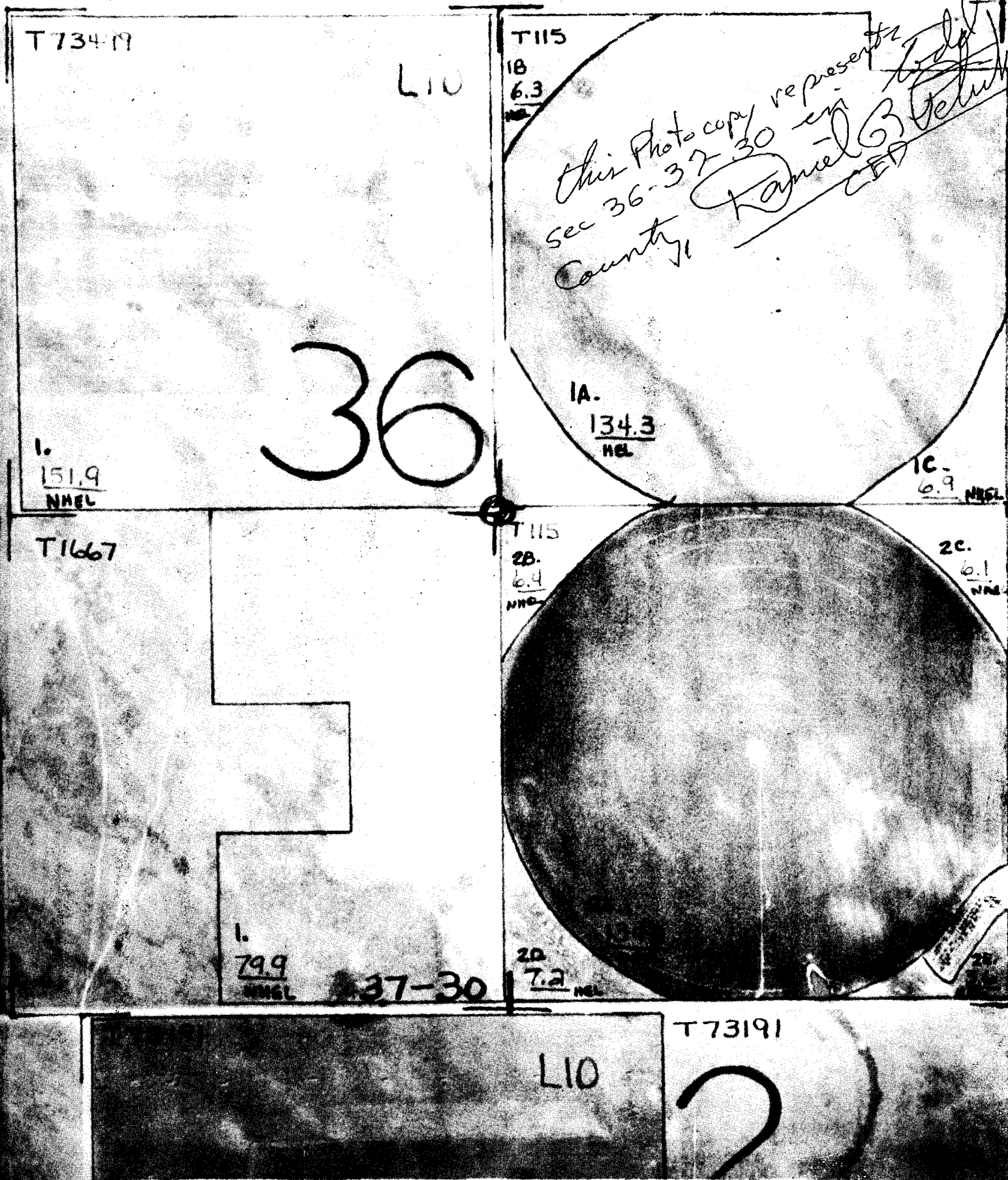
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416964

Pierre, November 8, 2001

RECEIVED OF John or Cathy Markus, HC 78 Box 33, Crookston, NE 69212-9516
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 _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By

Darland Erbe

Chief Engineer

gm

NOTICE OF WELL CONSTRUCTION

36 - 37 - 30

1000

REPRODUCTION, REMOVAL 3/1/77 TEL NO. 42

WELL CONSTRUCTION

Location of well: South 1/2 SE 1/4 36 Section 37 Township 30 Range S.D.

Well owner: Lawrence Markus (Name) Crookston, Nebraska (Address)

Date well drilling completed: 4-26-77 Purpose of well: irrigation (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
0-10	sand	151	ft.
10-19	firm sandstone	137	ft.
19-36	loose sandstone		
36-40	firm sandstone		
40-55	loose ss & clay streaks		
55-57	firm sandstone		
57-63	loose sandstone		
63-64	hard sandstone		
64-73	hard ss & clay streaks		
73-113	loose sandstone		
113-114	hard ss & clay		
114-120	loose sandstone		
120-139	loose ss, clay streaks		
139-140	hard sandstone		

Casing information: In the space below show kind, size, weight, lengths per section, etc., for production casing and surface casing, if used.

Casing is 16 inch .219 wall steel casing
144 feet perforated casing and
151 feet plain casing.

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

Perforated casing has 40 mill slots
per foot. Slots are .150 x 3 inches.

If a flowing well, flow of completed well: _____ G.P.M.

Sargent Irrigation Company
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: 6" Sargent Pipe HP 75
Type of pump: turbine Capacity of installed pump: 450 G.P.M.
Depth of pump placement: 250 ft., Date of pump installation: 5-13-77

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____, tube material: _____

Sargent Irrigation Company
Name of Pump Installation Contractor

Lawrence Markus
Crookston, Nebraska

Test Log Continued from page 1

100-109	sandstone (hard)
109-111	clay & sand
111-118	sandstone (hard)
118-120	sand & sandstone
120-125	sand & sandstone
125-127	hard sandstone
127-140	sand & sandstone
140-151	sandstone
151-152	hard sandstone
152-159	sandstone
159-171	clay
171-180	hard sandstone & clay
180-200	sandstone
200-215	sandstone & clay streaks
215-236	sandstone & clay streaks
236-240	clay
240-248	clay (sandstone in streaks)
248-249	hard sandstone streaks
249-255	clay
255-256	hard sandstone streaks (good)
256-260	sandstone & clay streaks
260-280	sandstone
280-300	coarse sand
300-320	red clay & sandstone streaks (poor)

ORIGINAL RECORDING TAPES
LM 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR FILM AND MICROFILM
REPRODUCTIONS. REACTION 2817
FBI NO. 100

NOTICE OF WELL CONSTRUCTION

36 37-30

(1) WELL CONSTRUCTION

Location of well: Center 1/4 S.E. 1/4 36 Section 37 Township 30 Range S.D.

Well owner Lawrence Markus Crookston, Nebraska
(Name) (Address)

Date well drilling completed 4-21-77 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
0-17	coarse sand	133	ft.
17-20	coarse sand, ss	150	ft.
20-22	sandstone		
22-23	hard sandstone		
23-25	coarse sand		
25-32	hard sandstone		
32-40	sand, ss	299	ft.
40-50	sand	299	ft.
50-59	sand, ss		
59-60	hard sandstone		
60-80	sandstone		
80-90	sandstone, hard sand		
90-91	clay streak		
91-100	sandstone (hard)		

Attach sheet if more space is needed

Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.

Casing is 16 inch .219 wall steel casing
166 feet perforated casing and
133 feet plain casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

Perforated casing has 40 mill slots
per foot. Slots are .150 x 3 inches

If a flowing well, flow of production well _____ G.P.M.

Sargent Irrigation Company
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump 6" Sargent Pipe HP 75

Type of pump turbine Capacity of installed pump 450 G.P.M.

Depth of pump placement 260 ft., Date of pump installation 5-13-77

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 40.408 of Chapter 464, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft, tube diameter _____, tube material _____.

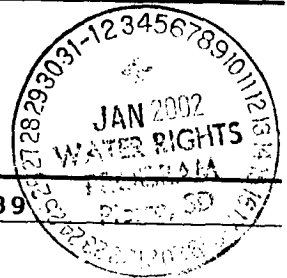
Sargent Irrigation Company
Name of Pump Installation Contractor

Lawrence Markus
Crookston, Nebraska

Test Log continued from page 1

140-150	loose sandstone & clay streaks
150-151	hard sandstone
151-155	loose sandstone
155-156	hard sandstone
156-160	loose sandstone
160-180	loose sandstone (good)
180-196	sand & loose sandstone (good)
196-200	hard sandstone & clay streaks
200-221	loose sandstone & clay (poor)
221-229	sandstone & clay
229-240	sand & clay streaks
240-260	firm sandstone & little clay streaks
260-275	firm sandstone (good)
275-276	hard sandstone
276-293	sand & clay
293-300	clay
300-320	red clay & red rock bottom

Date: 12-24-01



GROSCH IRRIGATION CO., INC.

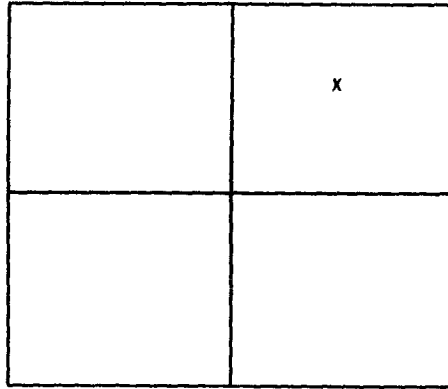
BRANCH O'NEILL

DATE 10/30/01

1

NAME Markus

ADDRESS Crookston



NE 1/4 36 SEC 36 TN 30 RA

Todd / SD

(LOCATE TEST WITH X)

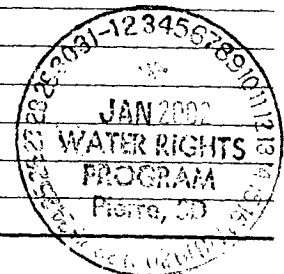
PIVOT _____ FEET FROM _____ LINE

_____ FEET FROM _____ LINE

TEST LOG

FOOTAGE		DESCRIPTION	
0	2	TOP SOIL	20
2	10	SANDSTONE	40
10	12	LIMESTONE	60
12	33	SANDSTONE	80
33	42	SANDY CLAY	100
42	45	FINE SAND	120
45	56	SANDSTONE / FINE SAND LAYERS	140
160	67	FINE PEPPER SAND / THIN SANDSTONE LAYERS	160
67	92	FINE PEPPER SAND / SANDSTONE / THIN CLAY LAYERS	180
92	123	MEDIUM PEPPER SAND / THIN SANDSTONE & CLAY LAYERS	200
123	130	CLAY / THIN SANDSTONE LAYERS	220
130	183	SANDSTONE / THIN CLAY LAYERS - FINE & TIGHT	240
183	212	CHUNKY SANDSTONE / CLAY LAYERS	260
212	218	SOFT SANDSTONE / THIN CLAY LAYERS	280
218	238	FINE TO MEDIUM PEPPER SAND / HIGH SILT CONTENT	300
238	250	MEDIUM TO COARSE PEPPER SAND	320
250	251	SANDSTONE LAYERS	
251	262	MEDIUM TO COARSE PEPPER SAND	
262	275	SANDSTONE / CLAY & MAGNESIA LAYERS	
275	320	REDROCK	

APPROX SWL 105'



DRILLER

BRETT SHOLES

Grosch Irrigation Co., Inc.

Well Drilling and Complete Installations

402-336-1805 / 800-603-1805 / Fax 402-336-1401

R.R. 1 Box 77J

O'Neill, NE 68763

SOUTH DAKOTA WATER RESOURCES

ATTN: KEN BUELLER

November 13, 1901

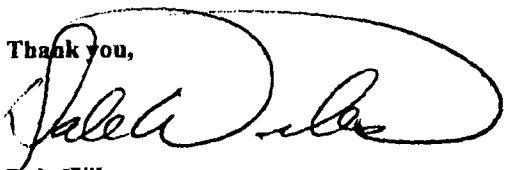
Re: Test well / NE 1/4 36-37-30 Todd Co., SD

We are requesting permission to construct a test well on the NE 1/4 36-37-30 - Todd Co.

prior to approval of a water permit for John Markus.

Estimated well depth at 290 ft to be drilled per South Dakota well construction standards.

Thank you,



Dale Wiles

Branch Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2001

Dale Wiles
Grosch Irrigation Co., Inc.
RR 1, Box 77J
O'Neill, NE 68763

Dear Mr. Wiles:

This is verification of the verbal authorization granted via telephone with Ken Buhler on November 13, 2001. As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for John Markus prior to approval of a water permit. The test well is to be completed into the Ogallala aquifer in the NE¼ Sec. 36, T37N-R30W, Todd County. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 2471-2
for John Markus
December 4, 2001

Application No. 1949-2 proposes to appropriate 1.78 cfs (800 gpm) from one well to irrigate lands authorized by Water Right No. 1949-2. Water Right No. 1949-2 appropriates 2.1 cfs from two wells located in the SE $\frac{1}{4}$ of section 36 to irrigate the E $\frac{1}{2}$ of section 36; all in T37N R30W in Todd County. This application proposes to appropriate 1.78 cfs from one additional well approximately 290 feet deep located in the approximate center of section 36 to irrigate 135 acres located in the NE $\frac{1}{4}$ of section 36; all in T37N R30W. The two existing wells located in the SE $\frac{1}{4}$ of section 36 will be used to irrigate the SE $\frac{1}{4}$ while the new well supplies the NE $\frac{1}{4}$ of section 36. Water Right No. 1949-2 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

AQUIFER - OGALLALA (OGLL)

The Ogallala aquifer consists primarily of a poorly sorted, fine to medium grained sandstone with some interbedded clay and silt. The aquifer underlies 950 square miles and contains an estimated 17.0 million acre feet of water in storage in Todd County (Carter, 1998). The aquifer is under unconfined or water table conditions in this area. Ground water moves primarily from west to east across the area of this application. However, just to the north ground water moves north and west to the Little White River and southeast of this area ground water moves to the southeast. The Ogallala aquifer directly overlies the Arikaree aquifer in this area and it appears that the water levels for the Ogallala are higher than the Arikaree over most of the area. This would indicate the potential for downward movement of ground water. The Ogallala aquifer also extends into Bennett County to the west, Tripp County to the east and into Nebraska to the south.

Well logs for the two existing irrigation wells in the immediate area are available. These logs indicate mostly sand and sandstone or Ogallala aquifer from the surface to a depth of 290 to 300 feet. These wells have a static water level of about 137 to 150 feet and were capable of producing about 450 gpm each. This new well would be very similar to the existing wells.

The Water Rights Program monitors three observation wells within a three-mile radius of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. A hydrograph for observation well TD-76E, which is, located about two miles south of this application is included with this report. The water level record indicates that water is available for additional appropriation (Water Rights, 2001).

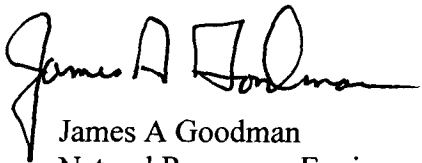
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation wells within one-half mile of this application. Interference is not a concern. The two existing wells plus this new well will be used to

supply irrigation water to two center pivots. The new well will supply one pivot and the two existing wells will supply the other pivot. John Markus is the owner of the wells and the two pivots.

CONCLUSIONS

1. Water is available from the Ogallala aquifer.
2. The aquifer is under water table conditions at this site. Drawdown will be created by pumping but will not adversely affect the nearby existing wells. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



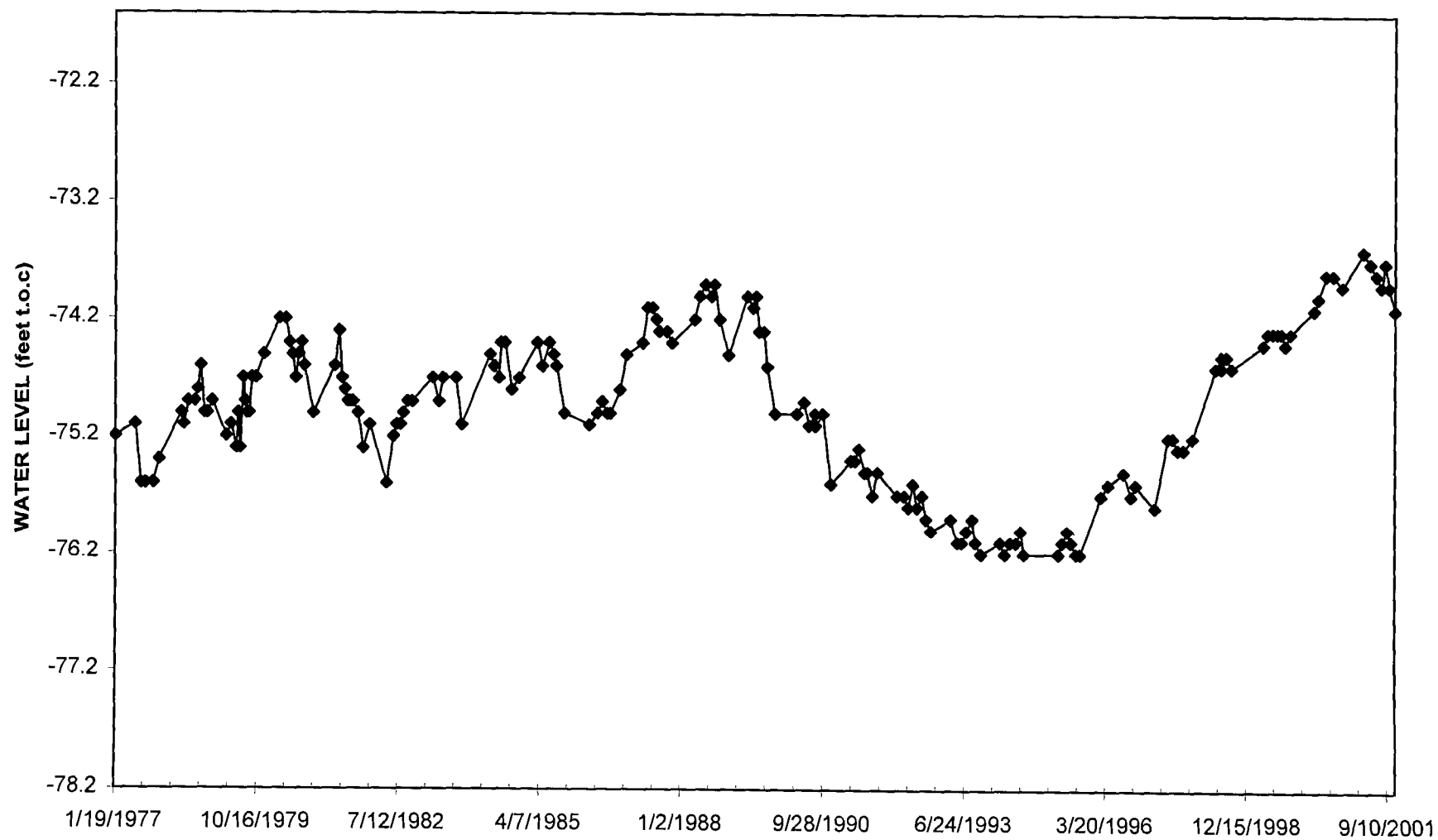
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Carter, J.M., 1998, Water Resources of Mellette and Todd Counties, South Dakota, Water Resources Investigations Report 98-4146, USGS, Rapid City, SD, 57702.

Water Rights, 2001, Unpublished Observation Well Data for Todd County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TD-76E





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2471-2, John Markus**

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. 2471-2, John Markus, HC 78, Box 33, Crookston NE 69212.

The Chief Engineer is recommending APPROVAL of Application No. 2471-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. 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. 2471-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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. Combinations of diversion authorized by Water Right No. 1949-2 and this Permit may not exceed 1.0 cfs per 70 acres.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 17, 2001

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Todd)I, Susan Maircertify that the attached printed Notice was
takenfrom the Todd County Tribuneprinted and published in MissionCounty of Todd and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

1-02-021-09-02Cost of Printing \$47.74Susan A Mair
(Signature)Bookkeeper
(Title)1-09-02

(Date Signed)

**NOTICE OF APPLICATION NO. 2471-2 TO
APPROPRIATE WATER AND TO AMEND
WATER RIGHT NO. 1949-2**

Notice is hereby given that John Markus, HC 78 Box 33, Crookston, NE 69212 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to irrigate lands authorized by Water Right No. 1949-2. Water Right No. 1949-2 appropriates 2.1 cfs from two wells located in the SE1/4 Section 36 to irrigate 265 acres located in the E1/2 Section 36; all in T37N-R30W. This application proposes to appropriate 1.78 cfs from one additional well (Ogallala Aquifer) 290 feet deep located in the approximate center of Section 36 to irrigate the 135 acres located in the NE1/4 Section 36; all in T37N-R30W. The two existing wells located in the SE1/4 Section 36 will be used to irrigate the SE1/4 while the new well will supply the NE1/4 of Section 36. Water Right No. 1949-2 and this application, combined, may not exceed 1 cfs from each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2471-2 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 January 21, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Publ.: Jan. 2 and 9, 2002.



Jan 2, 2002

Instruction to Newspaper - Publish first Notice on ~~December~~ 26, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2471-2 to Appropriate Water
and to Amend Water Right No. 1949-2

Notice is given that John Markus, HC 78 Box 33, Crookston NE 69212 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to irrigate lands authorized by Water Right No. 1949-2. Water Right No. 1949-2 appropriates 2.1 cfs from two wells located in the SE $\frac{1}{4}$ Section 36 to irrigate 265 acres located in the E $\frac{1}{2}$ Section 36; all in T37N-R30W. This application proposes to appropriate 1.78 cfs from one additional well (Ogallala Aquifer) 290 feet deep located in the approximate center of Section 36 to irrigate the 135 acres located in the NE $\frac{1}{4}$ Section 36; all in T37N-R30W. The two existing wells located in the SE $\frac{1}{4}$ Section 36 will be used to irrigate the SE $\frac{1}{4}$ while the new well will supply the NE $\frac{1}{4}$ of Section 36. Water Right No. 1949-2 and this application, combined, may not exceed 1 cfs from each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2471-2 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 January 14, 2002.

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

John Markus publish
26th

Jan 2 - Jan 9th

1-605-429-3233

Karen - please call Mr Markus about
this - Evidently he wasn't able
to reach anyone at the paper
to authorize publication because
the lady at the paper was on
vacation - - -

Called Mrs. Markus
12/28/01

Submitted \$200 fee 1/2/02
returned 1/3/02



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

December 18, 2001

John Markus
HC 78 Box 33
Crookston, NE 69212

Dear Mr. Markus:

Water Permit Application No. 2471-2 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 Todd Co. Tribune printed at Mission, SD (Ph # 605-856-4469). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 18, 2001

Todd Co. Tribune
Box 229
Mission, SD 57555-0229

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2471-2 to Appropriate Water to be published twice. Please publish the first notice on December 26, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is John Markus, HC 78 Box 33, Crookston, NE 69212 (Ph # 605-429-3233).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2471-2

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

Date _____

We are in receipt of your letter of December 18, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2471-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 01 2002

John Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

Enclosed is Water Permit No. 2471-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

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

Date 02-26-05

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

FROM: John MARKUS
(name)

HC 78 Box 33
(address)

Crookston Nebr. 69212
(city, state, zip)

1-605-429-5233
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

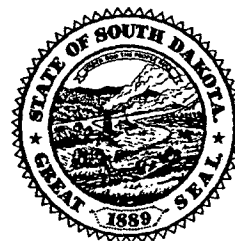
Water Permit No. 2471-2 states that the water use system is to be constructed by 01-21-07, and water is to be put to beneficial use by 01-21-11.
(date) (date)

The water use system was completed on 05-03-01.
(date)

Applying the water to beneficial use was completed on 06-01-01.
(date)

You may schedule an investigation so that the water license may be issued.

John Markus
(signature)



Permit No. 2471-2
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 8, 2006**, made a thorough examination of the water use system constructed by **John Markus** of **HC 78 Box 33, Crookston, NE 69212** holder of Permit No. **2471-2**, bearing the priority of **November 8, 2001** authorizing the diversion of **1.78** cu. ft. per second **groundwater** for **irrigation** purposes, in **Todd** County.

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

A. Works used to divert the water:

Grosch Turbine pump, Model H16F 7100B with a 100 Hp US Electric Motor

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

Approximately 20 feet 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

Reinke Electrogator 8 tower Center Pivot

The system is in the following condition **good**. The point of diversion is located **1320 feet south & 1340 feet west of the NE corner of Sec. 36-T37N-R30W (SW ¼ NE ¼); (Lat. 43.13958 Long. -100.813401)**. The works are capable of diverting and conveying to the place of use **1.78 (800 gpm)** cu. ft. per second of water which is to be used for **irrigation use**. Water has been put to beneficial use to the maximum extent as follows:

Sec. 36-T37N-R30W

NE ¼ NE ¼ -- 32.5 Acres

SE ¼ NE ¼ -- 32.5

SW ¼ NE ¼ -- 32.5

NE ¼ NE ¼ -- 32.5

130 Acres

comprising a total of **130** acres of land and the license should be issued for **1.78 (800 gpm)** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **January 31, 2007**



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

REPORT ON INSPECTION OF PERMIT NO. 2471-2

Other permit(s) associated with the project: 1949-2 (Water Right No. 1949-2 authorized irrigation of the E ½ of Sec. 36-T37N-R30W from 2 wells located in the SE ¼; Water Permit No. 2471-2 is for an additional well in the NE ¼ for the pivot in the NE ¼. The 2 existing wells will be used for the pivot in the SE ¼.

DATE OF INSPECTION: November 8, 2006

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Markus
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: John Markus, HC 78 Box 33, Crookston, NE 69212

DIVERSION POINT LEGAL LOCATION: 1320 feet south & 1340 feet west of the NE corner of Sec. 36-T37N-R30W (SW ¼ NE ¼); (Lat. 43.13958 Long. -100.813401).

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch Irrigation Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 296 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inch
- 2) Length 180 feet
- 3) Type PVC

Pump:

- 1) Make Grosch Turbine Pump
- 2) Model H16F 7100B
- 3) Size XXX
- 4) Capacity 800 GPM

Screen:

- 1) Type Perforated pipe
- 2) Length 180 feet
- 3) Static water level 118 feet

Motor:

- 1) Make US Electric
- 2) Model No. (Frame No. A444UPH)
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 20 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Reinke Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 8
- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure XXX
- 7) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20 ft. from source yes
- 6) Interlock type electric
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump pos. displacement pump
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit yes
- 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

Approval of Location Change and/or Additional Diversion Point(s)

NAME: John Markus

ADDRESS: HC 78 Box 33, Crookston, NE 69212

DATE: January 30, 2007

COUNTY: Todd

TELEPHONE: (605) 429-3233

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes

- **If irrigation, no new land is irrigated**

Yes

- **Review of Existing Diversions**

Water Permit Application No. 2471-2 advertised the Diversion Point in the approximate center of Sec. 36-T37N-R30W; however, the application indicated the well would be located in the approximate center of the NE ¼ of Sec. 36-T37N-R30W. The well was drilled in the approximate center of the NE ¼ of Sec. 36-T37N-R30W.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



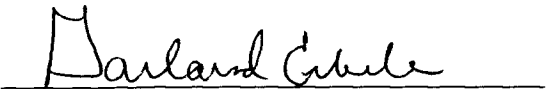
Timothy G. Schaal, P.E.

Natural Resources Engineering Specialist

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2471-2**

(1) John Markus, HC 78 Box 33, Crookston NE 69212 made Application No. 2471-2, November 8, 2001 for a water permit to divert 1.78 cubic feet of water per second (800 gallons per minute) from ground water (one well – Ogallala Aquifer), Todd County, South Dakota for irrigation purposes. Permit No. 2471-2, with a priority date of November 8, 2001 was approved January 21, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 21, 2007 and for the application to beneficial use of said water on or before January 21, 2011.

Water Permit No. 2471-2 authorized an additional well in the NE ¼ Section 36, T37N, R30W to irrigate the same quarter. Water Right No. 1949-2 authorizes two wells in the SE ¼ Section 36 to irrigate the entire E ½ of the section. The two quarters are now operated as separate systems and will be licensed accordingly.

(2) It is certified that the permit holder 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet south and 1,340 feet west of the NE corner of Section 36, T37N, R30W (approximate center of the NE ¼).

(3) The permit holder 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, T37N, R30W	NE ¼ NE ¼	32.5 acres
	SE ¼ NE ¼	32.5 acres
	SW ¼ NE ¼	32.5 acres
	NE ¼ NE ¼	32.5 acres
	Total	130.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Markus, HC 78 Box 33, Crookston NE, 69212 the holder and owner of Water Right No. 2471-2 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Ogallala Aquifer) with a priority date of November 8, 2001 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2471-2 and subject to the following qualifications:

- 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 irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2471-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (*log submitted by well driller shows well was completed in compliance with rules*).



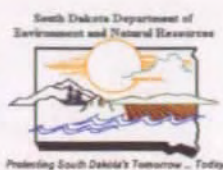
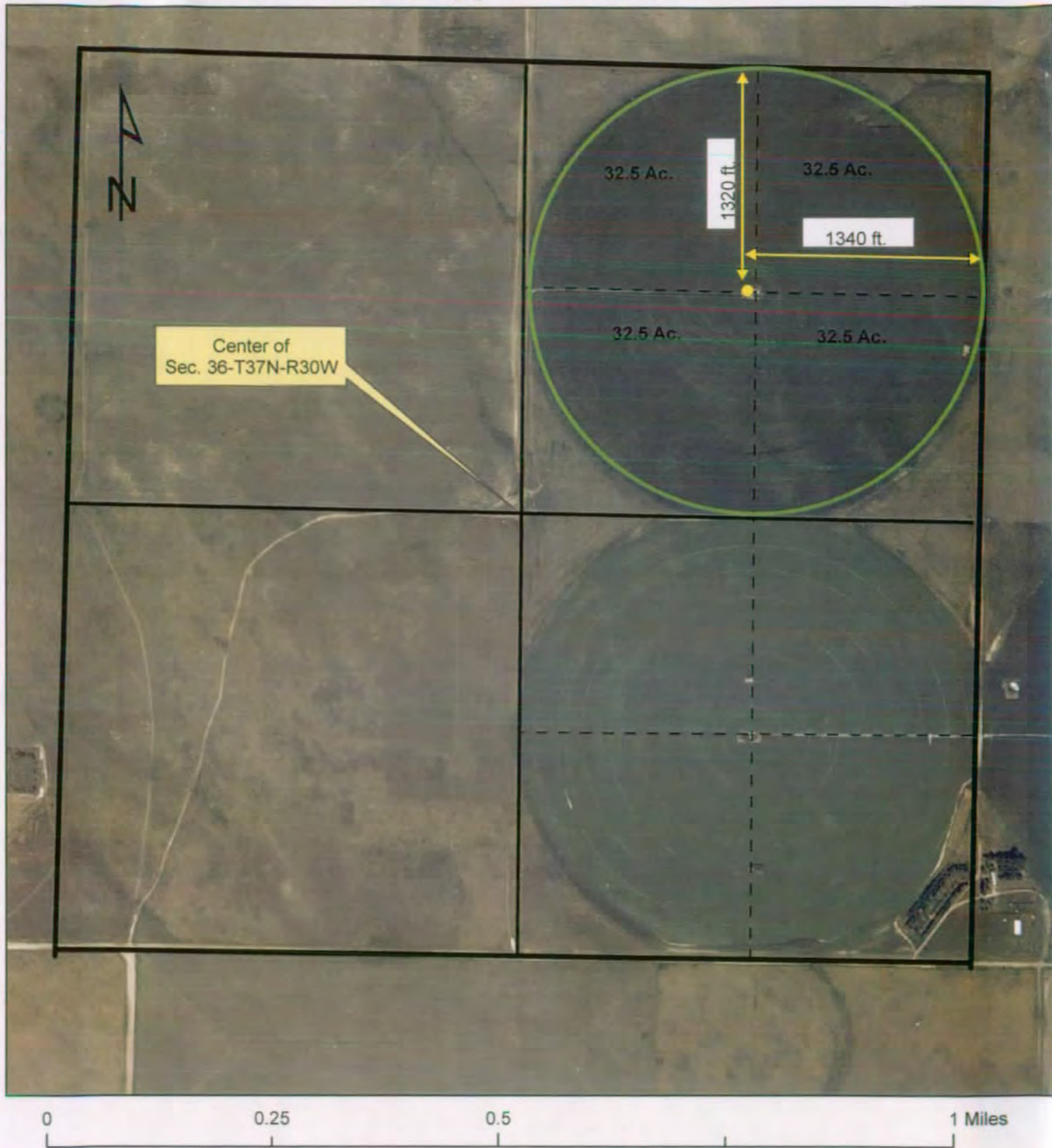
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 20 2007

date



Water Permit Application No. 2471-2



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

1/31/07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2007

1949-2
2471-2

John L Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

Enclosed is your Water License No. 2471-2. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

Also enclosed is Reissued Water License No. 1949-2. The license was reissued to reflect the system as it is now operated.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well(s) authorized by Nos. 2471-2 and 1949-2, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2009

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

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

Dear Mr. Marcus:

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

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

If you have any questions, please contact me.

Sincerely,


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

enclosures

2471-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

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

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XJXINK**

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

2471-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

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

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

Dear Mr. Markus:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



2471-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SSNZSH**

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

2471-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

John L Markus
29861 SD Hwy 73
Merriman NE 69218 6526

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

Dear Mr. Markus:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EXCABH**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2024

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

John L Markus
29861 SD HWY 73
Merriman NE 69218

Dear Mr. Markus:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit number have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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