

WATER PERMIT NO. 2599-2

Name of Applicant: Jeff Johnson

Address: 24178 290th St, Tuthill SD 57574 Phone: 605 685-6913

Amount of Water Claimed: 3 cfs Total Acres: 82 additional acre

Source of Water Supply: groundwater

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System:

Location: 22 miles east of Martin

PRIORITY Date Received: 8-18-06 Application/License Fee: \$325

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: additional well and acreage to that authorized by Water Right No. 2398-2

Diversion Point: E ½ SE ¼ Sec 2-T37N-R34W

Land to be Irrigated: SW ¼ Sec 1, E ½ Sec 2, NE ¼ Sec 11 and NW ¼ Sec 12; all in T37N-R34W

Depth of Well: 310 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Bennett-Shannon Co FSA

Reviewed and the Number Assigned on: 8-21-06

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	No. <u>2599-2</u> (office use only)	Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster II Martin</u>	

RECEIVED
AUG 18 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation ^{app, map, fee}

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 2398-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Additional well to WR 2398-2 so the second
pivot can run independently

1. Name of Applicant Jeff Johnson Phone (605) 685-6913
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 24178 290th St. Tuthill State SD 57574
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 3.2*CFS or 1350*GPM ***AF Total Acreage 82 add 1/2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Ogallala

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 Sec 2 - T37N - R34W
SW 1/4 SW 1/4 County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used April 1 - October 31

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
SW 1/4 Sec 1 - 37N - 34W	60	NE 1/4 Sec 2 - 37N - 34W	22
NW 1/4 Sec 12 - 37N - 34W	132	See attached sheet	
NE 1/4 Sec 11 - 37N - 34W	20		
SE 1/4 Sec 2 - 37N - 34W	120		

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

I want to replace the south pivot, which is 30 years old and move the north pivot in its place.
Originally the south pivot was set at 80 PSI

STATE OF SOUTH DAKOTA) SS
County of Bennett

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, Jeff Johnson, 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 Jeff Johnson

Subscribed and sworn to before me this 16 day of Aug 20 06

Nancy Sterkel
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2599-2**

Date of first receipt of application August 18, 2006.

Date of return to applicant for corrections, amendments or changes August 22, 2006.

Date of receipt of corrected application October 5, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2599-2 to Jeff Johnson, 24178 290th St, Tuthill SD 57574 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. 2599-2 appropriates 3.0 cubic feet of water per second (cfs) from a well to be completed into the Ogallala aquifer (approximately 310 feet deep) located in the SW 1/4 Sec. 1-T37N-R34W. The well is to be used in addition to the well authorized by Water Right No. 2398-2 to irrigate the acreage authorized by Water Right No. 2398-2 plus an additional 82 acres. Water Right No. 2398-2 appropriates 2.22 cfs from one well located near the center of the NW 1/4 Section 12-T37N-R34W to irrigate 272 acres. This permit and Water Right No. 2398-2 will appropriate 5.22 cfs from two wells to irrigate a total of 354 acres located in the SW 1/4 Sec. 1, E 1/2 Sec. 2, NE 1/4 Sec. 11, NW 1/4 Sec. 12; all in T37N-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: April 1- October 31.
3. The date from which applicant may claim right is August 18, 2006.
4. The date of approval of Permit No. 2599-2 is November 27, 2006.
5. One-fifth of the construction is to be completed on or before May 27, 2009.
6. All construction is to be completed on or before November 27, 2011.
7. Water is to be put to beneficial use on or before November 27, 2015.
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. 2599-2 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2599-2 and Right No. 2398-2, combined authorizes a maximum diversion rate of 5.22 cfs for the irrigation of 354 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

DEC 22 2006

date



Jeff Johnson's proposal for additional irrigation under Water Right No. 2398-2

All in T37N, R34W

Section 1	
SW ¼ NW ¼	5
NW ¼ SW ¼	31
SW ¼ SW ¼	33
SE ¼ SW ¼	1
Section 2	
SW ¼ NE ¼	2
SE ¼ NE ¼	16
NW ¼ SW ¼	22
NE ¼ SW ¼	40
SW ¼ SW ¼	22
SE ¼ SW ¼	40
Section 12	
NW ¼ NW ¼	35
NE ¼ NW ¼	35
SW ¼ NW ¼	33
SE ¼ NW ¼	33
Section 13	
NE ¼ NE ¼	6
TOTAL	354

8. (continued)

and when the water was diverted to the north pivot, it allowed that pivot to be nozzled for 35 PSI. Since a new well will be drilled for the new pivot it will allow me to low pressure the ~~south~~ pivot which will decrease pumping costs and save water.

The new proposed well will be drilled in the center of the new larger north pivot.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30 inch Depth 310 ft
- b) Casing Type PVC Diameter 16" OD Thickness .625
mill
- c) Screen Type Slotted Diameter 16" Thickness .625
- d) Gravel Pack Washed road gravel Length of Gravel Pack 290 ft
armor coat
- e) Depth to Top of Water Bearing Material 110 ft.
- f) Depth to Water (ground surface to water level) 110 ft
- g) Distance to nearest existing domestic well:
On applicants property 3/4 mile On property owned by others 2 miles

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 _____

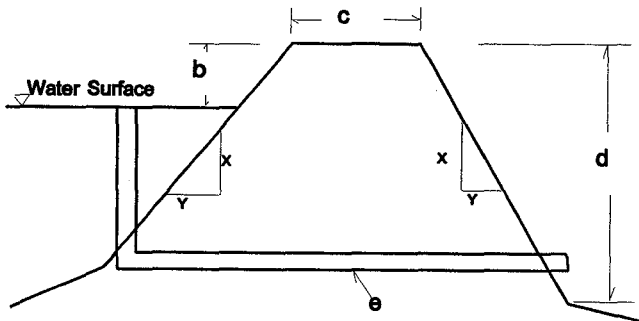
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Jeff Johnson, 24178 290th St, Tuthill SD 57574 Date August 18, 20 06

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	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	325.00

No.

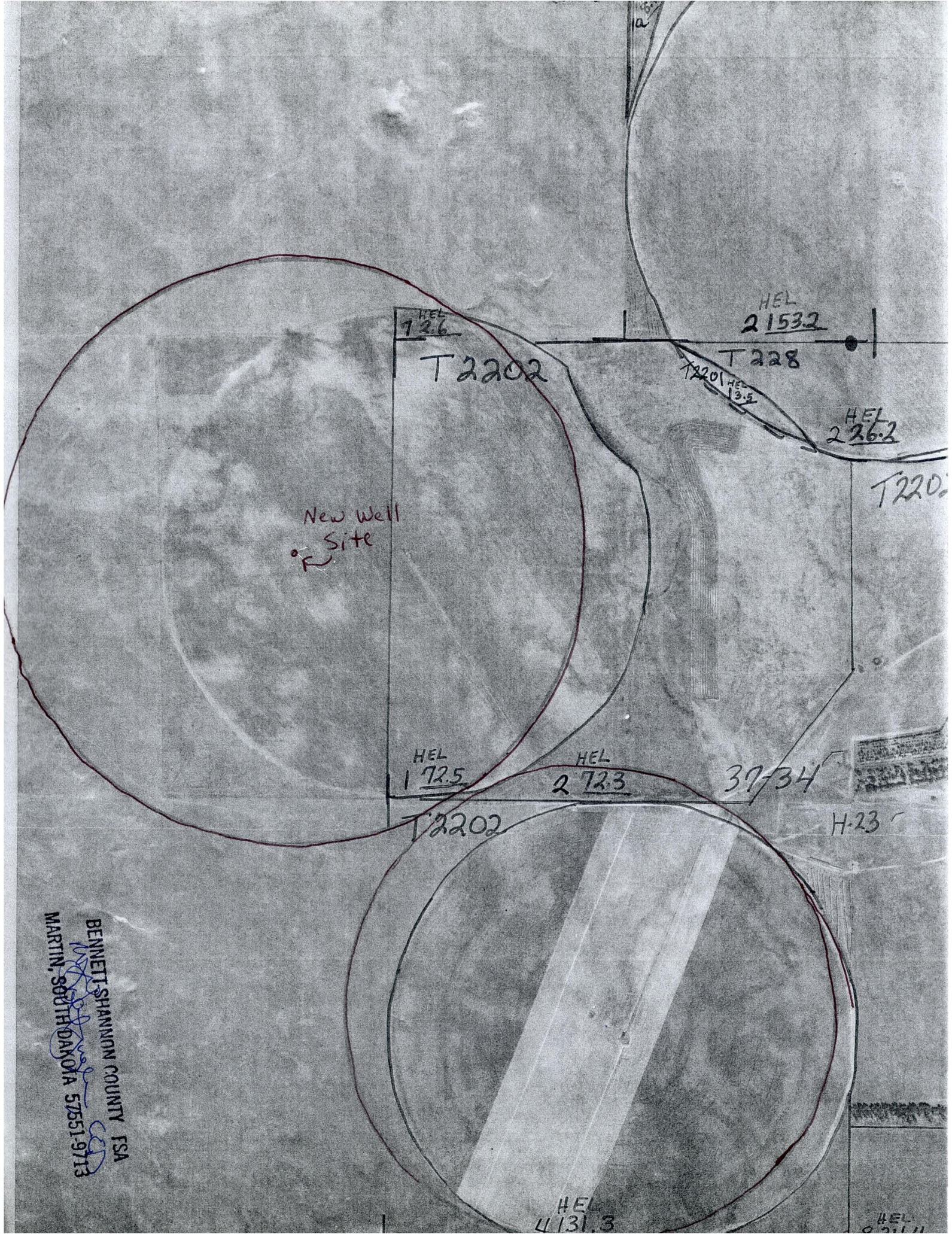
02553

By

Garland Erbele
Chief Engineer

(125)





BENNETT-SHANNON COUNTY FSA
MARTIN, SOUTH DAKOTA 57551-9713



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 22, 2006

Jeff Johnson
24178 290th Street
Tuthill SD 57574

Dear Mr. Johnson:

I have received your application to appropriate additional water and acreage to existing Water Right No. 2398-2. Using our computer system, I digitized the acre irrigated in order to calculate the acreage breakdown on a quarter-quarter (40 acre) basis. I arrived at the same total listed on your application of 354 acres of which there are 82 additional acres. Please review the attached table and map and let me know if it does not accurately reflect the proposed changes to the irrigation system.

Finally, Item No. 2 of the application states the amount of water claimed is 1,350 gallons per minute (gpm). Currently, Water Right No. 2398-2 appropriates 1,000 gpm. Is this application for an additional 350 gpm or 1,350 gpm. You state that the system will be set up as low pressure so I'm assuming the combined diversion from the 2 wells is 1,350 gpm but want to check to make sure. Please let me know.

Sincerely,

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

enclosure

2599-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2599-2, Jeff Johnson

ADDRESS: COUNTY: Bennett

DATE: August 22, 2006 TELEPHONE: 685-6913

RE: call regarding amount of water claimed

I contacted Mr. Johnson regarding the amount of water claimed on his application. I asked if this application is for 1,350 gpm additional diversion or if it is for an additional 350 gpm to the 1,000 gpm currently appropriated by WR No. 2398-2. Mr. Johnson stated that this application is for new diversion authority of 1,350 gpm. The total diversion authority from the two wells, if approved will be 2,350 gpm.

I explained that this amount would be greater than the statutory limit of 1 cfs per 70 acres. He stated he needs that diversion rate because of the sandy nature of the soils and that is what is required to operate the 240 acre pivot.

NAME: Eric Hundert

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OCT - 5 2006

WATER RIGHTS
PROGRAM

Your American Family Agent

GARY D. NELSON

P.O. Box 367 Martin, SD 57551-0367

Office: 605-685-6736



All your protection under one roof®

MESSAGE

Wed, Oct. 4th

Eric Gronlund,

I just talked to you on the phone about amending the well site to approximately 2000 feet north of the existing well. Enclosed is a map of the information I am talking about. Since I moved the well site it may also change the acres covered, but I won't know that until the new well is dug and what type of draw down, size of motor, etc. I will be facing to make those decisions. Let me know if there is anything else you need (605) 685-6913

Sincerely
Jeff Johnson

2599-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2599-2, Jeff Johnson

ADDRESS: COUNTY: Bennett

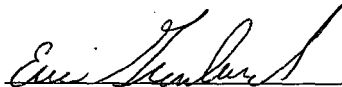
DATE: October 4, 2006 TELEPHONE: 685-6913

RE: call regarding location of the new well

Mr. Johnson called about the location of the new well proposed by Application No. 2599-2. He said they were unable to find adequate water at that site. The well will be placed 2,000 feet north of the existing well authorized by Water Permit No. 2398-2 (center of the southern pivot on the map). The new well will be located in the SW ¼ of Section 1, T37N, R34W.

I asked Mr. Johnson to send me a letter requesting to amend the application.

NAME:



WATER PERMIT APPLICATION NO. 2599-2

JEFF JOHNSON

OCTOBER 19, 2006

Water Permit Application No. 2599-2 proposes to appropriate 3.0 cfs from a well to be completed into the Ogallala aquifer (approximately 310 feet deep) located in the SW¼ Sec. 1, T37N-R34 in Bennett County. The well is to be used in addition to the well authorized by Water Right No. 2398-2 to irrigate the acreage authorized by Water Right No. 2398-2 plus an additional 82 acres. Water Right No. 2398-2 appropriates 2.22 cubic feet of water per second (cfs) from one well to irrigate 272 acres. This application, if approved, and Water Right No. 2398-2 will appropriate 5.22 cfs from two wells to irrigate a total of 354 acres located in the SW¼ Sec. 1, E ½ Sec. 2, NE¼ Sec. 11, NW¼ Sec. 12; all in T37N-R34W. The diversion authority proposed by this application will exceed the one cfs per 70 acres.

AQUIFER: Ogallala (OGLL)

GENERAL:

The High Plains aquifer consists of the upper sandstone units of the Arikaree Formation, the Ogallala Formation, and the Sand Hills Formation, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm, 1983). The High Plains Aquifer underlies 4,750 square miles of South Dakota and contains an estimated 700 million acre feet of water in the state (Gutentag, 1984). The Ogallala Formation, which consists of clays, silts, sands and surface gravel deposits, makes up a major part of the High Plains Aquifer. The Ogallala Formation underlies approximately 280,960 acres of Bennett County and contains an estimated 2,809,600 acre-feet of recoverable water in storage in the county (Allen and others, 1985). The saturated thickness of the aquifer is estimated to be 200-400 feet in this area. (Kolm and others, 1983). The aquifer is under unconfined conditions with the water table controlled locally by topography. Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be 8 percent of the precipitation rate, or about 1.3 in./yr to 1.8 in./yr (Kolm and others, 1983). Natural discharge occurs to streams and springs, and directly to the atmosphere by evapotranspiration.

WATER AVAILABILITY:

Water Rights Program monitors 84 observation wells completed into the Ogallala Formation, of which 19 are located in Bennett County. Water Rights' Observation Wells BT-76B, BT-76C, and BT-76KR are located within approximately three miles of the well proposed by this application. These observation wells are read monthly and hydrographs of the water levels (figures 1-3) show only slight fluctuations due to existing pumping and changes in climatic conditions (Water Rights, 2006b). The hydrographs indicates that unappropriated water is available.

**WATER RIGHTS' OBSERVATION WELL
BT-76B**

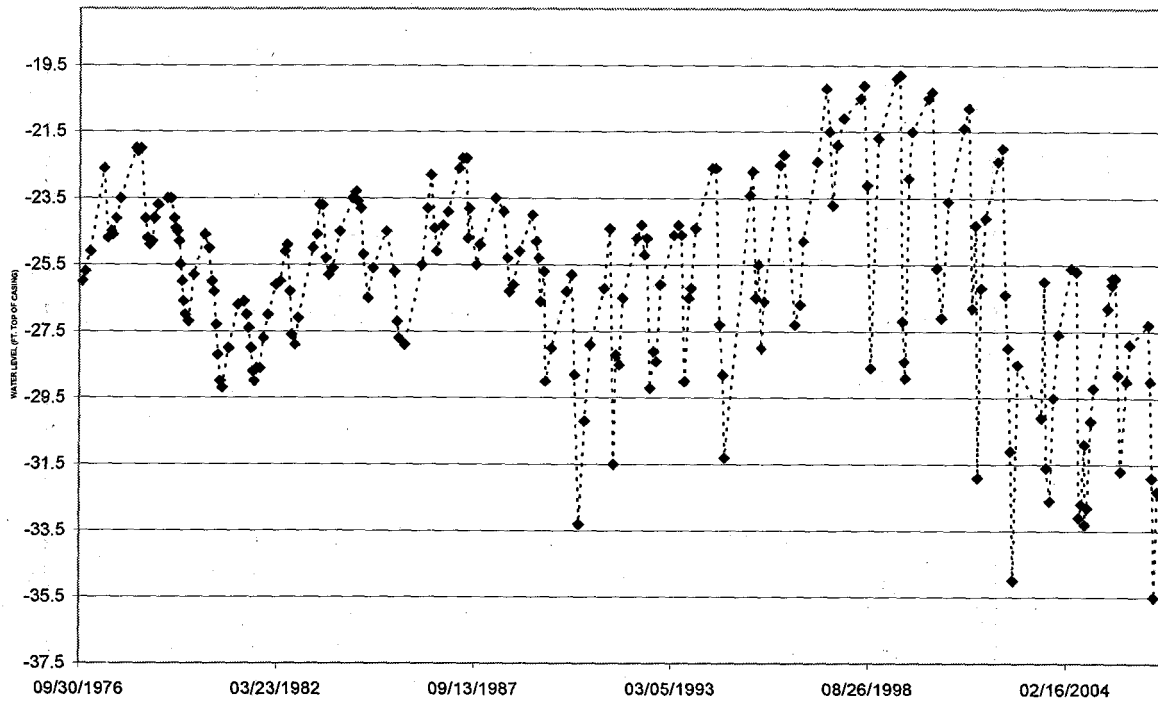


Figure 1. Ogallala aquifer observation well located approximately 2.4 miles west-southwest of 2599-2

**WATER RIGHTS' OBSERVATION WELL
BT-76C**

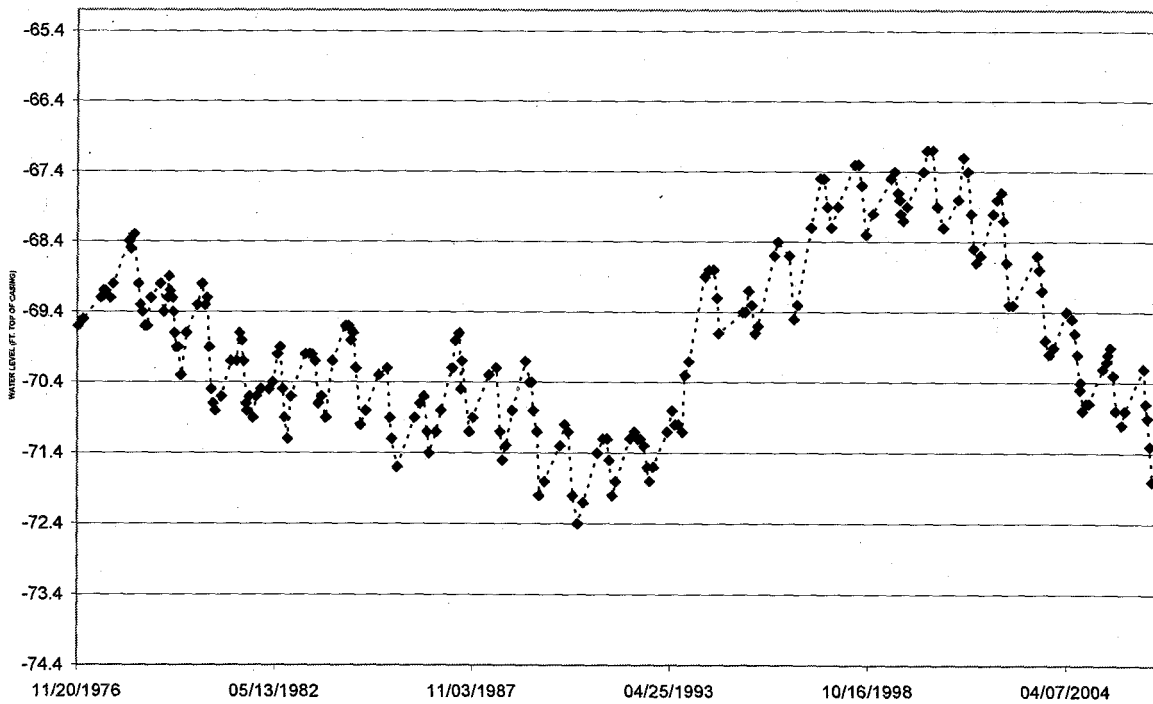


Figure 2. Ogallala aquifer observation well located approximately 2.7 miles southeast of 2599-2

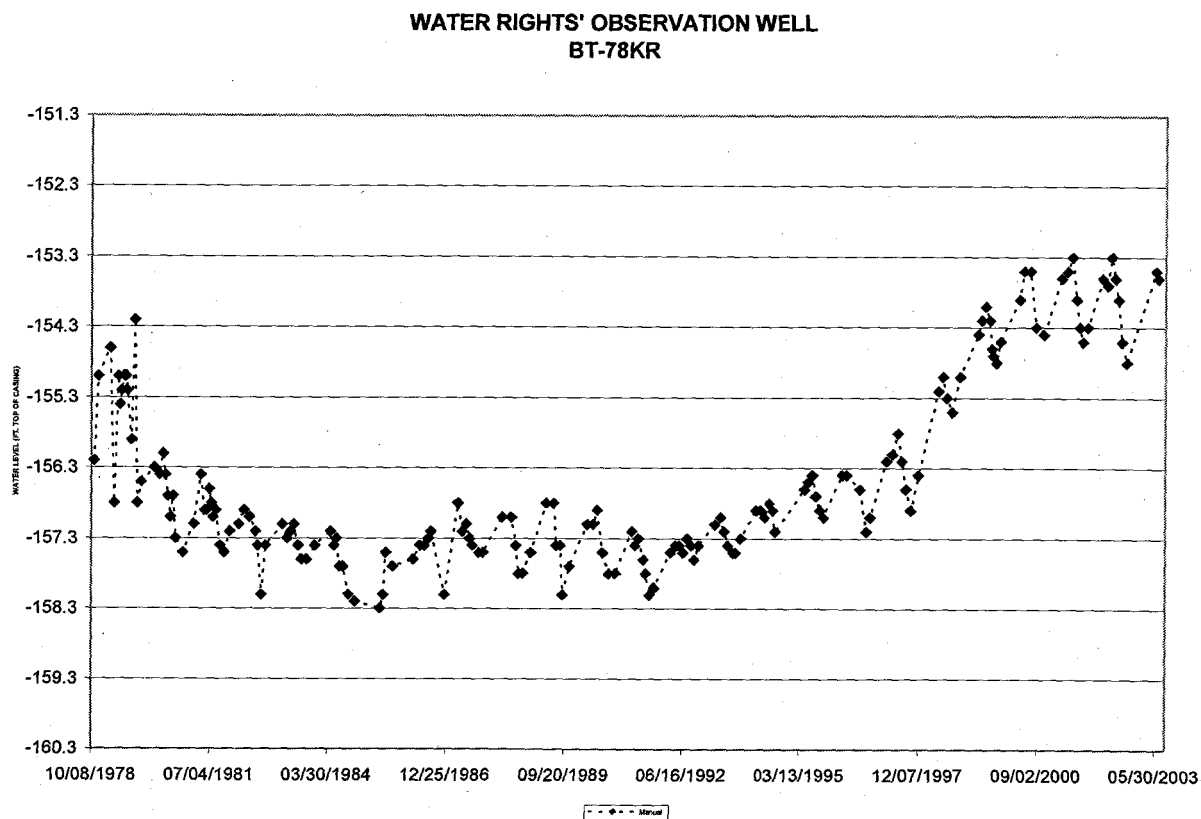


Figure 3. Ogallala aquifer observation well located approximately one mile northeast of 2599-2

There are 142 permits/rights which appropriate water from the Ogallala aquifer in South Dakota. There are 44 permits/rights from the Ogallala in Bennett County (Water Rights, 2006c). Irrigation is the major water use from the aquifer. Reported pumpage from the Ogallala for irrigation use can be seen in figure 4.

**Reported Irrigation Pumpage
from the Ogallala Aquifer in South Dakota**

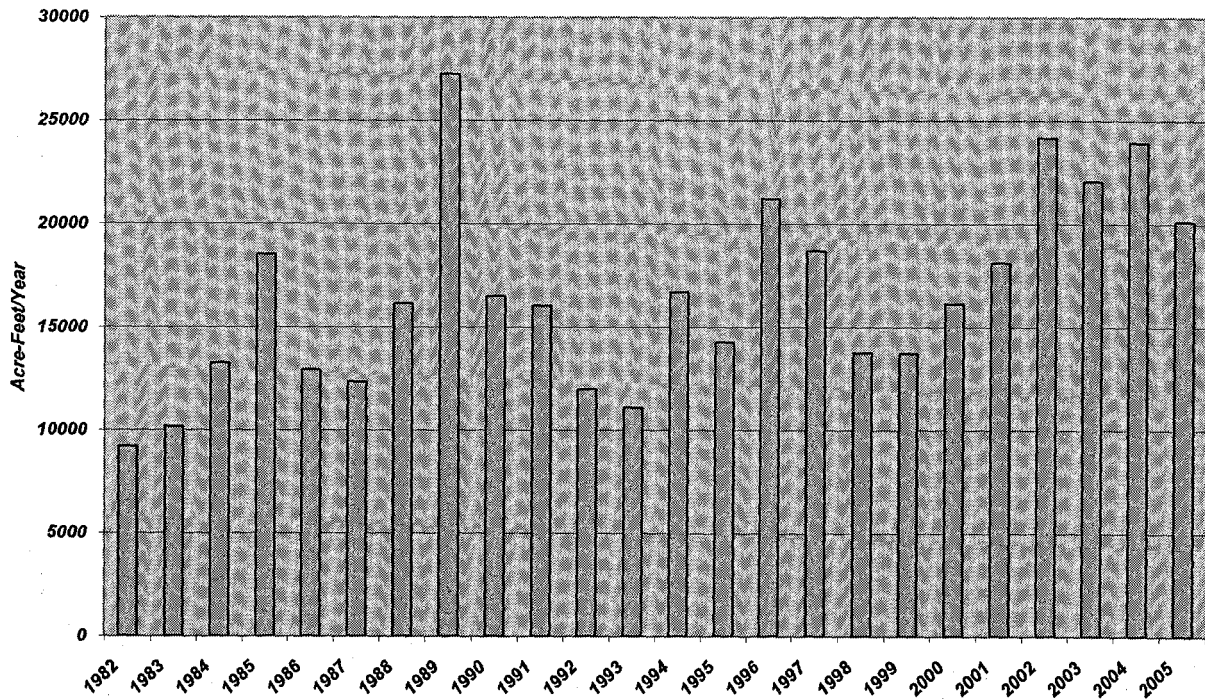


Figure 4. Irrigation pumpage reported from the Ogallala aquifer in South Dakota (Water Rights, 2006a)

AFFECTS ON EXISTING RIGHTS:

Since the Ogallala Aquifer is under unconfined conditions, drawdown from pumping an individual well is not expected be significant very far from the well. There are seven irrigation permits/rights within two miles of the well site proposed by this application. They include:

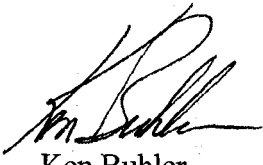
PERMIT NO	NAME	CFS	ACRES IRRIGATED
1207-2	WILLIAM DONOVAN	1.78	132.00
1211-2	JAMES A (TONY) O'NEILL	2.00	264.00
1637-2	TONY & RICK O'NEILL	5.35	384.00
1674-2	WAYNE JOHNSON	2.45	180.00
2354-2	WAYNE JOHNSON	2.56	232.00
2398-2	JEFF JOHNSON	2.22	272.00
2509-2	BRAD & MARLENE PISHA	3.89	272.00

Table 1. Water Rights/Permits within two miles of 2599-2

CONCLUSIONS:

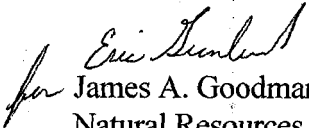
1. The Ogallala Aquifer is a viable aquifer in this area, and water is available for these appropriations.

2. Well interference should not be a problem in this area.
3. The diversion authority proposed by this application will exceed the one cfs per 70 acres.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR- Geological Survey, Vermillion SD

Gutentag, E.D., F. Heimes, N. Krothe, R. Luckey, J. Weeks, 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming, U.S. Geological Survey Professional Paper 1400-B, 63 p.

Kolm, K.E., and Case, H.L., III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota, U.S. Geological Survey Water-Resources Investigations Report 83-4175, 39 p.

Water Rights Program, 2006a, 2005 Irrigation Summary by Aquifer, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006b, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006c, Water Permit/Right Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2006d, Well Completion Report Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 2599-2, Jeff Johnson**

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. 2599-2, Jeff Johnson, 24178 290th Street, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2599-2 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. 2599-2 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2599-2 and Right No. 2398-2, combined authorizes a maximum diversion rate of 5.24 cfs for the irrigation of 354 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 2, 2006

Affidavit of Publication

State of South Dakota }
County of Bennett } ss.

Mandy K. Scherer

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:

November 8, 2006

November 15, 2006

_____, 20____

_____, 20____

_____, 20____

_____, 20____

that the full amount of the fee charged for publishing

the same, to-wit, the sum of \$56.70, 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.

Mandy K. Scherer

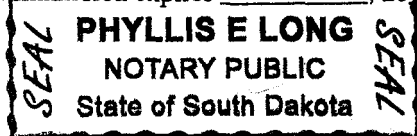
Subscribed and sworn to before me this 15th day

of November, 2006.

Phyllis E. Long

Notary Public
County of Bennett, South Dakota

My commission expires 2012



My Commission Expires
August 30, 2012

Notice of Application No. 2599-2 to Appropriate Water

Notice is given that Jeff Johnson, 24178 290th St., Tuthill, S.D., has filed an application for a water permit to appropriate 3.0 cfs from a well to be completed into the Ogallala aquifer (approximately 310 feet deep) located in the SW1/4 Sec. 1, T37N-R34W in Bennett County. The well is to be used in addition to the well authorized by Water Right No. 2398-2 to irrigate the acreage authorized by Water Right No. 2398-2 plus an additional 82 acres. Water Right No. 2398-2 appropriates 2.22 cubic feet of water per second (cfs) from one well located near the center of the NW1/4 Section 12, T37N, R34W to irrigate 272 acres. This application, if approved, and Water Right No. 2398-2 will appropriate 5.22 cfs from two wells to irrigate a total of 354 acres located in the SW1/4 Sec. 1, E1/2 Sec. 2, NE1/4 Sec. 11, NW1/4 Sec. 12; all in T37N-R34W. The diversion authority proposed by this application will exceed the one cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2599-2 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 November 27, 2006.

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. 2tc-11/15

RECEIVED
NOV 16 2006
WATER RIGHTS
PROGRAM

Water Rights
T. Johnson

Instruction to Newspaper - Publish first Notice on November 8, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2599-2 to Appropriate Water

Notice is given that Jeff Johnson, 24178 290th St, Tuthill SD 57574 has filed an application for a water permit to appropriate 3.0 cfs from a well to be completed into the Ogallala aquifer (approximately 310 feet deep) located in the SW $\frac{1}{4}$ Sec. 1, T37N-R34W in Bennett County. The well is to be used in addition to the well authorized by Water Right No. 2398-2 to irrigate the acreage authorized by Water Right No. 2398-2 plus an additional 82 acres. Water Right No. 2398-2 appropriates 2.22 cubic feet of water per second (cfs) from one well located near the center of the NW $\frac{1}{4}$ Section 12, T37N, R34W to irrigate 272 acres. This application, if approved, and Water Right No. 2398-2 will appropriate 5.22 cfs from two wells to irrigate a total of 354 acres located in the SW $\frac{1}{4}$ Sec. 1, E $\frac{1}{2}$ Sec. 2, NE $\frac{1}{4}$ Sec. 11, NW $\frac{1}{4}$ Sec. 12; all in T37N-R34W. The diversion authority proposed by this application will exceed the one cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2599-2 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 November 27, 2006.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

November 2, 2006

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

Water Permit Application No. 2599-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Bennett Co Booster II printed at Martin, SD (Ph # 605-685-6866). 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 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. 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

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

November 2, 2006

Bennett Co Booster II
PO Box 610
Martin SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2599-2 to Appropriate Water to be published twice. Please publish the first notice on November 8, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Jeff Johnson, 24178 290th St., Tuthill SD (Ph # 605-685-6913).

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. 2599-2

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

Date _____
We are in receipt of your letter of November 2, 2006 enclosing Notice to Appropriate Water by Application No. 2599-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

PAYMENT REQUEST FORM

PAYEE: Jeff Johnson
24178 290th St
Tuthill SD 57574

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund of overpayment sent in \$325 but the application/license fee was \$275, so we are refunding \$50.00.

AMOUNT: \$50.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barland Esbale 12/21/06

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

Enclosed is Water Permit No. 2599-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

At the time of application, a \$325 application/license filing fee was submitted (receipt enclosed). The correct filing fee for this permit is \$275. Therefore, \$50 will be refunded to you. You should be receiving this refund within the next couple of weeks.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location 1/4 SE 1/4 Sec 2 Twp 37 Rg 34

County

Bennett

North

Please mark well location with an "X"

W

E

Well Completion Date

3/26/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
19.8 LB/FT	16.00 IN	0.0 FT	106.0 FT	30.00 IN

LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	23	15.5 Lb/gal	0.0 Ft	20.0 Ft

Describe grouting procedure _____

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 200.0 FeetMaterial PVCSlot Size .051 Set From 106.0 Feet to 306.0 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? _____

☒ No, Why Not? _____

Lab sample sent to for water quality analysis

NA

Well Owner: JEFF JOHNSON

Business Name: _____

Address: 24178 - 290 STREETCity, State, Zip: TUTHILL SD 57574

WELL LOG:

DEPTH

FORMATION	FROM	TO
top soil	0	2
sand, sandstone	2	48
sand, sandstone, clay layers	48	70
sand, pepper sand, clay layers	70	132
sand, fine pepper sand	132	140
sand, pepper sand, clay layers	140	222
sand, pepper sand	222	248
sand, sandstone, pep sand, clay laye	248	304
red rock	304	320

STATIC WATER LEVEL 94.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: RAWHIDE & PUMPING
☐ Bailed
☐ Other

Pumping Level Below Land Surface

156.0 Ft. After 2.0 Hrs. pumped 1,250.0 GPM146.0 Ft. After 2.0 Hrs. pumped 1,000.0 GPMIf pump installed, pump rate: 950.0 GPM

REMARKS

RECEIVED

JUL 23 2007

WATER RIGHTS PROGRAM

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 or Equitable Property Holder: _____

Date: _____

RECEIVED

AUG - 2 2007

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 8-1-07

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

FROM: Jeff Johnson
(name)
24178 290th St
(address)
Tatnell SD 57574 (605) 685-6913
(city, state, zip) (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.

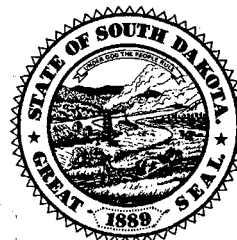
Water Permit No. 2599-2 states that the water use system is to be constructed by
Nov. 27 2011, and water is to be put to beneficial use by Nov. 27 2015.
(date) (date)

The water use system was completed on June 1 2007.
(date)

Applying the water to beneficial use was completed on June 1, 2007.
(date)

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

Jeff Johnson
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 2007

2599-2

2609-2

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems described in Water Permit Nos. 2599-2 and 2609-2.

They are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permits.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: JEFF JOHNSON, 24178 290TH ST, TUTHILL, SD 57574

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 977-2 & 1680-2A 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) 2398-2, 2493-2, 2599-2 & 2609-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 2398-2, 2493-2, 2599-2 & 2609-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 977-2 & 1680-2A 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 questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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



**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 27, 2009

Jeff Johnson
24178 290th St
Tuthill SD 57574

RE: 2008 irrigation questionnaires for Water Permit/Right Nos. 977-2, 1680-2A, 2398-2,
2493-2, 2599-2 and 2609-2

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for the above listed water permits and rights.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Permit No. 2599-2
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, August 22, 2011, made a thorough examination of the water use system constructed by Jeff Johnson of 24178 290th St., Tuthill, SD 57574 holder of Permit No. 2599-2, bearing the priority of 8/18/2006 authorizing the diversion of 3.0 cu. ft. per second of the waters of the Ogallala Aquifer for irrigation purposes, in Bennett County.

Inspection contact & relationship **Jeff Johnson Permit Holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information: Information is for new well. For original well information, see Water Right No. **2398-2**.

- 1) Well Drilling Firm: Grosch Irrigation Co., Inc
- 2) No. of Wells 1 additional
- 3) Depth(s) 302 feet
- 4) Well log is available Yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 106 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated Pipe
- 2) Length 200 feet
- 3) Static water level 94 feet

Pump:

- 1) Make Western Land Roller
- 2) Model B76849
- 3) Size 12-inch
- 4) Capacity 950 GPM

Motor:

- 1) Make US Electric Motor
- 2) Model No. 6347 W05W103R103R-Z
- 3) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 2,000 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1,320 feet
- 3) Number of towers 8
- 4) Distance between towers ~165 feet
- 5) End gun Yes
- 6) low pressure
- 7) Capacity 950 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

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

The system is in good condition with the additional point of diversion located as follows: 612 feet north and 1,404 feet east of the SW corner of Section 1, Township 37 North, Range 34 West, lat/long N 43.20203 W - 101.29095. The works are capable of diverting and conveying to the place of use 4.34 cu. ft. per second of water which is to be used for crop irrigation. Water has been put to beneficial use to the maximum extent as follows:

North Pivot 148 Acres T37N-R34W
 SE ¼ NE ¼ Sec 2—2 acres
 E ½ SE ¼ Sec 2—68 acres
 SW ¼ NW ¼ Sec 1—2 acres
 W ½ SW ¼ Sec 1—71 acres
 E ½ SW ¼ Sec 1—5 acres

South Pivot 143 Acres T37N-R34W
 SW ¼ SW ¼ Sec 1—3 acres
 SE ¼ SW ¼ Sec 1—2 acres
 E ½ NE ¼ Sec 11—7 acres
 W ½ NW ¼ Sec 12—76 acres
 E ½ NW ¼ Sec 12—55 acres

comprising a total of **291** acres of land and the license should be issued for **4.34** cfs.

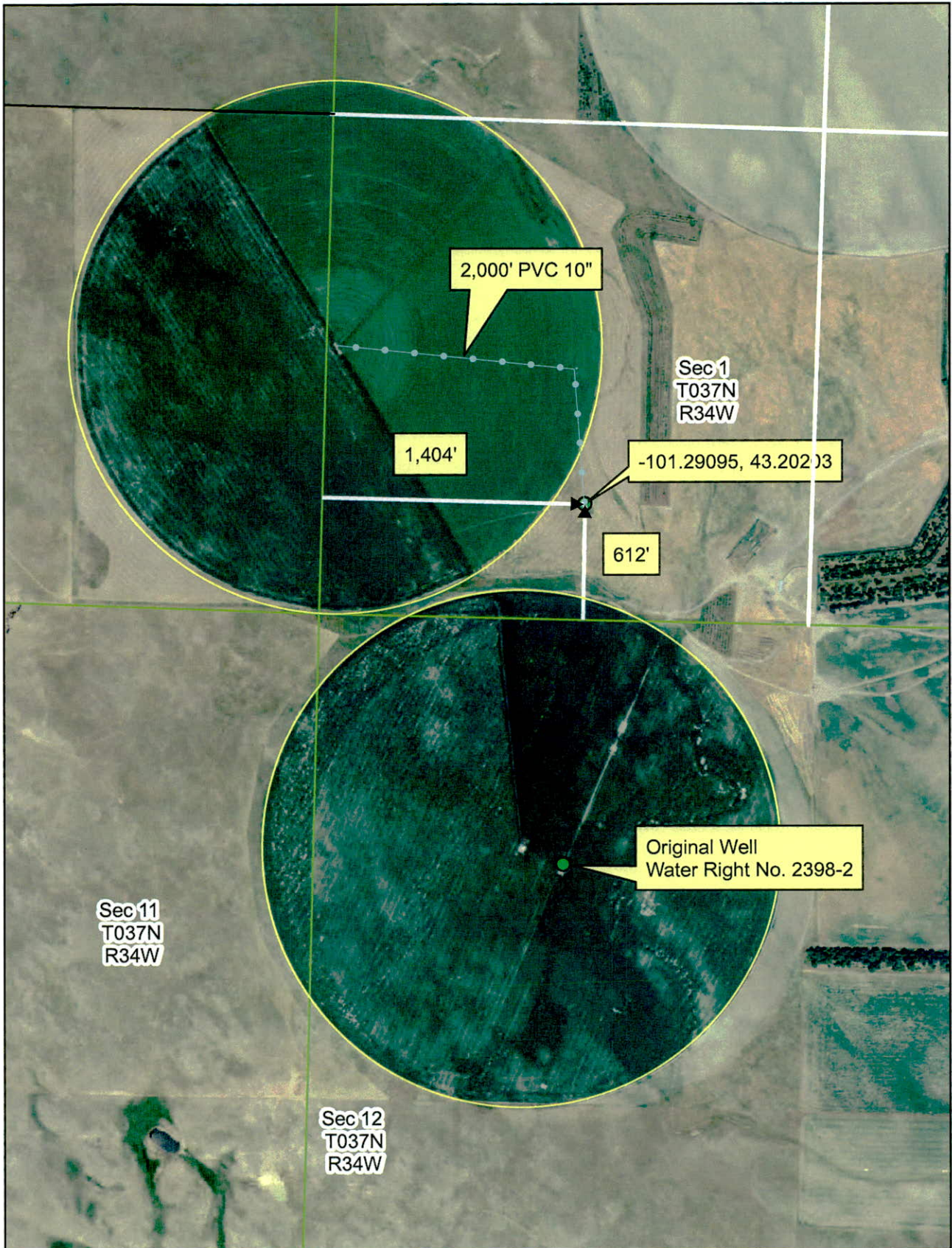
All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **This permit appropriated 3.0 additional cfs of water to irrigate the acreage authorized by Water Right No. 2398-2 plus an additional 82 acres. Water Right No. 2398-2 appropriates 2.22 cfs from one well located near the center of the NW ¼ Section 12-T37N-R34W to irrigate 272 acres. Incorporating Water Right No. 2398-2 into Water Right No. 2599-2 will result in Water Right No. 2599-2 appropriating 4.34 cfs to irrigate 291 acres. The annual volume of water applied will not exceed 2 acre-feet of water per acre per year.**



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **11/22/2011**



Sec 11
T037N
R34W

Sec 12
T037N
R34W

Sec 1
T037N
R34W

Original Well
Water Right No. 2398-2

0 0.1 0.2 Miles

Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
August 2011



South Dakota

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2599-2

(1) Jeff Johnson, 24178 290th St, Tuthill SD 57574 made Application No. 2599-2, August 18, 2006 for a water permit to divert 3.00 cubic feet of water per second (cfs) from ground water, (one additional well – Ogallala Aquifer) to irrigate acreage described in Water License No. 2398-2 plus additional acreage located in Bennett County, South Dakota. Permit No. 2599-2, with a priority date of August 18, 2006 was approved November 27, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 27, 2011 and for the application to beneficial use of said water on or before November 27, 2015.

No. 2398-2 authorized diversion of 2.22 cfs from one well to irrigate 272 acres. The permit holder replaced a pivot, shifted acreage around and added a well to allow existing pivots to run independently. The applicable portions of Water Right No. 2398-2 are incorporated into Water Permit No. 2599-2. Priority dates under No. 2398-2 were given to specific acreage. For clarification purposes, the priority dates for Water License No. 2599-2 will be given to specific wells and the diversion rates associated with the wells.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 4.34 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- South well – located in the approximate center of the NW $\frac{1}{4}$ Section 12, T37N, R34W
Priority date: April 9, 1976
- North well – located 612 feet north and 1,404 feet east of the SW corner of Section 1, T37N, R34W (SE $\frac{1}{4}$ SW $\frac{1}{4}$) – Priority date of August 18, 2006

(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 a total of 291 acres located as follows:

North pivot – 148 acres			South pivot – 143 acres		
T37N, R34W Section 2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	2 acres	T37N, R34W Section 1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3 acres
	E $\frac{1}{2}$ SE $\frac{1}{4}$	68 acres		SE $\frac{1}{4}$ SW $\frac{1}{4}$	2 acres
Section 1	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2 acres	Section 11	E $\frac{1}{2}$ NE $\frac{1}{4}$	7 acres
	W $\frac{1}{2}$ SW $\frac{1}{4}$	71 acres	Section 12	W $\frac{1}{2}$ NW $\frac{1}{4}$	76 acres
	E $\frac{1}{2}$ SW $\frac{1}{4}$	5 acres		E $\frac{1}{2}$ NW $\frac{1}{4}$	55 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jeff Johnson, 24178 290th St, Tuthill SD 57574 the holder and/or owner of Incorporated Water Right No. 2599-2 is issued a license to appropriate water, the right to use 4.34 cubic feet of water per second from ground water (two wells – Ogallala Aquifer) with priority dates of April 9, 1976 (2.22 cfs – well in Section 12) and August 18, 2006 (2.12 cfs – well in Section 1) from the locations specified in (2) of this license for irrigation purposes.

continued

Water License No. 2599-2

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 2599-2 and subject to the following qualifications:

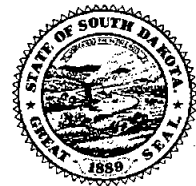
- The wells authorized under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2599-2 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 **(Qualification pertained only to new well. Well was completed in March, 2007 by Grosch Irrigation Company Inc., copy of log is on file with the Water Rights Program).**
- Pursuant to SDCL 46-5-6 which allows for a greater diversion rate if the method of irrigation, time constraints, or type of soils requires, Nos. 2599-2 and 2398-2 combined authorize a maximum diversion rate of 4.34 cfs for irrigation of 291 acres with an annual volume not to exceed 2 acre feet of water per acre per year. **(The diversion rate and acres listed are "as developed" and therefore different than initial qualification).**
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 26 2013

date



2599-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 26 2013

2398-2
2599-2

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

Enclosed is Water License No. 2599-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 2599-2, 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.

The applicable portions of Water Right No. 2398-2 were incorporated into Water License No. 2599-2. 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures