

WATER PERMIT NO. 2609-2

Name of Applicant: Jeff Johnson

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

Amount of Water Claimed: 2.0 cfs Total Acres: 48

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System:

Location: 5 miles east of Vetal

PRIORITY Date Received: 2-7-07 Application/License Fee: \$200

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

Remarks: using the existing well authorized by Water Right No. 2493-2

Diversion Point: SW ¼ SW ¼ Sec 6-T37N-R33W

Land to be Irrigated: SE ¼ Sec 1- T37N-R43W

Depth of Well: 320 feet deep

Well Driller: : Grosch Irrigation

Remarks:

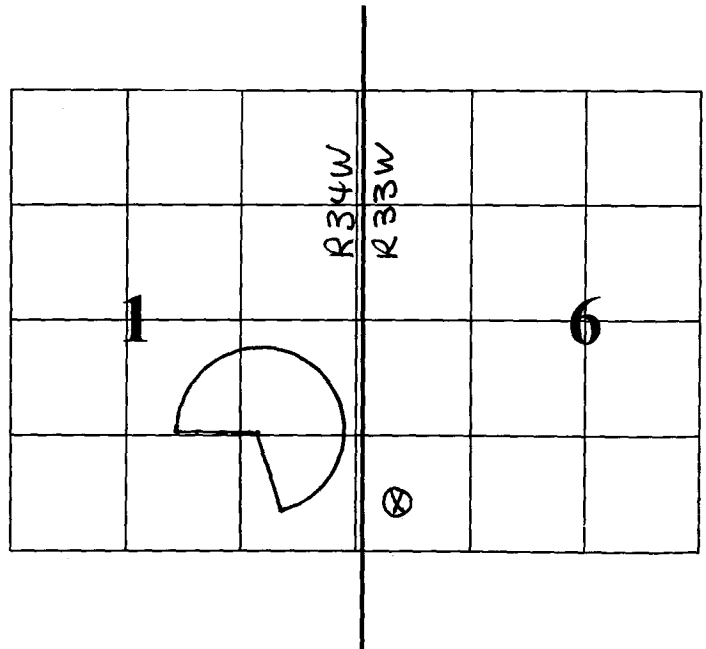
Type of Map: aerial

Prepared by: Scott ?

Reviewed and the Number Assigned on: 2-7-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2609-2</u> (office use only) <u>10/40202</u>	RECEIVED FEB 07 2007 WATER RIGHTS PROGRAM
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co Booster</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 2493-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Applicant is seeking to divert water from permit number 2493-2 at times when I don't need to irrigate and irrigate an additional 50 acres in Sec 1-37-3

1. Name of Applicant Jeff Johnson Phone (605) 685-6913
(check one) X 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 2.0*CFS or 900 **GPM ***AF Total Acreage 48
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in Sec. 6
(SW 1/4 Sec. 6 T 37 N R 33 W) County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used Apr. 1 - Oct 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
SE 1/4 of SE 1/4 Sec 1-37N-34W	7		
NE 1/4 of SE 1/4 Sec 1-37N-34W	30		
NW 1/4 of SE 1/4 Sec. 1-37N-34W	7		
SW 1/4 of SE 1/4 Sec. 1-37N-34W	4		

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

I already have a well and pivot constructed but I can gain an additional 45-50 acres if I pipe water across the road and using the same well, irrigate said acres in Sec 1-37N-34W

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 5th day of FEBRUARY 20 07

Cynthia M. Coon
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2609-2

Date of first receipt of application February 7, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2609-2 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. 2609-2 authorizes irrigation of an additional 48 acres from the well authorized by Water Right No. 2493-2. This existing water right appropriates 2.0 cubic feet of water per second (cfs) from one existing well completed into the Ogallala Aquifer (320 feet deep) located in the SW ¼ SW ¼ Section 6 to irrigate 140 acres in the S ½ NW ¼ and SW ¼ Section 6; all in T37N, R33W. This permit authorizes irrigation of an additional 48 acres located in the SE ¼ Section 1-T37N-R34W. No increase in the diversion rate of 2.0 cfs is authorized by this permit.
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 February 7, 2007.
4. The date of approval of Permit No. 2609-2 is May 14, 2007.
5. One-fifth of the construction is to be completed on or before November 14, 2009.
6. All construction is to be completed on or before May 14, 2012.
7. Water is to be put to beneficial use on or before May 14, 2016.
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 Water Right No. 2493-2 and this Permit is 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

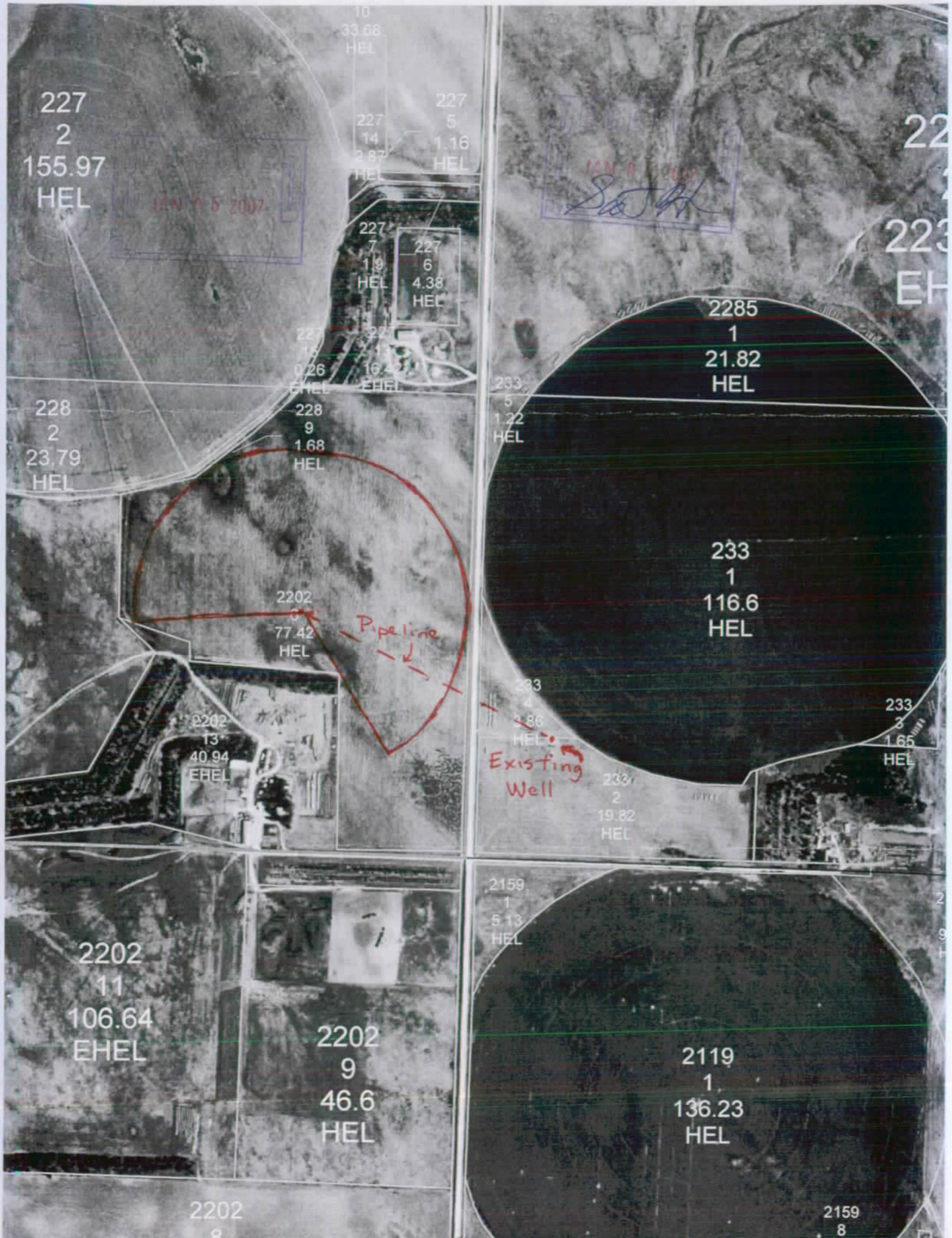
By: Garland Erbele

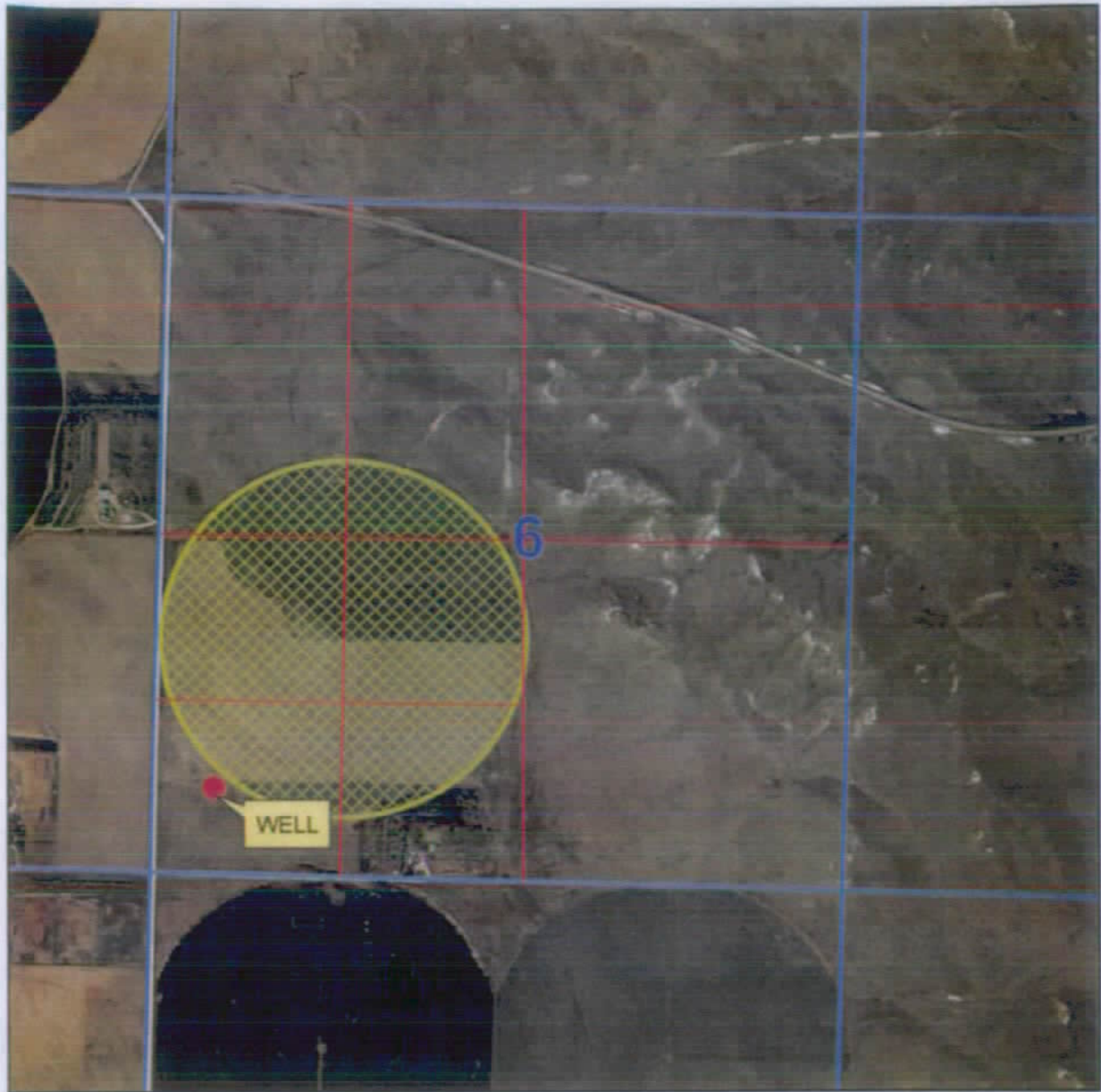
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 20 2007

date







0 500 1,000 2,000 3,000 4,000 Feet

Well located approximately 650 feet north and 460 feet east of the SW corner
(SW 1/4 SW 1/4) of Section 6, T37N, R33W

Lat/Lon N43.292179 W-101.274759



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - October 25, 2005

07-92

Date: 7-18-63

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 7, 20 07

RECEIVED OF Jeff Johnson, 24178 290th St, Tuthill SD 57574

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

Fee for Application for Permit No. <u>2609-2</u> 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. <u>2609-2</u>	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	200.00

No.

02932

By

Harland Erbele

Chief Engineer

(KS)



**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. 2609-2, 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. 2609-2, Jeff Johnson, 24178 290th Street, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2609-2 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 Water Right No. 2493-2 and this Permit is 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. 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
April 17, 2007

REPORT ON APPLICATION NO. 2609-2

For Jeff Johnson

April 3, 2007

Application No. 2609-2, for Jeff Johnson, proposes to irrigate an additional 48 acres to what is currently authorized by Water Right No. 2493-2. This application, if approved, combined with Water Right No. 2493-2 will appropriate 2.0 cfs from one well completed into the Ogallala Formation (approximately 320 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 to irrigate a total of 184 acres located in the SE $\frac{1}{4}$ Section 1 T37N-R34W, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6 T37N-R33W; all in Bennett County. If approved, this application does not authorize any increase in the developed diversion rate.

AQUIFER – OGALLALA FORMATION (OGLL)

The Ogallala Formation consists primarily of medium-grained, weakly consolidated sands with scattered clay beds. The thickness of the Ogallala is quite variable depending upon depth to bedrock. Area irrigation wells indicate as much as 300 feet of Ogallala present with about 200 feet of saturated thickness. The formation thickness increases in Nebraska and continues south as far as Texas. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The Ogallala and the underlying Arikaree Formations are interconnected to some extent and thus the formations are hydraulically connected. The Ogallala underlies approximately 280,960 acres and contains approximately 2.8 million acre feet of recoverable water in storage in Bennett County (Allen, 1984). Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be approximately 1.3 to 1.8 inches per year (Kolm, 1983). Existing information on file for this well indicates the well to be 320 feet deep with a static water level of 104 feet below land surface. The well completion report also indicates that the well is completed in accordance with SD Well Construction Standards.

The Water Rights Program monitors six observation wells completed into the Ogallala aquifer that all lie within a five mile radius of this application. The closest of observation well (BT-78KR) is located approximately 1 mile north of this location. A hydrograph for this observation well is included in this report and labeled as Figure 1. The hydrograph illustrates water levels in the aquifer fluctuate slightly in response to existing irrigation pumping, although the water level fluctuations created by pumping do not cause significant drawdown in the area. The water levels respond more to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007).

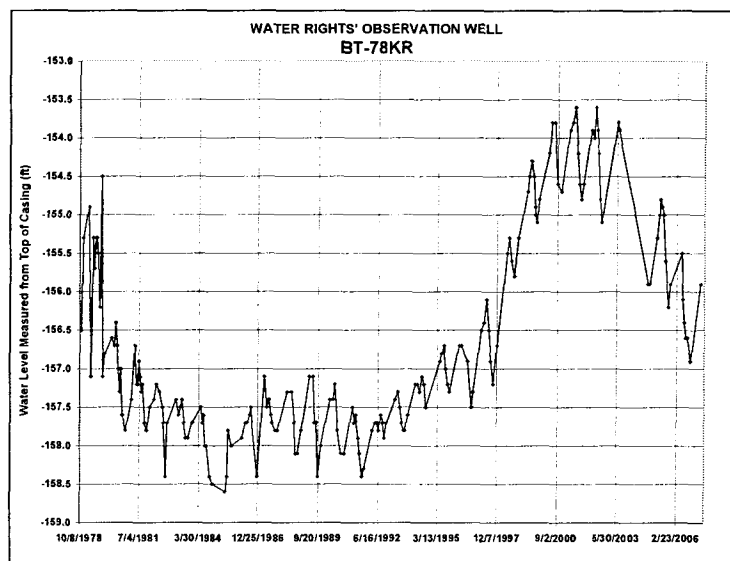


Figure 1. Hydrograph of Water Rights' observation well BT-78KR.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing water rights/permits appropriating ground water located within a two mile radius of this application. These water rights/permits authorize a total of thirteen irrigation wells which are appropriating water from the Ogallala aquifer. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit appropriating water from the Ogallala aquifer is located approximately ¼ mile to the south. This well is for Water Right No. 1637-2 (5.35 cfs for irrigation). Since the Ogallala aquifer is under unconfined condition, drawdown from pumping is not expected to be significant very far from the well. Interference is not expected to be a problem.

Table 1. Table identifying permits located within a two mile radius of the application.

PERMIT NO.	LAST NAME	AQUIFER	USE	CFS
1211-2	O'NEILL	OGLL	IRR	2.00
1637-2	O'NEILL	OGLL	IRR	5.35
1638-2	O'NEILL	OGLL	IRR	1.89
1674-2	JOHNSON	OGLL	IRR	2.45
2354-2	JOHNSON	OGLL	IRR	2.56
2398-2	JOHNSON	OGLL	IRR	2.22
2493-2	JOHNSON	OGLL	IRR	2.00
2509-2	PISHA	OGLL	IRR	3.89
2599-2	JOHNSON	OGLL	IRR	3.00

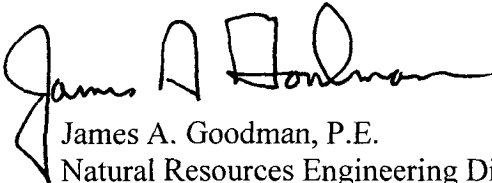
CONCLUSIONS

1. The Ogallala Formation is a viable ground water source and unappropriated water is available.
2. The aquifer is under unconfined or water table conditions at this site. Drawdown created by existing pumping should not be significant. Interference is not expected to be a concern.
3. This is an existing well authorized by Water Right No. 2493-2. Information found in the Water Rights file about this well indicates proper well configuration and is completed in accordance with SD Well Construction Standards.
4. If approved, this application does not authorize any increase in the developed diversion rate.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

- Allen, J.C., D. Iles, A. Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corp of Engineers Contract DAWC 45-82-C015, SD DENR Division of Geological Survey, Vermillion SD.
- Kolm, K.E., 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 Right, 2007, Unpublished Observation Well Data for the Ogallala aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

RECEIVED

MAY 22 2007

WATER RIGHTS
PROGRAM

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 herinafter 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:

April 25, 2007
May 2, 2007
_____, 20____
_____, 20____
_____, 20____
_____, 20____

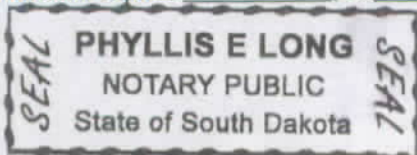
that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 46.80, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

[Signature]

Subscribed and sworn to before me this 2nd day of May, 2007.

[Signature]
Notary Public
County of Bennett, South Dakota

My commission expires _____, 20____.



My Commission Expires
August 30, 2012

Notice

Notice of Application No. 2609-2 to Appropriate Water

Notice is given that Jeff Johnson, 24178 290th St., Tuthill, SD 57574 has filed an application for a water permit to irrigate an additional 48 acres from the well authorized by Water Right No. 2493-2. This existing water right appropriates 2.0 cubic feet of water per second (cfs) from one existing well to be completed into the Ogallala Aquifer (320 feet deep) located in the SW1/4SW1/4 Section 6 to irrigate 140 acres in the S1/2NW1/4 and SW1/4 Section 6; all in T37N, R33W. This application proposes to irrigate an additional 48 acres located in the SE1/4 Section 1-T37N-R34W. No increase in the diversion rate of 2.0 cfs is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2609-2 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 these applications, 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 this application. Notice of hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations 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 May 14, 2007.

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-5/2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 18, 2007

BENNETT COUNTY BOOSTER II
PO BOX 610
MARTIN SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2609-2 to Appropriate Water to be published twice. Please publish the first notice on April 25, 2007 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.

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 Jeff Johnson, 24178 290th St, Tuthill SD 57574 (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. 2609-2

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

Date _____

We are in receipt of your letter of April 18, 2007 enclosing Notice to Appropriate Water by Application No. 2609-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

April 18, 2007

JEFF JOHNSON
24178 290TH ST
TUTHILL SD 57574

Dear Mr. Johnson:

Water Permit Application No. 2609-2 for amended 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 recommendations of the Chief Engineer and reports on the applications 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 applications.

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.

Instruction to Newspaper - Publish first Notice on April 25, 2007 with the second publication 7 days later. The applicant is responsible for payment.

Notice of Application No. 2609-2 to Appropriate Water

Notice is given that Jeff Johnson, 24178 290th St, Tuthill SD 57574 has filed an application for a water permit to irrigate an additional 48 acres from the well authorized by Water Right No. 2493-2. This existing water right appropriates 2.0 cubic feet of water per second (cfs) from one existing well to be completed into the Ogallala Aquifer (320 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 to irrigate 140 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 6; all in T37N, R33W. This application proposes to irrigate an additional 48 acres located in the SE $\frac{1}{4}$ Section 1-T37N-R34W. No increase in the diversion rate of 2.0 cfs is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2609-2 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 these applications, 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 this 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 recommendations 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 May 14, 2007.

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

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

JUN 20 2007

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

Enclosed is Water Permit No. 2609-2 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

RECEIVED

AUG - 2 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-1-07

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

FROM: Jeff Johnson
(name)
24178 290th St
(address)
Tuthill 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. 2609-2 states that the water use system is to be constructed by May 14 2012, and water is to be put to beneficial use by May 14 2016.
(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



2609-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 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:

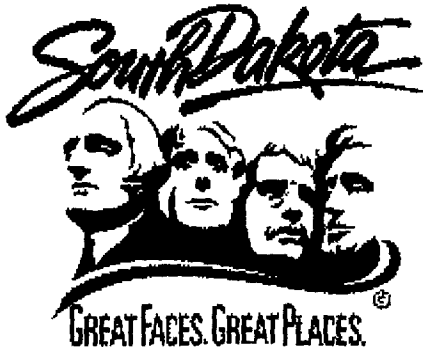
1. Suspend or cancel Permit No(s) 2398-2, 2493-2, 2599-2 & 2609-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 977-2 & 1680-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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

Permit No. 2609-2
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. 2609-2, bearing the priority of 2/07/2007 authorizing the diversion of 2.0 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: For original well information, from Water Right No. 2493-2.

- 1) Well Drilling Firm: Grosch Irrigation Co., Inc
- 2) No. of Wells 1
- 3) Depth(s) 320 feet
- 4) Well log is available Yes
- 5) Comment:

Casing:

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

Screen:

- 1) Type Perforated Pipe
- 2) Length 140 feet
- 3) Static water level 104 feet

Pump:

- 1) Make Unknown
- 2) Model Unknown
- 3) Size N/A
- 4) Capacity 900 GPM

Motor:

Motor:

- 1) Make US Electric Motor
- 2) Model No. 404TP
- 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 Rain Cat
- 2) Overall length 960 feet
- 3) Number of towers 7
- 4) Distance between towers ~138 feet
- 5) End gun Yes
- 6) low pressure
- 7) Capacity 900 GPM

Chemigation Equipment:

- 1) Does chemigate Yes

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 point of diversion located as follows: 650 feet north and 460 feet east of the SW corner of Section 6, Township 37 North, Range 33 West, lat/long N 43.20220 W -101.27478. The works are capable of diverting and conveying to the place of use 2.0 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:

SE ¼ SE ¼ Sec 1—7 acres
NE ¼ SE ¼ Sec 1—30 acres
NW ¼ SE ¼ Sec 1—7 acres
SW ¼ SE ¼ Sec 1—4 acres

T37N-R34W

48 Total Acres

comprising a total of 48 acres of land and the license should be issued for 2.0 cfs.

All structures, wells and lands on map Yes

Comments or other permit(s) associated with the project: **This permit authorizes irrigation of an additional 48 acres from the well authorized by Water Right No. 2493-2. This existing water right appropriates 2.0 cubic feet of water per second (cfs) from one existing well completed into the Ogallala Aquifer (320 feet deep) located in the SW ¼ SW ¼ Section 6. No increase in the diversion rate of 2.0 cfs is authorized by this permit.**



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 11/29/2011



Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
August 2011

0 0.2 0.4 Miles



South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

APR 25 2012

2609-2

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

Enclosed is Water License No. 2609-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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, which appears to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2609-2

(1) Jeff Johnson, 24178 290th St, Tuthill SD 57574 made Application No. 2609-2, February 7, 2007 for a water permit to irrigate additional acres from groundwater (one well), authorized under Water Right No. 2493-2 in Bennett County, South Dakota. Permit No. 2609-2, with a priority date of February 7, 2007 was approved May 14, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 14, 2012 and for the application to beneficial use of water on or before May 14, 2016.

Water Right No. 2493-2, with a priority date of November 26, 2002, authorizes 2.0 cubic feet of water per second from one well to irrigate 140 acres. The applicable portions of Water Right No. 2493-2 are incorporated into Water Right No. 2609-2.

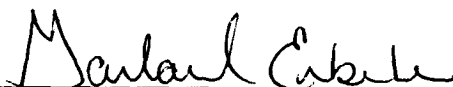
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 2609-2 is issued a license, bearing priority dates of November 26, 2002 and February 7, 2007 to appropriate 2.0 cubic feet of water per second from groundwater (one well) to irrigate 188 acres.

The diversion point is located: 650 feet north and 460 feet east of the southwest corner of Section 6-T37N-R33W (SW ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 6-T37N-R33W Priority date: November 26, 2002		Section 1-T37N-R34W Priority date: February 7, 2007	
SW ¼ NW ¼	11 acres	SE ¼ SE ¼	7 acres
SE ¼ NW ¼	11 acres	NE ¼ SE ¼	30 acres
NW ¼ SW ¼	39 acres	NW ¼ SE ¼	7 acres
NE ¼ SW ¼	39 acres	SW ¼ SE ¼	4 acres
SW ¼ SW ¼	20 acres		
SE ¼ SW ¼	20 acres		
Total 188 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2609-2 including the following now applicable qualifications:

- The well approved under Water Right No. 2493-2 and this Permit is 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

APR 25 2012
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 25, 2017

2609-2

Jeff Johnson
24178 290th St
Tuthill SD 57574

Dear Mr. Johnson:

I am writing in regard to the 2016 irrigation questionnaire you submitted for Water Right No. 2609-2 (copy enclosed). In reviewing the data, the amount of water pumped seems high and may be in error.

Water Right No. 2609-2 authorizes irrigation of 188 acres allowing up to two acre-feet of water per acre per year (24 inches per acre). The following information was reported:

- Acres irrigated: 192;
- Water diverted 481 acre feet;
- Authorized water use: 384 (192 acres x 2 acre feet).

In this instance, you are reporting slightly more acres and significantly more volume than is authorized. We realize that in any given year, water use varies depending on climatic conditions. It is very rare that irrigators come close to 24 inches per year. It is not economically feasible to apply more than the crop requires. In a normal year, irrigators apply between 8 – 12 inches of water.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine if an aquifer or stream may or may not be nearing full appropriation. Our goal is to protect existing water rights and ensure that additional water rights do not impair those existing water users.

Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the questionnaires in a timely manner, the forms need to be as accurate possible. If it is easier for you, you can always report the number of inches of water applied for the season rather than keeping track of days/hours.

If you did indeed apply that much water in 2016, you are exceeding the limits of your water right and need to be cutting back to within authorized use as outlined in your water right. If you have any questions or have changes to make on the questionnaire, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosure