

WATER PERMIT NO. 2717-2

Name of Applicant: **Mark & Janelle Johnson**

Address: **PO Box 146, Kilgore NE 69216** Phone: **402 322-1991**

Amount of Water Claimed: **2.0 cfs** Total Acres: **140**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **irrigation** County: **Todd**

Type of Waste Disposal System:

Location: **13 south of Mission**

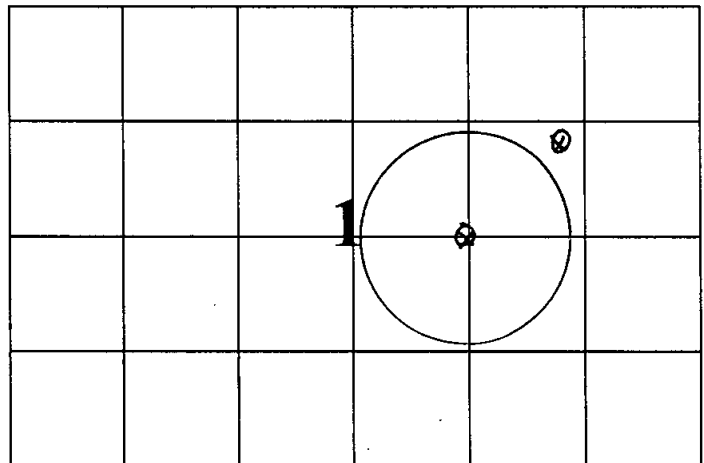
PRIORITY Date Received: **8-19-13** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **June 1 – September 30**

Remarks:

Diversion Point: **center line between NE 1/4 & SE 1/4 and SE 1/4 NE 1/4 Sec 1-T36N-R29W**

Land to be Irrigated: **S 1/2 NE 1/4 and N 1/2 SE 1/4 Sec 1-T36N-R29W**



Depth of Well:

Well Driller: **250 feet deep**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-19-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2717-2</u> (office use only) Hydrologic Unit <u>10150006</u>
	Basin <u>Niobrara Tributary</u>
	Newspaper <u>Todd Co Tribune</u>
	<u>Capitol Journal</u>

RECEIVED

AUG 19 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Mark & Janelle Johnson(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address P.O. Box 146 Killary NE 69216
(Address) (City) (State) (Zip Code)Home Phone 402-966-2163 Cell 402-322-1941 Email johnson69219@yahoo.com2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage _____
(*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 water4. Location of point of diversion 2 wells in NE 1/4 of sec 1, T36N, R29W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)on center line between NE 1/4 & SE 1/4 & (SE 1/4 NE 1/4) County Todd5. County or counties where water will be used Todd6. Annual period during which water is to be used June - Sept 307. 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)

Description	Acres	Land Description	Acres
<u>N 1/2 SE 1/4, Sec 1 - T36N - R29W</u>	<u>70</u>		
<u>lots 1, 2, 3 & 4</u>	<u>70</u>		

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

This section is a township correction section, so the legal could also read S 1/2, NE 1/4 and N 1/2 of SE 1/4 sec 1 Township 36N Range 28W.
Drill Irrigation wells to supply pivot/sprinkler irrigation for 140 acres

I, Mark Johnson, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 2717-2

Date of first receipt of application August 19, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2717-2 to Mark & Janelle Johnson, PO Box 146, Kilgore NE 69216 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. 2717-2 appropriates 2.0 cubic feet of water per second from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the center along the northern edge of the N 1/2 SE 1/4 Section 1 for irrigation of 140 acres located in the Lots 1, 2, 3, 4 and the N 1/2 SE 1/4 Section 1; all in T36N-R29W.
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: June 1 – September 30.
3. The date from which applicant may claim right is August 19, 2013.
4. The date of approval of Permit No. 2717-2 is November 4, 2013.
5. One-fifth of the construction is to be completed on or before May 4, 2016.
6. All construction is to be completed on or before November 4, 2018.
7. Water is to be put to beneficial use on or before November 4, 2022.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2717-2 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

NOV 21 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 2 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 250 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

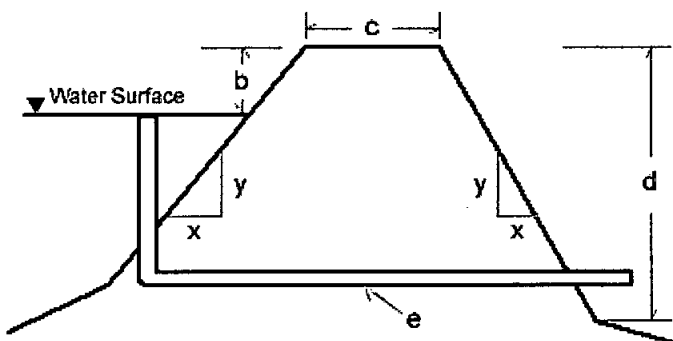
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



North

x

x

127 acres

1-36N-29W





RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/19, 20 13

RECEIVED OF Mark Johnson PO Box 146 Kilgore NE 69216

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

Fee for Application for Permit No. <u>2717-2</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>2717-2</u>	200	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	1050 00

No. **06412**

By James Loadman
Chief Engineer

Water Rights Program - File Documentation

NAME: Mark & Janelle Johnson

ADDRESS: Kilgore NE

DATE: 8-19-13 **COUNTY:** TD **TELEPHONE:** 402 966-2163

RE: Pending application

COMMENTS:

Janelle Johnson returned my call stating she had talked with her husband, Mark regarding the depth of the wells for their four applications.

Mrs. Johnson stated each application should request a **proposed well depth of 250 feet.**



Karen Schlaak
Water Rights Program

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, August 22, 2013 1:58 PM
To: 'johnson69219@yahoo.com'
Cc: Schlaak, Karen
Subject: water permit application in Section 1, T36N, R29W

Mark and Janelle Johnson

You filed four applications to irrigate from groundwater in Todd County. The Water Rights Program may need clarification on the legal description for the application in Section 1, T36N, R29W. You state the quarter section to be irrigated is the NE ¼. This is not a normal size section which may cause actual legal description to be described differently (such as in Lots or in this case some of the acres actually being legally described as being in the SE ¼ of the section). The best way to determine the legal description is the deed which can be found at the county register of deeds. Or since you are in the process of purchasing the property you may have that information at your fingertips.

For the water permit to have proper legal standing the correct legal description must be in the public notice. Please review the deed for the area to be irrigated and confirm the legal description provided on the present application or correct as needed.

Let me know if you have any questions. Thank You.

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

No. 2717-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2717-2, Mark Johnson

ADDRESS: COUNTY: Todd

DATE: August 23, 2013 TELEPHONE:

RE: call from Mark Johnson

Mr. Johnson called regarding my email on the legal description of the well location and land to be irrigated under application No. 2717-2 in Section 1, T36N, R29W due to the fact it is a undersized section.

Mr. Johnson stated the north portion of the pivot will irrigate portions of Lots 1, 2, 3 & 4 while the south half will be the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, T36N, R29W. He asked that I amend the application accordingly.

NAME: Eric Johnson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2717-2, Mark & Janelle 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. 2717-2, Mark & Janelle Johnson, PO Box 146, Kilgore, NE 69216.

The Chief Engineer is recommending APPROVAL of Application No. 2717-2 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2717-2 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
October 11, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2714-2, 2715-2, 2716-2, and 2717-2
MARK & JANELLE JOHNSON
OCTOBER 10, 2013

Water Permit Application No. 2714-2 proposes to appropriate water at a maximum diversion rate of 2.0 cubic feet of water per second (cfs) from two wells to be completed into the Ogallala aquifer. The wells are expected to be approximately 250 feet deep and are to be located in the approximate center of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 for the irrigation of 140 acres located in the NW $\frac{1}{4}$ Section 12; all in T36N-R29W in Todd County.

Water Permit Application No. 2715-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer. The wells are expected to be approximately 250 feet deep and are to be located in the approximate center of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12 for the irrigation of 140 acres located in the SW $\frac{1}{4}$ Section 12; all in T36N-R29W in Todd County.

Water Permit Application No. 2716-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer. The wells are expected to be approximately 250 feet deep and are to be located in the approximate center of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 for the irrigation of 140 acres located in the NE $\frac{1}{4}$ Section 12; all in T36N-R29W in Todd County.

Water Permit Application No. 2717-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer. The wells are expected to be approximately 250 feet deep and are to be located on the center line between the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1 for the irrigation of 140 acres located in the Lots 1, 2, 3, and 4 and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1; all in T36N-R29W in Todd County.

AQUIFER: Ogallala (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Ogallala aquifer is part of the High Plains aquifer that underlies 174,000 square miles of the United States, spanning eight states from Texas to South Dakota. In South Dakota, the High Plains aquifer underlies approximately 4,750 square miles, contains an estimated 700 million acre-feet (ac-ft) of water in storage, and is generally under water table conditions (Gutentag et. al, 1984). The majority of Todd County is underlain by the High Plains aquifer, which consists of hydraulically connected Arikaree, White River, and Ogallala Groups, and overlying alluvial deposits (Carter, 1998).

The Ogallala Formation consists of clays, silts, sands, and surface gravel deposits and is the most productive portion of the High Plains aquifer (Gutentag et. al, 1984). The Ogallala aquifer is estimated to underlie 950 square miles and contain approximately 17 million ac-ft of water in storage in Todd County (Carter, 1998). The average aquifer thickness is 137 feet, the maximum

is 239 feet, and the top of the aquifer can be encountered from ground surface to 164 feet below ground surface (Carter, 1998).

Test hole reports were not submitted with this application; however, sufficient information is available to evaluate the aquifer at the proposed well sites. In general, below the top soil, approximately 250 feet of sand layers are present with some siltstone and clay layers intermixed. The Arikaree Group “red rock” underlies the Ogallala (Hammond, 1994; SDGS, 2013; Water Rights, 2013b; Water Rights, 2013c). Nearby well completion reports document static water levels from wells completed into the Ogallala aquifer ranging from 50 to 90 feet below ground surface.

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

These applications propose to appropriate water from the Ogallala aquifer. Actual water use, if these applications are approved, will likely be less than 1,120 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Ogallala aquifer in Todd County occurs mainly through infiltration of precipitation, stream losses, and inflow from the aquifer outside the county (Carter, 1998). Kolm and Case (1983) estimated recharge to be 1.3 to 1.8 inches per year (in/yr) using a digital model. Hedges and Burch (1985) estimate recharge to be 2.2 to 3.4 in/yr using observation well data and 1.88 in/yr using a baseflow recession analysis. Table 1 shows the total estimated recharge to the Ogallala aquifer using the various recharge estimates.

		Recharge Rate (in/yr)	Min. Recharge (ac-ft/yr)	Max. Recharge (ac-ft/yr)
Kolm and Case, 1983		1.3 to 1.8	65,866.7	91,200.0
Hedges and Burch, 1985	Obs Well	2.2 to 3.4	111,466.7	172,266.7
	Baseflow	1.88	95,253.3	

Table 1- Estimated annual recharge to the Ogallala aquifer in Todd County

Discharge:

Discharge from the Ogallala aquifer in Todd County occurs through evapotranspiration, seepage to streams and rivers, outflow to the aquifer outside the county, and well withdrawals (Carter, 1998). Currently there are 67 South Dakota water rights/permits appropriating water from the Ogallala aquifer in Todd County. One SD water right/permit is authorized for institutional use, Water Right 2505-2 Lakeview Christian Reform, and the remainder of the water rights/permits are authorized for irrigation use. There are currently no other SD water permit applications pending from the Ogallala aquifer in Todd County (Water Rights, 2013b). The estimated average annual use by Water Right No. 2505-2 is 14.3 ac-ft. That estimate is based on pumping at the maximum allowed diversion rate for 60 percent of the time. The amount of water withdrawn for domestic purposes is not significant to the hydrologic budget.

The development of SD water rights/permits authorized for irrigation use from the Ogallala aquifer in Todd County has gradually increased over the period of record, 1982 to 2012 (Water Rights, 1983-2013; Water Rights, 2013b). Table 2 shows the historic irrigation water use from the Ogallala aquifer in Todd County.

Year	Number of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2012	60	31102	18788.51
2011	55	29694	8356
2010	54	29694	12861.52
2009	55	30014	12824.47
2008	55	30014	13512.22
2007	54	29742	12595.2
2006	54	29742	13720.14
2005	50	28598	10560.62
2004	49	28334	13717.08
2003	47	27790	13869.53
2002	49	29254	14353.5
2001	52	31586.8	10118.13
2000	52	31586.8	8480.35
1999	51	31326.8	7374.33
1998	50	31066.8	7238.91
1997	51	31326.8	10650
1996	49	30798.8	12925.48
1995	49	30798.8	5163.39
1994	49	30798.8	8497.71
1993	48	30229.3	6280.3
1992	50	31069.3	5979
1991	50	31813.6	8738.74
1990	50	31813.6	8475.9
1989	48	31813.6	15604.9
1988	49	33268.3	8845.15
1987	49	33268.3	5891
1986	49	32794.3	7870
1985	52	30086.4	9801.5
1984	53	39697.1	7930
1983	52	42271.7	5464.27
1982	49	40716.7	7006.04
Min	47	27790.0	5163.4
Max	60	42271.7	18788.5
Avg	51.1	31681.0	10112.7

Table 2- Historic irrigation water use authorized under South Dakota water rights/permits from the Ogallala aquifer in Todd County (Water Rights, 1983-2013)

The Rosebud Sioux Tribe operates a number of irrigation wells completed into the Ogallala aquifer in Todd County. A review of 2010 and 2012 aerial photography for the area and comparison to the DENR-Water Rights database (Water Rights, 2012b), indicates that most of the irrigation in Todd County and the irrigated acreage in the immediate vicinity of the well sites proposed by these applications are authorized by the DENR-Water Rights Program.

Hydrologic Budget:

The estimated average annual withdrawal from the Ogallala aquifer in Todd County is 10,127 ac-ft/yr, not accounting for withdrawals on tribal trust ground and on deeded ground held by tribal members. Estimated annual recharge ranges from 65,866.7 to 172,266.7 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available from the Ogallala aquifer in Todd County for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 79 observation wells completed into the Ogallala aquifer with 21 of the wells in Todd County alone (Water Rights, 2013a). There are eight observation wells within five miles of the proposed well sites. The observation wells are shown in Figure 1. The hydrographs for the observation wells are shown in Figures 2 through 9, respectively.

The hydrographs show that the water levels respond well to climatic conditions with rising water levels during wet periods and gradually declining water levels during dry conditions. The observation wells that are within the heavily irrigated area, northwest of the proposed well sites, generally show a slight decline in water levels over the period of record. However, observation wells on the outside of the heavily irrigated area generally show no change or a slight increase of water levels. Carter (1998) points out:

“The decline in both wells since 1990 does not correspond with below-normal precipitation; rather, the decline probably was caused by increased withdrawals of water for irrigation. In general, regional studies of the Ogallala aquifer indicate that water levels have not substantially declined in South Dakota due to irrigational development.”

The gradual decline of water levels noted by Carter (1998) and documented in Figures 2, 3, and 4 are probably indicative of drawdown in the aquifer from the gradual increase in irrigation development. Since the irrigation pumping occurs from a fairly concentrated area, the water table in that area has declined to allow more water into the area. This local area of drawdown, also known as a “drawdown cone”, should not be interpreted as withdrawals from the aquifer exceeding recharge to the aquifer. Equilibrium will be established between the inflow to the area and pumping from the area creating a stable, lower water table. Observation well data indicates that withdrawals from the Ogallala aquifer in Todd County do not exceed the recharge to the aquifer and unappropriated water is available for these proposed appropriations.

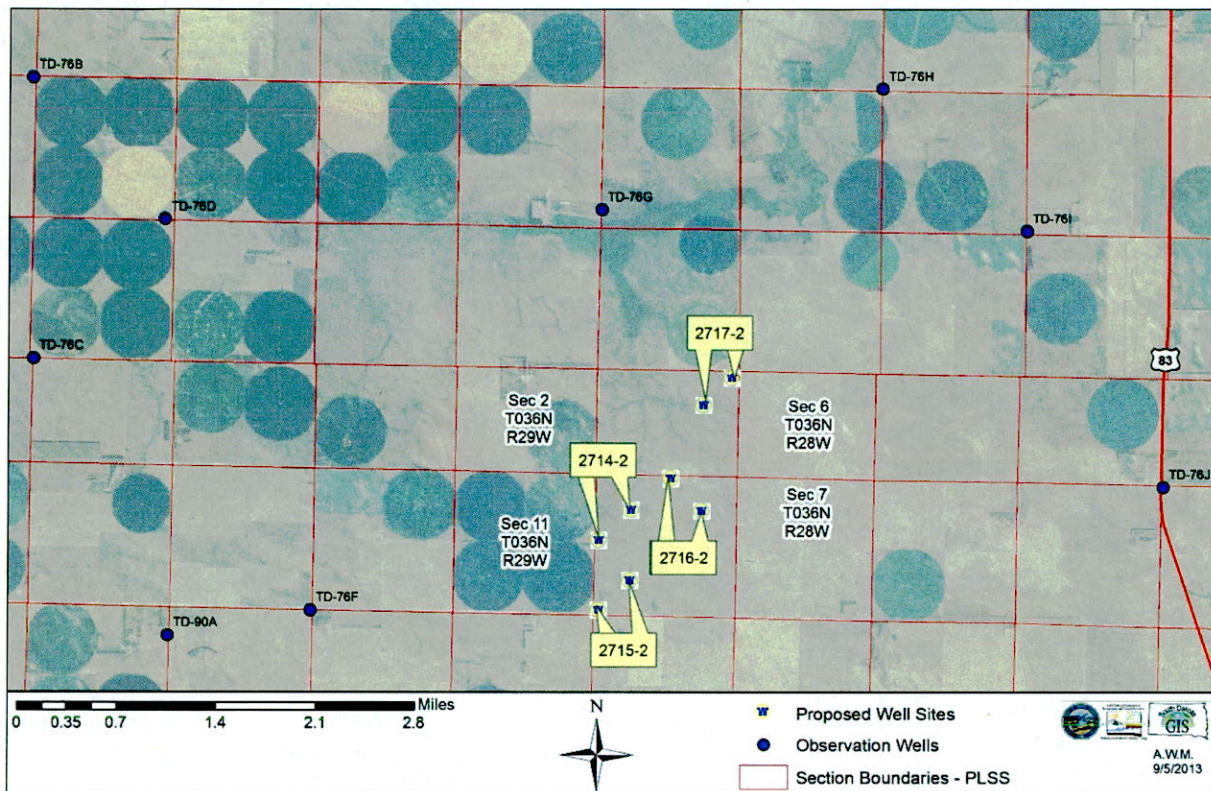


Figure 1- Map of area observation wells and proposed well sites (Water Rights, 2013a)

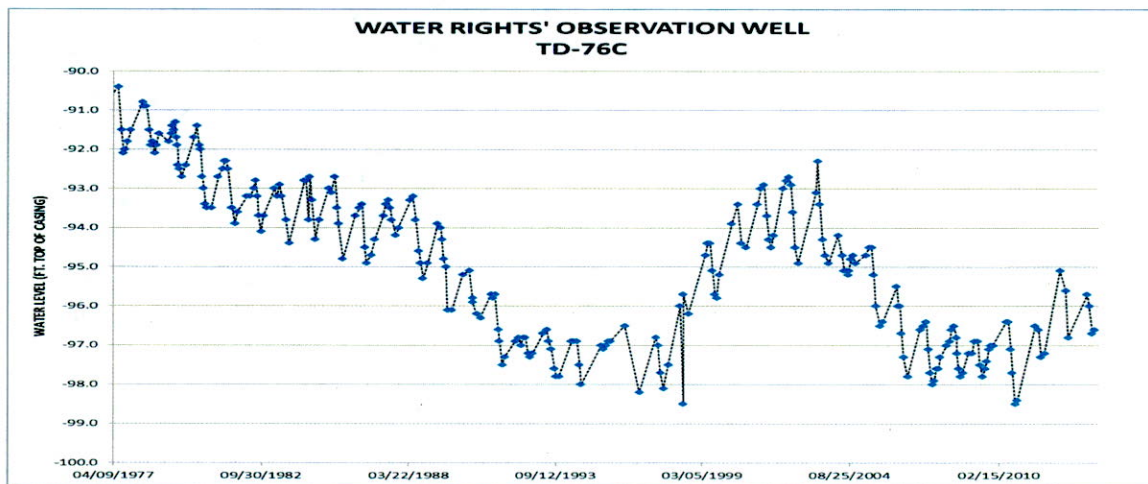


Figure 2- Hydrograph for observation well TD-76C (Water Rights, 2013a)

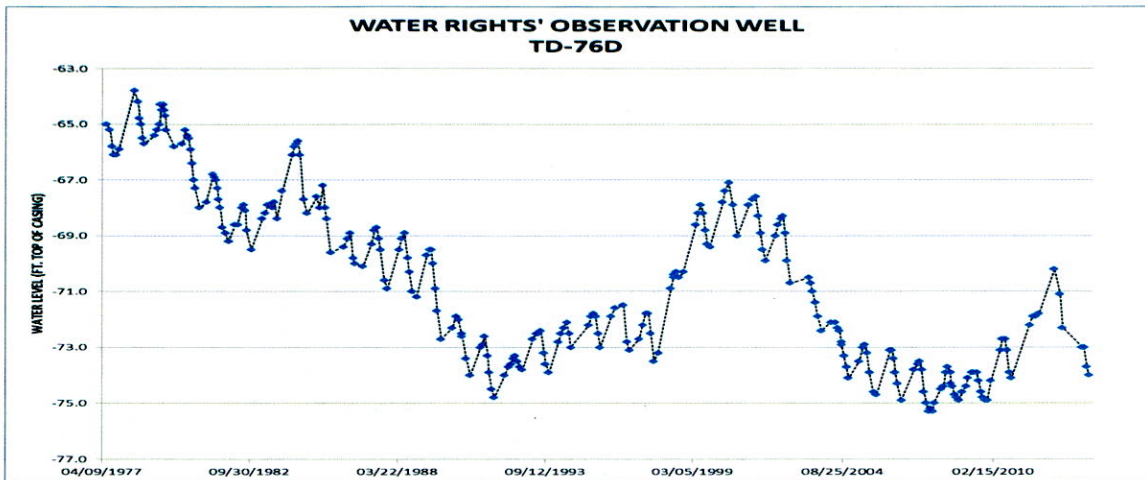


Figure 3- Hydrograph for observation well TD-76D (Water Rights, 2013a)

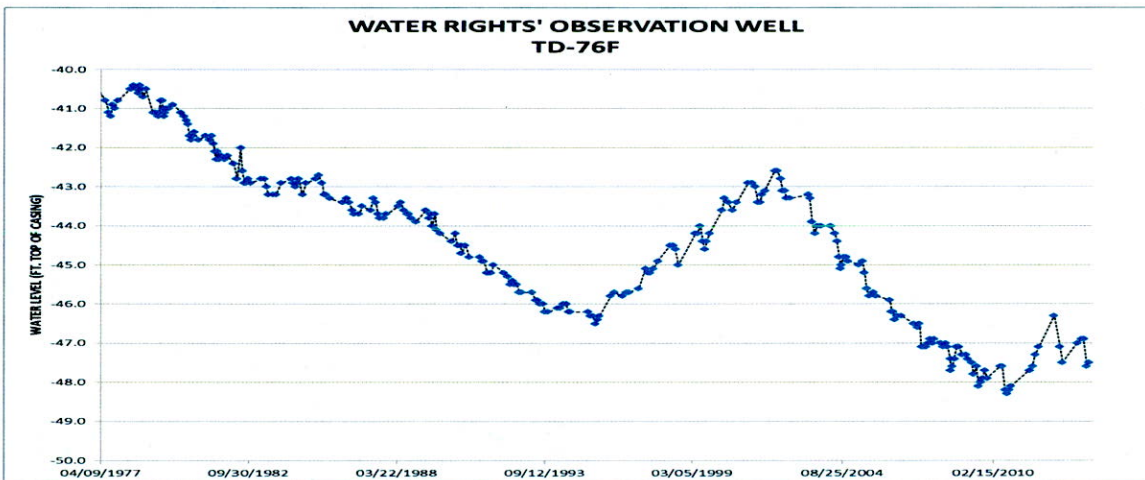


Figure 4- Hydrograph for observation well TD-76F (Water Rights, 2013a)

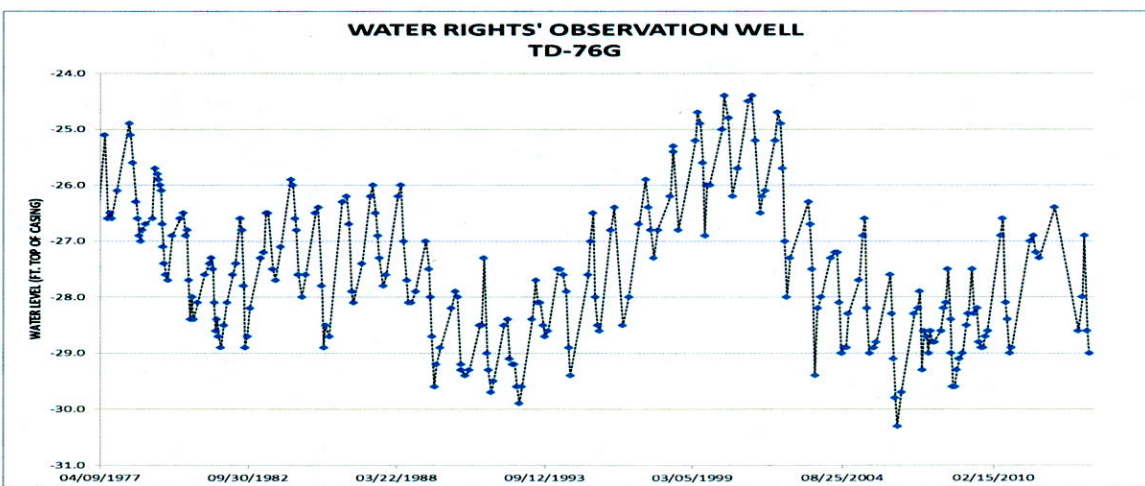


Figure 5- Hydrograph for observation well TD-76G (Water Rights, 2013a)

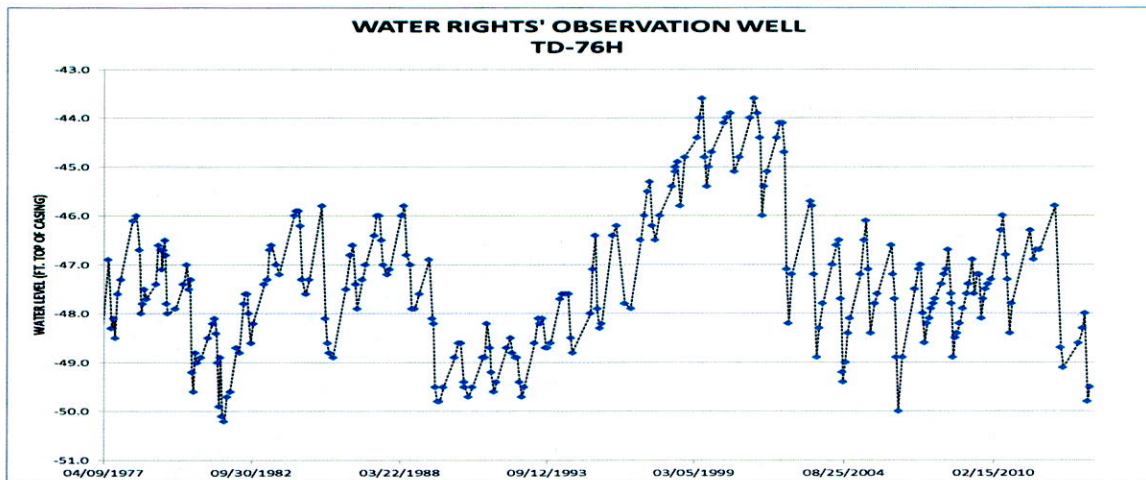


Figure 6- Hydrograph for observation well TD-76H (Water Rights, 2013a)

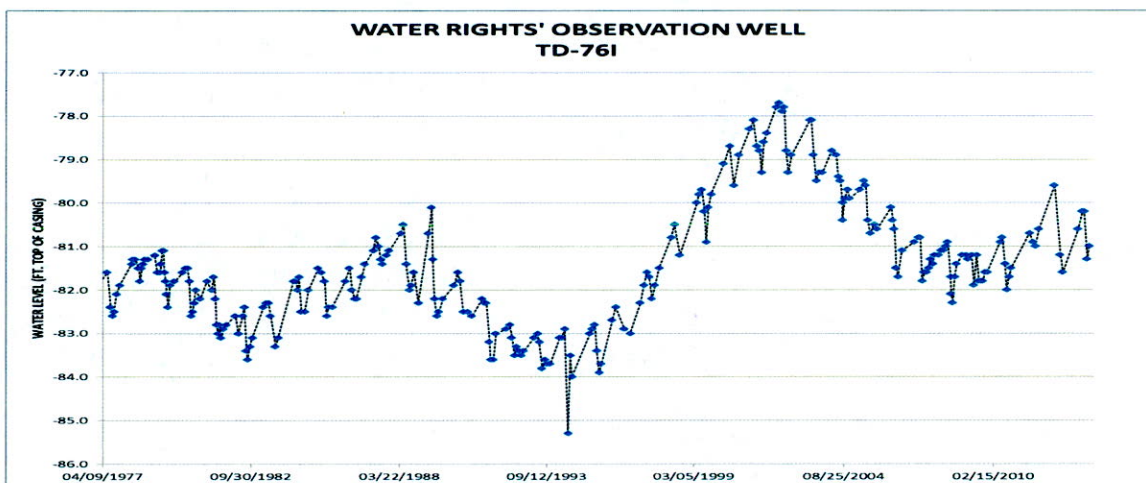


Figure 7- Hydrograph for observation well TD-76I (Water Rights, 2013a)

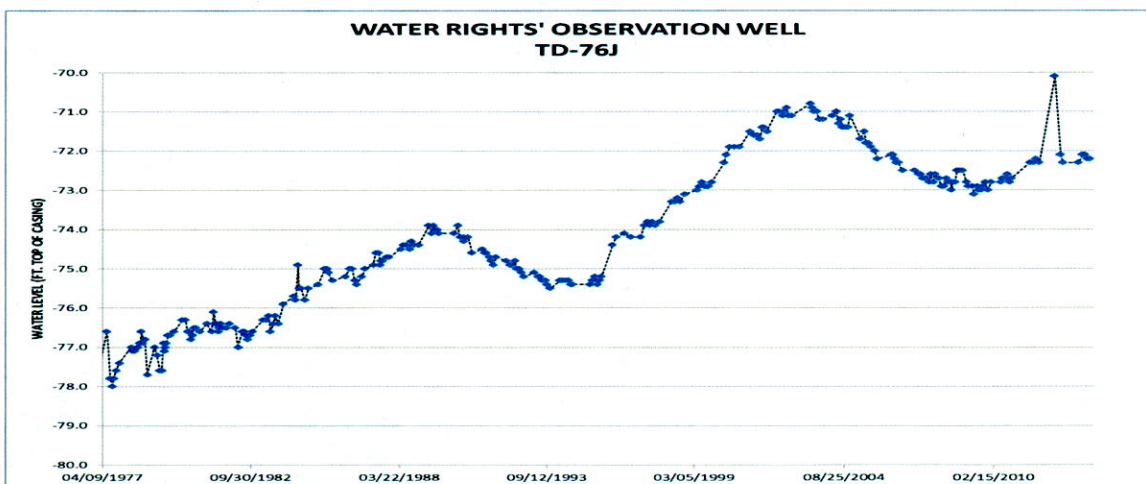


Figure 8- Hydrograph for observation well TD-76J (Water Rights, 2013a)

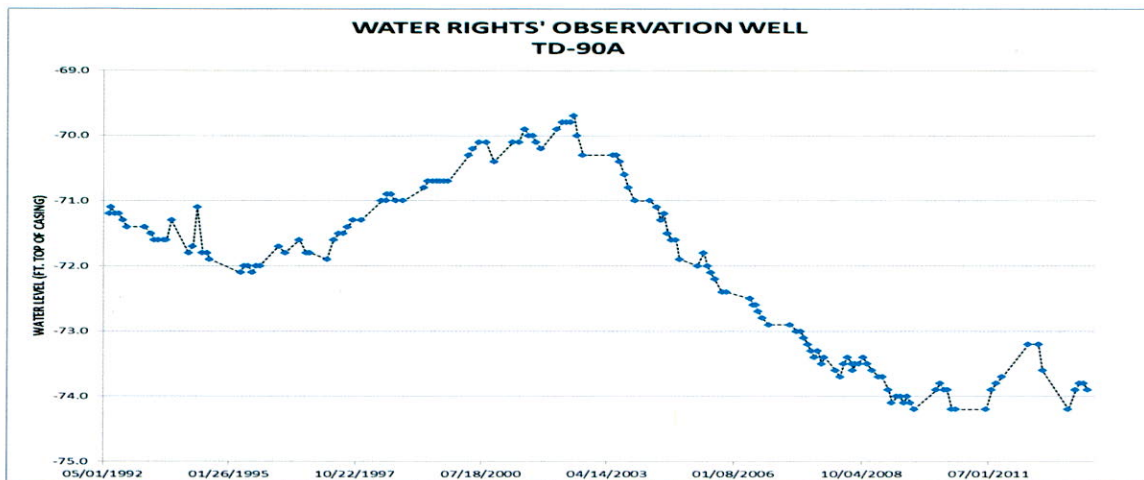


Figure 9- Hydrograph for observation well TD-90A (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There are a number of water rights/permits authorizing wells completed into the Ogallala aquifer within one mile of the proposed well sites (Water Rights, 2013b). There are two domestic wells on file with the DENR-Water Rights Program within two miles of the proposed well sites (Water Rights, 2013c). The nearest well on file with the DENR-Water Rights program is approximately 0.2 miles from any of the proposed well sites. As previously discussed, the Rosebud Sioux tribe operates a number of irrigation wells completed into the Ogallala aquifer in Todd County. A comparison of 2012 and 2010 aerial photography of the area with DENR-Water Rights Program records (Water Rights, 2013b) indicates that the irrigated acreage in the immediate vicinity of the proposed well sites is authorized through the DENR-Water Rights Program. The majority of water right/permit development of the Ogallala aquifer in Todd County is northwest of the proposed well sites.

The water table conditions of the aquifer dictate that any drawdown due to pumping would probably not extend far from the proposed well sites. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown must occur. The observation wells show that only one or two feet of drawdown at the observation well is evident. This is clearly shown in the hydrograph for TD-76D, Figure 3. Observation well TD-76D is surrounded by high capacity irrigation wells as shown in Figure 1. In general terms, the observation well data shows that even at distances of approximately one-quarter mile there is very little drawdown in the aquifer from irrigation pumping. Therefore, there is a reasonable probability that pumping at the proposed well sites will not adversely impact existing domestic or appropriative well users with an adequate well as defined in ARSD 74:02:04:20(7). Administrative Rule of South Dakota 74:02:04:20(7) defines an adversely impacted domestic well as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

CONCLUSIONS:

1. Water Permit Application No. 2714-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer for the irrigation of 140 acres in Todd County.
2. Water Permit Application No. 2715-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer for the irrigation of 140 acres in Todd County.
3. Water Permit Application No. 2716-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer for the irrigation of 140 acres in Todd County.
4. Water Permit Application No. 2717-2 proposes to appropriate water at a maximum diversion rate of 2.0 cfs from two wells to be completed into the Ogallala aquifer for the irrigation of 140 acres in Todd County.
5. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer to supply these proposed appropriations.
6. There is a reasonable probability that the diversion rates requested by these applications can be made without adversely impacting existing water rights/permits and domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Carter, J.M. 1998. Water Resources of Mellette and Todd Counties, South Dakota. U.S. Geological Survey Water Resources Investigations Report 98-4146, 69p.
- Gutentag, E.D., F.J. Hiemes, N.C. Krothe, R.R. Luckey, and J.B. 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, 63p.
- Hammond, P.D. 1994. Ground Water Quality Investigation in Selected Areas of Todd and Mellette Counties, South Dakota. SD DENR-Geological Survey, Vermillion, SD.
- Hedges, L.S. and S.L. Burch. 1985. Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge. SD DENR-Geological Survey, Vermillion, South Dakota.
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- SDGS. 2013. "Lithologic Logs Database". < <http://sddenr.net/lithdb/>>. Accessed: September 3, 2013. SD DENR- Geological Survey, Vermillion, South Dakota.
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- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Affidavit of Publication

State of South Dakota
County of Todd

RECEIVED

OCT 28 2013

WATER RIGHTS
PROGRAM

Jill Potter, being, first duly sworn, on oath, says: That he/she is an employee of Huether Brothers Publishing, Inc., and that the Todd County Tribune is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Todd and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for **1** successive week(s) to wit:

October 23, 2013

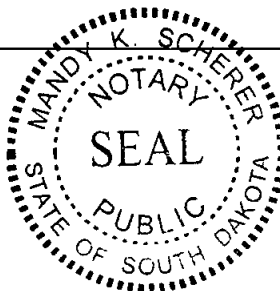
That the full amount of the fee charged for the publication of the attached public notice, **\$39.44** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

Subscribed and sworn to before me this 23 day of October, 2013.

Notary Public

My Commission Expires
December 9, 2015



Legal Notices

Proceedings

Todd County, South Dakota
October 16, 2013

The meeting of the Todd County Board of Commissioners was called to order by the Chairman in the Commissioner's Room in the County Building at Mission on October 16, 2013 at 10:10 A.M. Roll call showed Board members Gregg Grimshaw, Dwight Logterman, William Giron, Alec Whipple and Patsy Valandra present. Also present was Auditor Kathleen Plakus.

The Board discussed an incident regarding three loaded semi-trucks that were stuck on a section line and requested help from the county highway department to pull them out. The Board declined to get involved.

Valandra made the motion, seconded by Giron that the minutes of the meeting held October 2, 2013 be approved as read.

Roll call: All ayes. Motion carried.

Giron made the motion, seconded by Whipple to authorize the Chairman to sign the Governor Record Release Agreement with Golden West Telecommunications Cooperative, Inc.

Roll call: All ayes. Motion carried.

The Auditor presented the General Fund Surplus Analysis for the period ending September 30, 2013. The unassigned fund balance was \$300,584.82 resulting in the fund balance percentage of 3.314.

The Register of Deeds Statement of Fees Collected during the month of September, 2013 showed \$2,827.50.

The Clerk of Courts Month End Remittance Reports were presented as follows: August, 2013, \$203.00; September, 2013, \$245.10.

Logterman made the motion, seconded by Whipple, to supplement the 2013 Parakee Fire Hall Budget in the amounts of \$22,260.00 and \$57,510.00 reflecting grant funds received and the 2013 Emergency Management Budget in the amount of \$5,015.00 reflecting grant funds received.

Roll call: All ayes. Motion carried.

Brad Hunger, Highway Superintendent, came in to discuss road issues. The Board discussed a drainage problem. Giron and Hunger will check into the matter. Mr. Hunger discussed purchasing an old enclosed trailer to use as storage.

Valandra made the motion, seconded by Giron, to adopt the following:

RESOLUTION (27-2013)
Be It Resolved, by the Todd County Board of Commissioners to hereby transfer funds in the amount of \$100,000.00 from the General Fund to the Road and Bridge Fund.

Dated at Mission, South Dakota this 16th day of October, 2013.

Roll call: Ayes: Grimshaw, Logterman, Giron, Whipple and Valandra.

Nays: None. Resolution Adopted.

Whipple made the motion, seconded by Valandra to deny the following claims because the clients should be covered by HIS: Pennington County Auditor, \$76.00 and Lincoln County Auditor \$202.50.

Roll call: All ayes. Motion carried.

Valandra made the motion, seconded by Giron, that the claims be approved as follows:

BI-MONTHLY PAYROLL: CUSTODIAN \$238.50; SHERIFF'S OFFICE \$2,033.37; ROAD & BRIDGE: \$12,771.07; EMERGENCY MANAGEMENT \$439.20.

VARIOUS DEDUCTIONS: FIRST FIDELITY BANK, OCTOBER WITHHOLDING, SOCIAL SECURITY & MEDICARE, \$3,892.16.

ROAD & BRIDGE DEDUCTIONS: OFFICE OF CHILD SUPPORT ENFORCEMENT, COURT ORDER, \$387.50; GDE GROUP INC, GARNISHMENT, \$144.48.

COMMISSIONERS: GOLDEN WEST, PHONE SVC, \$52.85; NACO, 2014 MEMBERSHIP DUES, \$450.00; COUNTY BUILDING MAINTENANCE: GOLDEN WEST, PHONE SVC, \$112.64; ASSESSOR: MCLEOD'S OFFICE, SUPPLY, PROPERTY CARDS, \$285.97; REGISTER OF DEEDS: MICROFILM IMAGING SYSTEMS, SCANNING EQUIPMENT RENTAL, \$112.00; VETERAN'S SERVICE, DATASPEC, LLC, STATE SOLUTION FEE, \$199.50; GOLDEN WEST, PHONE SVC, \$51.98; REDDINGTON ANIMAL SD DEPT OF GAME, FISH & PARKS, 2ND % OF 2013 ALLIATION, \$1,874.90; SHERIFF'S OFFICE, GOLDEN WEST, PHONE SVC, \$214.00; MATTHEW BENDER & CO, INC, LAW BOOK, \$58.24; PAYMENT REMITTANCE CENTER, FUEL, \$213.93; JAIL, CITY OF WINNER, PRISONER CARE, \$1,750.00; SHOTOKU PHARMACY, MEDS, \$9.83; WINNER REGIONAL, MEDICAL CARE, \$85.00; WINNER HEALTH MART PHARMACY, MEDS, \$47.84; FAIRGROUNDS: WINNER PUBLISHING, PARK AD, \$68.50; ROAD & BRIDGE, COUNTRY PRIDE COOP, FUEL, \$2,584.73; CORVUS AUTO SUPPLY, SUPPLIES, \$229.95; DIESEL MACHINERY, INC, REPAIRS, \$345.88; GRIMSHAW AUTO PARTS, REPAIRS & SUPPLIES, \$208.08; GOLDEN WEST, PHONE SVC, \$180.08; HARRY KAPA, SUPPLIES, \$213.56; LAWSON PRODUCTS INC, SUPPLIES, \$414.62; MATTHEW BENDER & CO, INC, SUPPLIES, \$53.15; RUNNINGS SUPPLY, SUPPLIES, \$43.33; RUD EQUIPMENT, SUPPLIES, \$10.89; SODAK PRINTERS, SUPPLIES, \$72.00; SERVAL/APPEARA, LAUNDRY SVC, \$67.30; SD FEDERAL PROPERTY AGENCY, SUPPLIES, \$400.00; WINNER WELDING, REPAIRS, \$332.82; DEBI SERVICE: JOHN DEERE FINANCIAL GRADER PAYMENT, \$51,273.50; S.J.L.: GOLDEN WEST, PHONE SVC, \$216.60; SPARROW HAWK CONSULTING, PROFESSIONAL SVC, \$13,381.07; EMERGENCY MANAGEMENT: KARA WALKLING, REIMBURSE, INTEREST, \$141.84; NOLAN, DEPARTMENTAL SD ASSOCIATION OF COUNTY OFFICIALS, SEPTEMBER COLLECTIONS, \$48.00; GRANT FUNDS: DIAMOND K, INC, PHARMACEUTICALS, \$57,510.00; DEVELOPMENTALLY DISABLED STATE TREASURER, SEPT CARE-REDFIELD, \$120.00

Roll call: All ayes. Motion carried.

Logterman made the motion, seconded by Valandra, to authorize the necessary expenses for the Commissioners to attend the Randall Reservoir District Meeting in Huron on November 18, 2013.

Roll call: All ayes. Motion carried.

At 11:35 a.m. Giron made the motion to adjourn until November 6, 2013, seconded by Logterman.

Roll call: All ayes. Meeting adjourned.

Chairman, Gregg Grimshaw

ATTEST:
County Auditor
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Notice of Application Nos. 2714-2 thru 2717-2 to Appropriate Water

Notice is given that Mark and Janelle Johnson, PO Box 146, Kilgore, NE 69216 have filed the following applications for a water permit.

Application No. 2714-2 proposes to appropriate 2.0 cubic feet of water per second (cfs) from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the approximate center of the NW 1/4 and the SW 1/4 NW 1/4 Section 12 for irrigation of 140 acres located in the NW 1/4 Section 12, all in T36N-R29W.

Application No. 2715-2 proposes to appropriate 2.0 cfs from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the approximate center of the SW 1/4 and the SW 1/4 SW 1/4 Section 12 for irrigation of 140 acres located in the SW 1/4 Section 12, all in T36N-R29W.

Application No. 2716-2 proposes to appropriate 2.0 cfs from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the approximate center of the NE 1/4 and the NE 1/4 NE 1/4 Section 12 for irrigation of 140 acres located in the NE 1/4 Section 12, all in T36N-R29W.

Application No. 2717-2 proposes to appropriate 2.0 cfs from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the center along the northern edge of the N 1/2 SE 1/4 Section 1 for irrigation of 140 acres located in the Lots 1, 2, 3, 4 and the N 1/2 SE 1/4 Section 1, all in T36N-R29W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2714-2, 2715-2, 2716-2 and 2717-2 because 1) unappropriated water is available, 2) existing rights will not be unduly 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 applications or the applicant has a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. The Chief Engineer's address is "Water Rights Program, P.O. Box 100, 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 4, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$71.34
Published: October 23, 2013

Proceedings

CITY OF MISSION
Minutes
October 2, 2013

The Mission City Council met in regular session at 6:00 p.m. on October 2, 2013 at the Mission City Office. Members present were: Mayor Herman and Council Members Littau, Story, Marshall, Stewart, Folkers and Guernie in at 6:15 p.m. Others present Harry Bailey, Sandy Tucker in at 6:35 p.m., and Avery Black Bear in at 6:45 p.m.

Motion by Littau, seconded by Story to approve the agenda as submitted.

Motion by Story, seconded by Littau to approve the minutes of September 11, 2013. (All other motions are unanimous unless otherwise stated).

Harry Bailey gave a report of police activities.

Motion by Stewart, seconded by Littau to approve payment of bills. Roll call vote all ayes.

PAYROLL: Platoon: \$1,177.01; Police: \$6,788.72; Maintenance: \$2,389.29; Pool: \$2,439.08; Water: \$3,782.49; Sewer: \$3,218.28; Mayor & Council: \$743.17

BILLS: Supplies: Colonial Research: \$2,161.50; Gail's: \$1,093.76; G.F. Bucher: \$14.81; JD & S: \$28.52; Mid-America Research: \$214.21; Office Depot: \$123.48; Office Products Center: \$38.97; Ralph's: \$633.08; Sandhill Oil: \$1,646.81; Stadium Sports: \$688.75; Teen's Kitchen: \$50.00; Uline: \$133.98;

Services: Aflac: \$373.13; American Financial Life: \$600.00; AT & T: \$126.83; Butler Voe: \$229.12; Cherry Todd Electric: \$2,124.44; Cole Pest Control: \$25.00; Dept. of Revenue: \$39.00; Great Plains Surveying: \$700.00; Health Pool of SD: \$4,141.00; Jencos & Massan: \$175.00; Kuehn Electric: \$1,887.40; Lawrence Star Chief: \$200.00; Marco: \$318.86; Mike's Truck Tire: \$172.68; Pelissier Life: \$150.00; RST Solid Waste: \$909.00; Servall: \$221.22; South Dakota Dept. of Revenue: \$700.97; Todd County Tribune: \$275.56; The Insurance Center: \$8,403.26; Voyager Fleet: \$196.07; MVFD Sandhill Oil: \$252.10

Motion by Littau, seconded by Story to go into executive session according to SDCL 1-25-2 (1) to discuss personnel issues.

Motion by Story, seconded by Stewart to return to regular session.

Motion by Littau, seconded by Story to table Pat Burnett's sewer insurance claim.

Motion by Stewart, seconded by Story to table Burnett's meeting dates until next meeting.

Motion by Stewart, seconded by Story to add Thomas Gunhammer and Darrell Kupp as check signers to the Mission Volunteer Fire Department's account.

Sandy Tucker addressed the Council regarding homeless people doing inappropriate things around town. Mayor will talk to the Antelope Tribal Council Representative and see what can be done.

Motion by Story, seconded by Littau to adjourn.

APPROVED
Harvey Herman Sr, Mayor

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Livestock pits for dead cattle open in western SD

SIOUX FALLS, S.D. (AP)

Two 20-foot-deep disposal pits opened in western South Dakota on Monday to help ranchers dispose of tens of thousands of livestock carcasses piling up since an early October blizzard decimated herds.

Up to 4 feet of snow fell in the Black Hills area during the storm, killing at least 10,000 to 20,000 head of livestock, state officials say. The South Dakota Stockgrowers Association estimates this part of the state lost at least 5 percent of its cattle, which is mostly raised for beef.

Ranchers are encouraged to bring carcasses to the sites in Pennington County, which were built to state Animal Industry Board guidelines, said Alexa White, public information officer with the county's Emergency Operations Center.

"Some people might decide to bury their losses right where they are," White said Monday.

The number of dead cattle will likely rise as more losses are documented. Last week's rain added moisture to pastures already saturated by the quickly melting snow, making it difficult for ranchers to traverse the vast terrain to assess losses and tend to stressed but surviving animals, said Silvia Christen, executive director of the Stockgrowers Association.

"The priority right now is taking care of the livestock that made it through the storm," Christen said. "Once it dries up, ranchers will focus on the disposal."

Another snowstorm heading into the Black Hills on Monday was expected to bring up to a foot of snow, threatening to complicate the soggy mess.

Animal Industry Board rules require carcasses to be burned, buried to a depth of 4 feet or disposed of by a licensed rendering plant within 36 hours of death, though South Dakota Gov. Dennis Daugaard has waived the standard timeframe, recognizing the difficulty in meeting that deadline.

The burial sites are located in the eastern part of Pennington County with access to Interstate 90, but that could be a 100-mile-plus drive for a rancher raising cattle in Buffalo County.

White said 139 animals over the weekend were picked up from roadside ditches and other county-controlled lands and dumped in the pits, which are about 20 feet deep and 60 feet wide.

"These should be plenty big," she said.

But Ben Kantack, a former South Dakota State University Extension entomologist, said he worries about dead cattle hidden in remote locations, saying they will create public health issues as they decompose.

He said ranchers need to make sure their surviving cattle don't come into contact with a carcass or drink from water where one is rotting.

"They want to make sure they're not in streams and stuff, because they can contaminate the water," Kantack said.

The pits are dug specifically to avoid such health problems, as burial sites must be at least 1,000 feet from surface water, floodplains, rivers or private or public drinking water wells.

Burial is also prohibited when the primary subsurface material 20 feet below the bottom of the pit is primarily sand or gravel or when the depth to an aquifer is less than 20 feet from the bottom of the pit.

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RECEIVED

NOV - 5 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

10-23-13

Cost of Printing \$41.00

Marylin Baker
(Signature)

Bookkeeper
(Title)

11-4-13

(Date Signed)

SNAP-131863
10/23
NOTICE OF
APPLICATION
NOS. 2714-2 thru
2717-2 to
Appropriate
Water

Notice is given
that Mark & Jan-
elle Johnson, PO
Box 146, Kilgore,
NE 69216 have
filed the following
applications for a
water permit.

Application No.
2714-2 proposes
to appropriate 2.0
cubic feet of water
per second (cfs)
from two wells to
be completed into
the Ogallala Aquifer
(250 feet deep)
located in the ap-
proximate center
of the NW 1/4 and
the SW 1/4 NW
1/4 Section 12 for
irrigation of 140
acres located in
the NW 1/4 Sec-
tion 12; all in
T36N-R29W.

Application No.
2715-2 proposes
to appropriate 2.0
cfs from two wells
to be completed
into the Ogallala
Aquifer (250 feet
deep) located in
the approximate
center of the SW

1/4 and the SW
1/4 SW 1/4 Sec-
tion 12 for irriga-
tion of 140 acres
located in the SW
1/4 Section 12; all
in T36N-R29W.

Application No.
2716-2 proposes
to appropriate 2.0
cfs from two wells
to be completed
into the Ogallala
Aquifer (250 feet
deep) located in
the approximate
center of the NE
1/4 and the NW
1/4 NE 1/4 Sec-
tion 12 for irriga-
tion of 140 acres
located in the NE
1/4 Section 12; all
in T36N-R29W.

Application No.
2717-2 proposes
to appropriate 2.0
cfs from two wells
to be completed
into the Ogallala
Aquifer (250 feet
deep) located in
the center along
the northern edge
of the N 1/2 SE
1/4 Section 1 for
irrigation of 140
acres located in
the Lots 1, 2, 3, 4
and the N 1/2 SE
1/4 Section 1; all
in T36N-R29W.

Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation Nos.
2714-2, 2715-2,
2716-2 and
2717-2 because
1) unappropriated
water is available,
2) existing rights
will not be unlaw-
fully impaired, 3) it
is a beneficial use
of water, and 4) it
is in the public in-
terest. In accord-
ance with SDCL
46-2A-23, the
Chief Engineer will
act on these appli-
cations, as recom-
mended, unless a
petition is filed op-
posing the appli-
cations or the ap-
plicant files a peti-
tion contesting the
Chief Engineer's
recommendations.

If a petition oppos-
ing the applica-
tions or contesting
the recommenda-
tions is filed, then
a hearing will be
scheduled and the
Water Manage-
ment Board will
consider these ap-
plications. Notice
of the hearing will
be given to the ap-
plicant and any
person filing a pe-
tition.

Any person inter-
ested in opposing
or supporting
these applications
or recommenda-
tions must file a
written petition
with BOTH the ap-
plicant and Chief
Engineer. The ap-
plicant must file a
petition if contest-
ing the Chief Engi-
neer's recommen-
dations. The Chief
Engineer's ad-
dress 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 ei-
ther an interested
person or the ap-
plicant must be
filed by November
4, 2013.

The petition may
be informal, but
must include a
statement describ-
ing the petitioner's
interest in the ap-
plications, the pe-
titioner's reasons
for opposing or
supporting the ap-
plications, and the
signature and
mailing address of
the petitioner or
the petitioner's le-
gal counsel, if le-
gal counsel is ob-
tained. Contact
Eric Gronlund at
the above Water

Rights Program
address to request
copies of informa-
tion pertaining to
these applications.
Steven M. Pirner,
Secretary, Depart-
ment of Environ-
ment and Natural
Resources.

Published once at
the total approxi-
mate cost of
\$41.00.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 15, 2013

Todd County Tribune
PO Box 229
Mission SD 57555

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 2714-2, 2715-2, 2716-2 and 2717-2 to Appropriate Water. Please publish the notice once on October 23, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Mark and Janelle Johnson, PO Box 146, Kilgore NE, 69216 (Ph # 402-966-2163).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 15, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 2714-2, 2715-2, 2716-2 and 2717-2 to Appropriate Water. Please publish the notice once on October 23, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Mark and Janelle Johnson, PO Box 146, Kilgore NE, 69216 (Ph # 402-966-2163).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

October 15, 2013

Mark and Janelle Johnson
PO Box 146
Kilgore NE 69216

Dear Sir:

Water Permit Application Nos. 2714-2, 2715-2, 2716-2 and 2717-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Todd County Tribune printed at Mission SD (Ph # 605-856-4469) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) 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 applications.

Instruction to Newspaper - Publish the Notice on October 23, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 2714-2 thru 2717-2 to Appropriate Water

Notice is given that Mark & Janelle Johnson, PO Box 146, Kilgore, NE 69216 have filed the following applications for a water permit.

Application No. 2714-2 proposes to appropriate 2.0 cubic feet of water per second (cfs) from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the approximate center of the NW 1/4 and the SW 1/4 NW 1/4 Section 12 for irrigation of 140 acres located in the NW 1/4 Section 12; all in T36N-R29W.

Application No. 2715-2 proposes to appropriate 2.0 cfs from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the approximate center of the SW 1/4 and the SW 1/4 SW 1/4 Section 12 for irrigation of 140 acres located in the SW 1/4 Section 12; all in T36N-R29W.

Application No. 2716-2 proposes to appropriate 2.0 cfs from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the approximate center of the NE 1/4 and the NW 1/4 NE 1/4 Section 12 for irrigation of 140 acres located in the NE 1/4 Section 12; all in T36N-R29W.

Application No. 2717-2 proposes to appropriate 2.0 cfs from two wells to be completed into the Ogallala Aquifer (250 feet deep) located in the center along the northern edge of the N 1/2 SE 1/4 Section 1 for irrigation of 140 acres located in the Lots 1, 2, 3, 4 and the N 1/2 SE 1/4 Section 1; all in T36N-R29W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2714-2, 2715-2, 2716-2 and 2717-2 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 applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 4, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOV 21 2013

Mark & Janelle Johnson
PO Box 146
Kilgore NE 69216

Dear Sir:

Enclosed are Water Permit Nos. 2714-2, 2715-2, 2716-2 and 2717-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

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

enclosures

2717-2

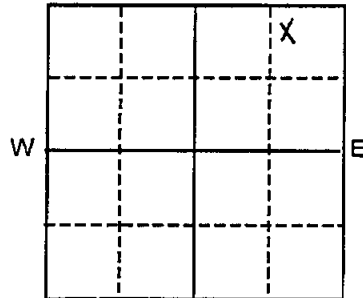
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NE ¼ Sec 1 Twp 36 Rg 29Well Owner: MARK JOHNSONCounty TODD

North

Please mark well
location with an "X"

Well Completion Date

April 15, 2014

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
_____ ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20.0</u> LB/FT	<u>16.00</u> IN	<u>1.0</u> FT	<u>68.0</u> FT	<u>28.00</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>CEMENT</u>	<u>50</u>	<u>15.5</u> Lb/gal	<u>20.0</u> Ft	<u>0.0</u> Ft
		_____ Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure

PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 160.0 FeetMaterial PVCSlot Size .080 Set From 68.0 Feet to 228.0 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? HTH
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis

Business Name: _____

Address: P.O. BOX 146City, State, Zip: KILGORE NE 69216

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
sand w/ sandstone, sandstone w/ clay	2	28
sand w/ clay & sandstone	28	44
sand w/ clay, sandstone w/ clay	44	90
sand w/ clay, clay	90	124
sand w/ clay, clay	124	142
sand / fine - medium	142	189
sand w/ clay	186	224
red rock	224	240

STATIC WATER LEVEL 48.0 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: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

196.0 Ft. After 2.0 Hrs. pumped 500.0 GPM184.0 Ft. After 2.0 Hrs. pumped 450.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

APR 28 2014

WATER RIGHTS
PROGRAMThis 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: 4/25/14

5-2-14

2717-2

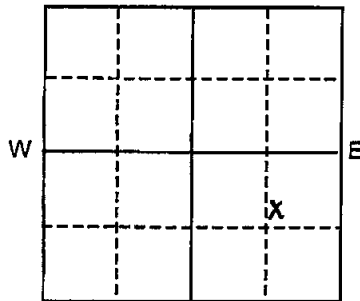
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 1 Twp 36 Rg 29County TODD

North

Please mark well
location with an "X"

Well Completion Date

March 24, 2014

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	61.0 FT	28.00 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	50	15.5 Lb/gal	20.0 Ft	0.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 InchesLength 170.0 FeetMaterial PVCSlot Size .080 Set From 61.0 Feet to 231.0 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? HTH
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis
Well Owner: MARK JOHNSON

Business Name: _____

Address: P.O. BOX 146City, State, Zip: KILGORE NE 69216

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
sand / fine - medium	2	10
sandstone w/ clay, sand w/ sandstone	10	48
sand w/ clay	48	146
sand / fine - medium	146	194
sand w/ clay	194	224
red rock	224	240

STATIC WATER LEVEL 49.0 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: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

160.0 Ft. After 2.0 Hrs. pumped 860.0 GPM154.0 Ft. After 2.0 Hrs. pumped 750.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

APR 28 2014

WATER RIGHTS
PROGRAMThis 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: 4/25/14

5-2-14

RECEIVED

JUL 25 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

7-14-14

TO:

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

FROM:

Mark Johnson

(name)

P.O. Box 146

(address)

Kilgore, NE 69216

(city, state, zip)

402 322 1991

(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. 2717-2 states that the water use system is to be constructed by7-14-14

(date)

, and water is to be put to beneficial use by 7-14-14

(date)

The water use system was completed on

7-14-14

(date)

Applying the water to beneficial use was completed on

7-14-14

(date)

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

Mark Johnson

(signature)



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/28, 20 14

RECEIVED OF Racking J Taylor Co 439656 E 170 Rd Bluejacket OK 74369

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2717-2</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06916**

By *James Goodman*
Chief Engineer

RECEIVED

JUL 28 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2717-2Date: 7-22-14I/We request that Water Right/Permit No. 2717-2 formerly owned by:Mark and Janelle Johnson

be transferred to:

New Owner Name: Rocking J Taylor Company Taylor Adamson - PresidentAddress: 439656 E. 170 RoadCity, State, Zip Bluejacket OK 74333 Telephone No. 918-256-6640

Title to the following described land(s)/property has been transferred as described above:

E 1/2 Sec. 1 Township 36 Range 29

☒ I understand that the validity of Water Right/Permit No. 2717-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Taylor Adamson, the new owner, certify that the above information is true and correct.

Taylor Adamson
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



July 28, 2014

Taylor Adamson
Rocking J Taylor Company
439656 E 170 Rd
Bluejacket OK 74333

RE: Water Permit Nos. 2714-2, 2715-2, 2716-2 and 2717-2

Dear Mr. Adamson:

I am writing to acknowledge receipt of the "Transfer of Ownership" forms and filing fees you submitted for changing ownership of Water Permit Nos. 2714-2, 2715-2, 2716-2 and 2717-2. The ownership changes have been completed. The water permits formerly held by Mark and Janelle Johnson are now listed in the name of "Rocking J Taylor Company".

Enclosed are receipts in the amount of \$50 each which you paid for filing the ownership changes. I am also including with this correspondence, copies of the water permits and a sample copy of an annual irrigation questionnaire. The sample copy of the questionnaire will give you an idea of what type of information to keep track of during the season. The actual forms you will need to complete and return to us will be sent to you in October, 2014.

Last week we received "Completion of Works" forms from Mark Johnson indicating the irrigation systems were completed. The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. Currently everything is up to date. The intervening time between completion of the projects and the staff inspection has no bearing on your water permits.

If you have any questions, please contact me.

Sincerely,

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

enclosures

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

2717-2

RECEIVED

SEP 29 2015

WATER RIGHTS
PROGRAM

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date 9-25-15

FROM: Rocking J Taylor Company (Taylor Adamson)
(name)
439690 E. 170 Road
(address)
Bluejacket OK 74333 918-256-6640
(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. 2717-2 states that the water use system is to be constructed by
11/4/18, and water is to be put to beneficial use by 11/4/22
(date) (date)

The water use system was completed on 5-15-14
(date)

Applying the water to beneficial use was completed on 7-1-14
(date)

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





2717-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

FEB 23 2016

2744-2

Rocking J Taylor Company
c/o Taylor Adamson
439690 E 170th Rd
Blue Jacket OK 74333

Dear Mr. Adamson:

Enclosed are Water Permit and License No. 2744-2. 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.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 2744-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of No. 2717-2 are incorporated into Water License No. 2744-2.

enclosures