

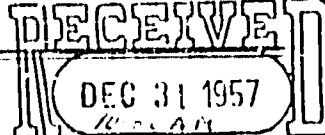
1. Considered February 19, 1958 Appl. No. 171-34
2. Name of Applicant Gifford Sherard
3. Post Office Address Hurley, S. D. K.
4. Amount of water claimed 1.14 cfs
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 80
7. Water to be diverted and used in Texas County about
6 miles NE of Hurley.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☒ part only
10. Remarks: Transfer and change of diversion point for
0.74 cfs and a new application for 0.40 cfs
in the Parker-Hurley Critical area. No increase
in acreage

No. 121-3A..

Vermillion River

Water Division No. 3

(Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT FOR TRANSFER AND CHANGE OF DIVERSION POINT AND INCREASE IN PERMIT To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant

Gifford Sherard

Postoffice address

Hurley

County

TurnerState South Dakota

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract and direct labor

(b) Cash on hand, \$

(c) Treasury stock, \$

Adequate to accomplish work

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversions on work

Gifford Sherard #2

3. Amount of water claimed

1.14

cubic feet per second

4. Source of water supply

ground water

5. Location of point of diversion

1735 feet, N 41° 15' E from the SW Cor. ofSec. 1, T 98 N, R 53 W

on

bank Turner

County.

6. Annual period or periods during which water is to be used April to November inclusive

7. To be used for:

1. Irrigation or domestic use: ~~XXXX~~; overhead sprinkling ~~XXXXXXX~~ system?(a) Number of acres to be irrigated 80 acres.(b) Legal subdivisions to be irrigated W 1/4 Sec. 1, T 98 N, R 53 W

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwatering

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 392-5

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures

(d) Canal-earth, \$-----

Sprinkler System

\$3500

(b) Pumping plant, \$1600
& wall ~~xxx~~ \$3500

Total, \$5100

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----2-----years.

11. Time required for complete application of water to the proposed beneficial use-----1-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----
-----**Hurley Leader, Hurley, South Dakota**-----

STATE OF SOUTH DAKOTA

County of-----} ss.

I, Edward Shuman, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.Signed Edward ShumanSubscribed and sworn to before me this 21 day of November 1932

Notary Public (or other qualified officer.)

North

West 1/2 of S.W. 1/4 of Section 1
Township 98- Range 53, Turner
County, South Dakota.
To be irrigated, 80 Acres.

Gifford Sherard, Owner.

Irrigation
Well # 1

quarter-quarter line

East

N. 40° 15' E
1735'

Gifford Sherard Irrigation Project # 2
West 1/2 of S.W. 1/4 of Section 1 Township 98
Range 53, Turner County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify that I have made a survey of the West 1/2 of the S.W. 1/4 of Section 1, Township 98-Range 53 Turner County, South Dakota and located irrigation well #1 as indicated on the above plat.

Dated at Sioux Falls, South Dakota, December 30, 1957.

State of South Dakota } ss
County of Minnehaha }

On this 30th day of December, 1957, before me, the undersigned officer, personally appeared Ellis V. Nelson, known to me or satisfactorily proven to be the person whose name is subscribed to the within certificate and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

Ellis V. Nelson
Licensed Engineer

Frederick M. Lenz
Notary Public
HAROLD M. LENSE
Minneapolis, Minn.
My commission expires June 8, 1914.

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota, December, 1957.

Map No. 392-3
Road N. 171-30

Remarks by State Water Resources Commission:

Transfer and change in diversion point approved Feb. 19, 1958

Increase in diversion rate deferred.

Increase in diversion rate reconsidered Dec. 2, 1958 and approved.

STATE OF SOUTH DAKOTA

County of

Blughe s

ss.

Pierre, South Dakota,

January 2, 1958

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock

2 p.m. upon the 31 day of December, 1957

State Water Resources Commission

By:

J. W. Rimmer

Chief Engineer, Executive Officer

Number of permit 121-34

Date of first receipt of application December 31, 1957

Date of return to applicant for correction, amendments or changes required as follows: , 19

Date of receipt of corrected application , 19

Date from which applicant may claim right 0.44 cfs. from August 22, 1955

0.40 cfs. from December 31, 1957

Approved December 3, 1958, Recorded in Book 5 Page 91

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

December 3, 1959

2nd. The whole of said work is to be completed on or before December 3, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

December 3, 1961

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before December 3, 1961; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this

28

day of

January, 1958

State Water Resources Commission

By:

J. W. Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 28, 1970

Water License Issued

OCTOBER 28, 1970

Remarks by the Applicant:

I understand that this would be considered as a transfer and change of diversion point for 0.74 cfs and a new application for 0.40 cfs

Permit No. 121-3A

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gifford Sherard

_____ the holder _____ of
Permit No. 121-3A, issued upon Application No. 121-3A, bearing date of priority of August 24, 1955
& December 21, 1957 authorizing the diversion of 1.14 cu. ft. per second of the waters of _____
ground water County of Turner, State of South Dakota at _____
a point 1735 feet North 41° 15' East from the SW Corner, Section 1, T98N, R53W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.14 cu. ft. per second of water.

Date October 28, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 121-3A

(1) WHEREAS, On the 31st day of December A. D. 19 57

Gifford Sherard

made Water Right Application No. 121-3A for a permit to use 1.14 cubic feet per second of the waters of ground water

County of Turner, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 28th day of January A. D. 19 59

Permit No. 121-3A, with a date of priority of August 24, 1955 and December 21, 1957

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 3rd day of December A. D. 19 60 and for the application to beneficial use of said water, on or before the 3rd day of December A. D. 19 61

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.14 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating 80 acres in the W¹ SW¹, Section 1, T90N, R53W

(5) NOW, THEREFORE. By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to _____ Gifford Sherard

_____ of _____ Hurley, S. D.

the holder _____ and owner _____ of said permit No. 121-3A a water right, dating from August 24, 1955 and December 31, 1957 to use of 1.14 cubic feet per second of the waters of ground water

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1735 feet North 41° 15' East from the SW Corner Section 1, T98N, R53W

and conduct to and upon the W½ SW¼, Section 1, T98N, R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 121-3A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of October A. D.
Nineteen Hundred and seventy

WATER RESOURCES COMMISSION

By _____
Chief Engineer, Executive Officer, J.W. GRINES

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 24 inch, Depth 50 feet
 Type of casing steel
 (wood, concrete, steel, etc.)
 Size of casing 20 inch, Thickness of casing 12 ga
 Length of casing 50 feet. If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen 3/8" holes, 18 inches long on
pump inside of casing
 Size of perforated screen (diameter) (length)
 Thickness of gravel pack 4 inches, length of gravel pack 50 feet

(c) Water Bearing Materials

Distance to water 9 feet Character of water bearing materials coarse
gravel
 Thickness of water bearing material 40 feet

(d) Pump and Motor

Type of pump Turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Layne-Bowler, size 6 inch
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 40, Name of Motor G-E

(e) Complete well

Capacity 600 at drawdown of 10 feet, Estimated cost 1600

(f) Owner of land upon which well is located Gifford Sherard
 Name
Hurley, South Dakota
 Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 160 rods

(First Publication before January 24, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Comm.
Pierre, S. Dak. January 2, 1958

Notice is hereby given that Gifford Sherard whose postoffice address is Hurley, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change the point of diversion of 0.74 cubic feet of water per second of time which has been appropriated from ground water through the Gifford Sherard #2, the point of diversion of which is to be changed from a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to another point located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ all in Section 1, Twp. 98N, Range 53E, and to increase the water originally appropriated from 0.74 cfs to 1.14 cfs. Said water is to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec.1, T 98N, R 53E

and for stock watering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19 day of February, 1958, at 2:00 pm. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

cc L. D. Hofmeister
The Hurley Leader
Hurley, South DakotaLes Wyborny
Water Rights Engineer

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
)SS.
 COUNTY OF TURNER)

L. D. HOFMEISTER, being first duly sworn, on oath says that THE HURLEY LEADER is a WEEKLY newspaper printed and published in HURLEY in said county of TURNER by L. D. HOFMEISTER, (an individual), and that affiant is SOLE OWNER of said HURLEY LEADER and is authorized to and does make this affidavit on behalf of said HURLEY LEADER; that affiant has personal knowledge of all the facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDG 65.0508 as amended, has a bona fide paid circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at least one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made a part of this affidavit, was published in said newspaper

Four

times as follows: that the first publication of said

notice in said newspaper aforesaid was on Thurs. the

9 day of Jun. 1958, and that the succeeding publications were severally

on Thurs. the 16 day of Jun. 1958;

on Thurs. the 23 day of Jun. 1958;

on Thurs. the 30 day of Jun. 1958;

on..... the..... day of..... 19.....;

on..... the..... day of..... 19.....;

on..... the..... day of..... 19.....;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, that no part thereof has been agreed to be paid to any person whatsoever; and that the fees charged for the publication thereof are

Fourteen and 87/100 DOLLARS (14.87)

L. D. Hofmeister

Subscribed and sworn to before me this 13th

day of February 1958.

S. J. [Signature]
 Notary Public

Turner County, South Dakota

RECEIVED
 FEB 14 1958

STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

NOTICE OF INTENTION TO APPROPRIATE WATER

Office of State Water Resources
 Commission, Pierre, S. Dak.,
 January 2, 1958.

Notice is hereby given that Gifford Sherar, whose postoffice address is Hurley, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change the point of diversion of 0.74 cubic feet of water per second of time which has been appropriated from ground water through the Gifford Sherard No. 2, the point of diversion of which is to be changed from a point in the SW1-4 SW1-4 to another point located in the W1/2 of the SW1-4 all in Section 1, Twp. 98N Range 53W, and to increase the water originally appropriated from 0.74 cfs to 1.14 cfs. Said water is to be used for the purpose of providing irrigation on the following described land: W1/2 SW1-4, Sec. 1, T 98N, R 53W and for stock watering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of February, 1958, at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented. State Water Resources Commission

By: Les Wyborny
 Water Rights Engineer
 (Jan. 9-16-23-30)

Permit No. 121-3AWater Division 3 VERMILLION RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Gifford Sherard
 of Hurley, S. D. holder
 of Permit No. 121-3A, bearing date of priority of Aug. 24, 1955 & Dec. 31, 1957, ~~xxx~~
 authorizing the diversion of 1.14 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Turner County.

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

The Water Use System consists of,

A. Works used to divert the water:

Well 44 feet deep - 18 inch diameter steel casing
 Western Land Roller Pump - 6 inch
 General Electric Motor - 40 HP, Type K

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

1/4 mile of 5 inch aluminum main line

C. Works used to apply water to beneficial use.

1/2 mile of 4 inch sprinkler pipe (hand moved)

The system is in the following condition: good

The point of diversion is located 1735 feet North 41° 15' East from the SW Corner of
Section 1, T98N, R53W

The works are capable of diverting and conveying to the place of use 1.14
 cu. ft. per second of water which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows:
W $\frac{1}{2}$ SW $\frac{1}{2}$, Section 1, T98N, R53W

comprising a total of 80 acres of land.

Date October 20, 1970

Donald Riscoll
 (Signature)
 DONALD RISCOLL, Deputy Chief Engineer
 Water Resources Commission

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
 Foss Building
 Pierre, South Dakota 57501

Date: March 21, 1978

This is to notify you that title to the lands described as follows:

80 acres in portions of Section 1, T98N, R53W as described on permit No.

121-3A

formerly owned by Cifford Sherard, Hurley, SD

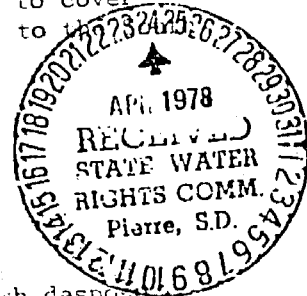
has been transferred to Robert W. Kirk 1004 W 11th St - Spencer, Iowa 51381

together with any rights to the beneficial use of water thereon as evidenced by
 Water Right Permit No. 121-3A as provided for in Section 61.0127 of the 1960
 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
 Permit" in its appropriate file at the Office of Water Rights Commission as
 evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
 filing fees as required under Section 61.0159 of the 1960 Supplement to the
 Dakota Code of 1939..

STATE OF ~~SOUTH DAKOTA~~ ^{IOWA})
) SS.
 County of Clay)



I, ROBERT W KIRK being first duly sworn on my oath depose
 and say: That my relation to the above described undertaking is that of Owner,
 that I have read the above foregoing statement, and I know of my own personal
 knowledge that the information herein stated is true

Robert W. Kirk
 (Signed)

Subscribed and sworn to before me this 19 day of April

19 78.

[Signature]
 (Notary Public)

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: _____

80 Acres, W $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T98N, R53W, Turner County

formerly owned by Robert W. Kirk, 1004 W. 11th Street, Spencer, IA 51301
has been transferred to Bar K. Cattle, Inc., 1004 West 11th St. Spencer, IA 51301

Water Right Permit No. 121-3A as provided for in SDCL 46-5-32 and 46-5-33.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
)
 County of Turner) ss.

1. Mercanina G. Borens being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Robert W. Lind
(signed)

Subscribed and sworn to before me this 18th Day of May 1979.

Myra A. Jones
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6920

PIERRE, May 21, 1970

RECEIVED OF Bar K Cattle Co. Inc., Spencer, Iowa 51301

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling transfer of water right No. 121-3A	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 9Y



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Resources Engineer
605 773-3352

121-3A

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer

121-3A
289-3
2234-3
2506-3
3411-3
3944-3
3945-3
4736-3
4572-3

April 2, 1984

Larry Hansen
Bar K Cattle Co., Inc.
RR#1, Box 5
Hurley, South Dakota 57036

Dear Mr. Hansen:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit Nos. 4736-3 and 4572-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board Action to amend Water Permit Nos. 121-3A, 289-3, 2234-3, 2506-3, 3411-3, 3944-3 and 3945-3 if the questionnaires were not received. Our records now show that you have returned your 1983 Irrigation Questionnaires and are no longer in violation of your permits.

Please disregard the notices sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these Hearings.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms

Equal Opportunity Employer

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
520 East Capitol
Pierre, South Dakota 57501-3181

December 21, 1990

Paul Peterson
RR 1, Box 4A
Hurley SD 57036

Dear Mr. Peterson:

This letter is in response to your letter dated December 4, 1990, regarding the location of your irrigation well. You indicated in the letter that the new well is approximately 30 feet east of your old well.

According to statute, you may construct a replacement well within 660 feet of the existing well and not need a permit for the replacement well. The existing water permit will cover the replacement well if the new well: 1) is constructed into the same aquifer, 2) does not exceed the pumping rate specified on your permit (500 gpm), 3) does not interfere with existing diversions, and 4) use of the old well for irrigation is abandoned.

If the old well is abandoned, then the well needs to be plugged according to the well construction standards. However, the well does not need to be plugged if the well is being used for some other purpose, such as domestic use.

Please inform me of the status of old well including what use, if any, is being made from the old well. Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Regan Fanning".

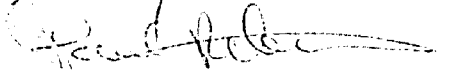
Regan Fanning
Natural Resources Analyst
605 773-3352

Dec 9 1992

MR, Ron Duncall,

I have looked thru Dallas log and permit
area. I believe that the Risher part shows the
wrong legal Description. It should be
W 1/2 S 20 1/2 Sec 1 T 40 N R 5 E as the
well is approx 300 ft east of the old well. Please
contact me if there are any ~~other~~ more problems.

Yours truly



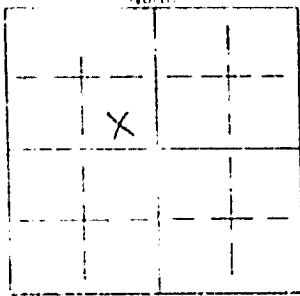


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-8

Location 122.30 Sec 283 T 117 N R 64
County Center of NW 1/4 Sec 33 1/2 NW 1/4 RPCounty SPIRIT

Please mark well location with an "X"



1 mile

Well Completion Date June 4, 1989

PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Other

Method of Drilling

Reverse

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIA	ETER	FEET	TO	HOLE DIAMETER
<u>500</u> LB/FT	<u>16</u> IN	<u>0</u>	<u>91</u> FT	<u>26</u> IN	
_____ LB/FT	_____ IN	_____	_____ FT	_____ IN	
_____ LB/FT	_____ IN	_____	_____ FT	_____ IN	
_____ LB/FT	_____ IN	_____	_____ FT	_____ IN	

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 30 feet FEETWhat is grouting material? Portland CementIf cement, number of sacks? 8405

Describe grouting procedure

Turbine Pipe

What was grout weight? _____ LB. GAL

SCREEN: ☐ Perforated ☒ ManufacturedDiameter 16 IN Length 25 FEETMaterial PVCSlot Size 80 Set From 16 Feet To 91 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? Bentonite

Describe packer(s) and location?

30' to 50'Was well disinfected upon completion? ☐ YES ☒ NOExplain Irrigation wellBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner

Name Kevin DettlerAddress Idaho, S.D.A.K.

Well Log

Depth

Formation

Formation	From	To
<u>Top Soil</u>	<u>0</u>	<u>2'</u>
<u>1st Clay</u>	<u>2</u>	<u>6</u>
<u>2nd Clay</u>	<u>6</u>	<u>40</u>
<u>3rd Clay</u>	<u>40</u>	<u>60</u>
<u>4th Clay</u>	<u>60</u>	<u>91</u>
<u>Gravel Sand</u>	<u>60</u>	<u>91</u>
<u>Gravel</u>		

STATIC WATER LEVEL 30 Feet

If flowing closed pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducer ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☒ Pumped☐ Bailed

Describe _____

☐ Other _____

Pumping level Below Land Surface

41 ft After 14 Hrs pumped 900 GPM

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

REMARKS

This well was drilled under license # 94

And this report is true and accurate

Drilling firm Green Drilling Inc

Signature of license Representative

Signature of Well Owner

Date 12/30/89

Replacement Well Reopening

SOUTH DAKOTA WATER WELL COMPLETION REPORT

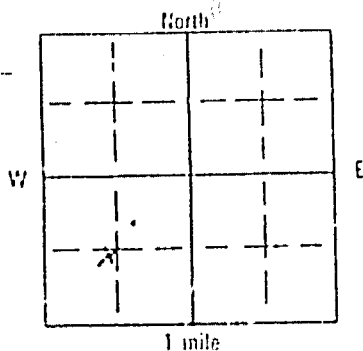
10-85

Location SW 1/4 SW 1/4 Sec 1 Twp 98 Rg 53

County

Turner

Please mark well location with an "X"



Well Completion Date 6-10-89

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Bucket Machine

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	<u>16"</u>			<u>30"</u>

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 11 IN Length 20 FEET

Material Plastic

Slot Size 35 Set From 26 Feet To 46 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

28 Gravel Pack from 16' to 46'

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner

Name

Robert W Kirk

Address

Spencer Town

Well Log

Paul Peterson, operator

Formation

Hickory SD 57636

Top soil
Yellow Clay
Water bearing gravel

Depth

From	To
<u>0'</u>	<u>4'</u>
<u>4'</u>	<u>10'</u>
<u>10'</u>	<u>46'</u>

STATIC WATER LEVEL 8' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS

This well was drilled under license # 478

And this report is true and accurate.

Drilling firm Turner's Well Drilling

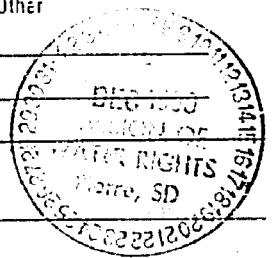
Signature of License Representative: _____

John Korman

Signature of Well Owner.

R W Kirk

Date 6-28-89



SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 17, 1989

Paul Peterson, Operator
RR 1, Box 4A
Hurley SD 57036

Dear Mr. Peterson:

A well drillers report filed with this office by Reiners Well Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water right permit application.



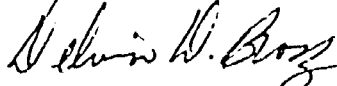
Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by September 1, 1989.

The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Susan Eowar, Water Rights Division Engineer (605-773-3352).

Very truly yours,



DELVIN D. BROSZ, P.E.

Hydrologist

for JOHN HATCH, Chief Engineer

Water Rights Division

cc: well driller

enclosure

121-3A



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PAUL PETERSEN, 45610 282ND ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

Paul Petersen Farms
45610 282nd St
Hurley SD 57036

RE: Water Permit or Right Nos. 121-3A, 164-3, 199-3, 289-3, 1773-3, 2053-3, 2852-3, 3411-3, 3632-3, 3633-3, 3648-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3

Dear Mr. Petersen:

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

You may disregard the January 22, 2021, "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 blue ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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