

Considered: _____

WATER PERMIT NO. 130A-3

HAP-No: _____

Name of Applicant John A. MortimerPost Office Address RR1, Box 89, Hitchcock SD 57348Amount of Water Claimed no add'l Total Acres 75 no add'lSource of Water Supply ground water 1 wellWater to be used for irrigation County BeadleAbout 11 miles E of Bonilla

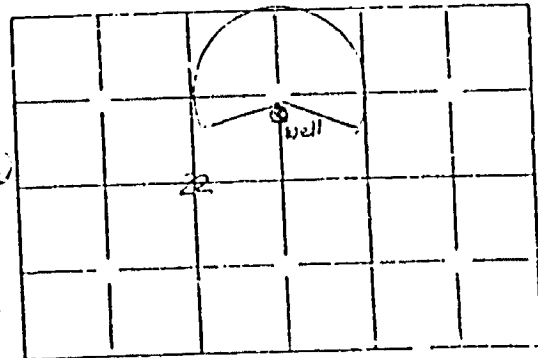
PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 10/23/89 Fee \$0.00 Remarks change_____ div. pt. location _____Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31WATER QUALITY APPROVAL RECEIVED Not needed APPROVED/CONDITIONAL (Circle one)

Well Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: near center of NE 1/4
section 22 - T113N-R62WLand to be Irrigated NE 1/4 sec 22 - T113N-R62WWell Log: Driller Empire Drilling Licensed YES _____ NO _____Depth of Well: _____ REMARKS out of businessType of Map aerial photo PREPARED BY Tom Brandner Reviewed and the Numberassigned on December 3, 1989 by R. J. [Signature]

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. <u>130-A-3</u>	Hydrologic Unit <u>10160006</u>
Basin <u>James River</u>	
Newspaper <u>Huron Daily Pioneer, Box 1278, Huron, SD 57350</u>	

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____

☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other See VR No. 130-3

Name of Applicant: John A Mortimer Phone No. _____

Post Office Address: RR 18, Box 89, Hitchcock State SD 57341 Zip Code _____

(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) no add'l Total acres irrigated no add'l 75
3. Source of Water supply groundwater - 1 well
4. Location of point of diversion center of the NE 1/4 Section 22, T113N, R62W
- County Beadle
5. Counties where water will be used Beadle
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE 1/4 NE 1/4 Sec 22, T113N, R62W	31
NE 1/4 NE 1/4 " "	29
SW 1/4 NE 1/4 " "	8
SE 1/4 NE 1/4 " "	7

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soil's information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Beadle)⁵⁵

I, John A. Mortimer, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed John A. Mortimer

Subscribed and sworn to before me this 21st day of Sept. 19 89

Linda Richards
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 3 1/2" Depth 115'
- b) Casing Type Galvanized Steel Diameter 16" Thickness 1/2"
- c) Screen Type SD Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 115'
- e) Depth to Top of Water Bearing Material 92'
- f) Depth to Water (ground surface to water level) 27'
- g) Distance to nearest existing domestic well:
- On applicants property 1/2 mile On property owned by others 1 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth 4'
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If Pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway width _____

g) X & Y Slope

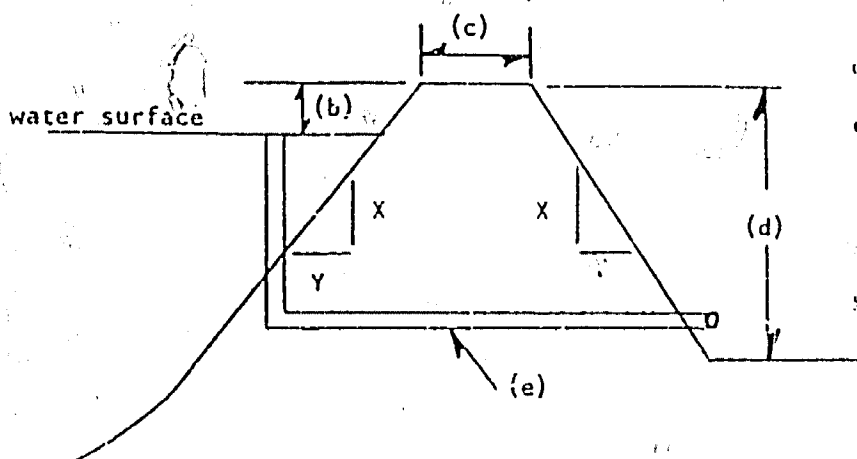
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 2 1/2 Depth 116'
- b) Casing Type 4 1/2 in. S. Iron Diameter 1 1/2" Thickness
- c) Screen Type 20 Diameter 1 1/2" Thickness
- d) Gravel Pack Thickness 9' Length of Gravel Pack 116'
- e) Depth to Top of Water Bearing Material 27'
- f) Depth to Water (ground surface to water level) 27'
- g) Distance to nearest existing domestic well:

On applicants property 1/2 mile On property owned by others 1 mile

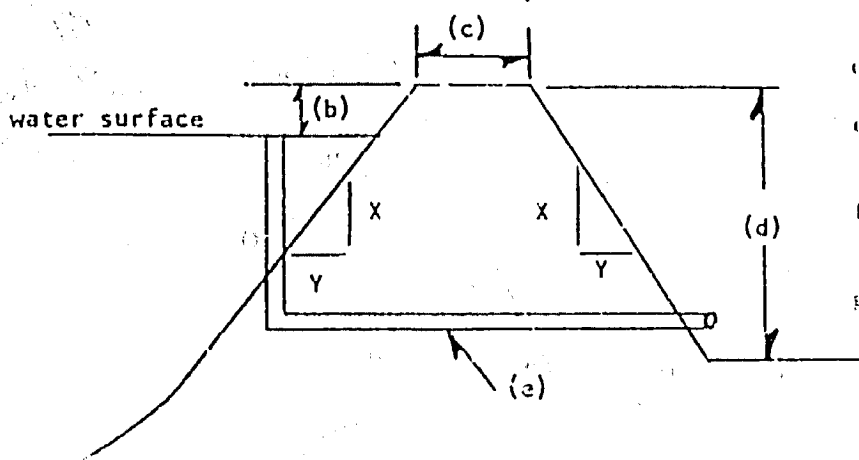
2. Dugout Information Estimates

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

3. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If Pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ acre feet
- Drainage area above dam _____

Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 130A-3 FOR IRRIGATION

Date of first receipt of application October 23, 1989.

The Water Management Board approved Water Permit Application No. 130A-3 on March 7, 1990 for John A. Mortimer, RR 1, Box 89, Hitchcock, SD 57348 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. 130A-3 amends Recognized Vested Right Claim No. 130-3 to change the diversion point location. This permit changes the well location from the NW1/4 NE1/4 to near the center of the NE1/4; all in Section 22 T113N-R62W for irrigation of 75 acres. The irrigated acreage is located in the NE1/4 Section 22 T113N-R62W.
2. The amount of the appropriation may not exceed 3 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is December 12, 1953.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. That the 1.56 cfs diversion rate be reduced to 1.07 cfs prior to the 1990 irrigation.
2. Approval of No. 130A-3 is subject to the irrigation water use questionnaire being submitted each year

WATER MANAGEMENT BOARD

By: _____

John A. Mortimer
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 13 1990

(date)

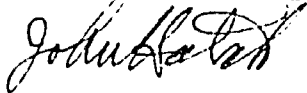
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 130A-3, John A. Mortimer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 130A-3, John A. Mortimer, RR 1, Box 89, Hitchcock SD.

The Chief Engineer is recommending APPROVAL of Application No. 130A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. That the 1.56 diversion rate be reduced to 1.07 cfs prior to the 1990 irrigation season.
2. Approval of No. 130A-3 is subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
December 18, 1989

REPORT ON APPLICATION NO. 130A-3
and
VALIDATION OF RECOGNIZED VESTED RIGHT CLAIM 130-3
John A. Mortimer
December 8, 1989

Application No. 130A-3 proposes to amend recognized Vested Right Claim No. 130-3 to change the diversion point location. No. 130-3 claims an appropriation of 1.33 cubic feet of water per second (cfs) from one well to irrigate 98.1 acres with a claimed priority date of December 12, 1953. This application is to change the well location from the NW1/4NE1/4 to near the center of the NE1/4; all in section 22, T113N, R62W, Beadle County, South Dakota. The irrigated acreage is located in the NE1/4, section 22, T113N, R62W. No increase in water appropriation or acres irrigated is authorized by this application.

DISCUSSION

Application No. 130A-3 is the result of an inspection to validate recognized claim No. 130-3. Tom Brandner, a Division of Water Rights Engineer, conducted the inspection on July 26, 1989 and noted that the irrigated acreage had changed from 98.1 acres to 75 acres and that a replacement well had been installed thus changing the diversion point. The initial well was cased to a depth of 56 feet with 15 feet of screen below this into water bearing material. The new well (new diversion point) is also cased to a depth of 56 feet, but is screened to a depth of 116 feet (additional 60 feet below casing). The new well has a pump with a capacity of 700 gallons per minute (GPM) or 1.56 cfs.

AQUIFER Tulare Aquifer - Hitchcock Management Unit (T-H)

AQUIFER INFORMATION AND CHARACTERISTICS

The source of water for application No. 130A-3 is the Tulare Aquifer (Hitchcock Management Unit) which is a part of the Central James Aquifer Complex. It is a surficial formation (glacial in origin) composed primarily of outwash deposits of sand and gravel. A layer of till with an average thickness of 35 feet overlies the aquifer in most areas. As a result of this confining layer, the formation is normally under artesian conditions. Water table conditions do exist, however, in areas where the formation is exposed at the surface. The Tulare Aquifer underlies 260 square miles in T112N, T113N, R60-65W and has 1,800,000 acre-feet in storage (Howells, 1969). The Hitchcock Management Unit underlies 53,800 acres in Beadle County with 333,000 acre-feet of recoverable water (Hedges, 1982). Ground water depths range from ground level to 60 feet below ground surface. The well log and well completion record submitted with this application showed the following:

till (clay, sand, etc.)	- 0 to 48 feet
coarse sand	----- 48 to 58 "
coarse gravel	----- 58 to 69 "
blue clay	----- 69 to 83 "
coarse gravel	----- 83 to 116 "
shale	----- 116 feet (drilling ceased)

static water level at depth of 29 feet
water bearing aquifer depth at 48 feet (first layer of
sand and gravel)

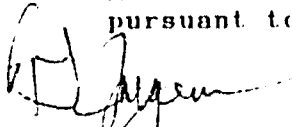
As evidenced by the well log, the formation has outwash layers that are separated by relatively impermeable deposits in some areas.

REVIEW OF AREA WATER RIGHTS

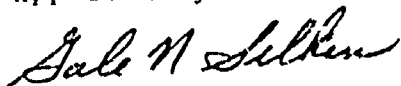
According to the 1988 irrigation Questionnaire, there are 74 permits in the Hitchcock Management Unit with an annual appropriation of 33,153.9 acre-feet (approximately 10% of the total recoverable water). The reported pumpage from this formation was 8,828.9 acre-feet in 1988.

CONCLUSIONS

1. Application No. 130A-3 is a result of an inspection to validate Recognized Vested Right Claim No. 130-3.
2. It is recommended that Recognized Vested Right Claim No. 130-3 be validated for 75 irrigated acres at a diversion rate of 1.07 cfs with a priority date of December 12, 1953.
3. Application No. 130A-3 is for a replacement well that will change the diversion point of Recognized Vested Right Claim No. 130-3. The new diversion point is in the same aquifer as the initial well and will have a reduced diversion rate if Vested Right Claim No. 130-3 is validated as recommended above.
4. If approved, Application No. 130A-3 should not have any adverse affect on existing water users.
5. It is recommended that application No. 130A-3 be approved subject to the completion of the annual irrigation questionnaire.
6. The capacity of the pump (700 GPM) for this well exceeds the maximum allowable diversion rate of 1.07 cfs (480 GPM) pursuant to SDCL 46-5-6.


Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:


Gale N. Selken, P.E.
Natural Resources Engineer IV

REFERENCES

Division of Water Rights, 1988, Irrigation Report by Aquifer, DWRN, Division of Water Rights, Joe Foss Building, Pierre, SD.

Division of Water Rights, 1989, Observation Well Files, DWRN, Division of Water Rights, Joe Foss Building, Pierre, SD.

Hedges, L.S., Burch, J., Iles, D.L., Barari, R.A., 1982, Evaluation of Groundwater Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers contract No. DACW 45-80-C0185, DWRN, Office of Geological Survey, Vermillion, SD.

Howells, L.W., Stephens, J.C., 1969, Geology and Water Resources of Beadle County, South Dakota, Part II: Water Resources, Geological Survey, Vermillion, SD.

Water Rights Division - DMWR
Conversation or File Documentation

File No. 130-3

NAME OF PERSON OR FILE: John Mortimer

ADDRESS: 189, R. 89 Hitchcock, SD 57348 COUNTY Beadle

DATE: 8-25-89 TELEPHONE (605) 216-7188

RE: Validation of Vested Right 130-3

COMMENTS:

On 7-26-89 I inspected Vested Right No 130-3 to check the status of the Vested Right claim. The gravity & sprinkler irrigation system had been replaced by a center pivot. The pivot is operated in a windmill wiper fashion with the pivot traveling a bit more than a $\frac{1}{2}$ circle. Therefore the 98.1 acres listed on the Vested Right claim should be reduced to the 75 acres shown on the air photo. Additionally Mr. Mortimer has drilled a new well to replace the old one. The new well is about 1500 Feet SSE of the old one. Thus, an application to change the diversion point will be necessary and ~~perhaps~~ an application for soil/water compatibility approval may also be needed.

The Vested Right can be validated for 75 acres as ~~seen~~ on the maps and with a diversion rate of 1.07 cfs. A change in diversion & soil/water is needed.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Thomas M. Bracken

DATE MICROFILMED

CAMERA OPERATOR

Vested Right
LICENSE FOR PERMIT NUMBER 130-3

1. Legal location of wells: SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, T113N, R62W

dams & structures: Center Pivot ~~on~~ near Center of NE $\frac{1}{4}$ of Sec. 22
T113N, R62W

2. Well Information: Well Drilling Firm Empire

Completion Report Yes ☒ No ☐ No. of Wells 1 Depth 116'

Casing a) diameter 16" Screen a) type SS Slotted PVC
b) length 56 b) length 20' 40'
c) type PVC Static Water Level 29'

Pump a) make Western Hand Roller Motor a) make U.S. Electric
b) Serial # 7298 b) Serial No. 6326-02-073 R5106485
c) size c) horsepower rating 75'
d) capacity 700 gpm Type - RU
e) turbine pump - no. of stages Hand No. - SM 3 12C H
f) operating PSI

3. Distribution lines or canals

a) size 10"
b) type Aluminum
c) length 50'

4. Dam Information:

a) height to crest m) Outlet tubes:
b) height to primary spillway 1) diameter
c) height to secondary spillway 2) type
d) crest width 3) valved (Y/N)
e) crest length 4) valve type
f) spillway length 5) location on structure
g) spillway width
h) approx. storage n) Category of Dam
i) approx. storage to crest
j) date constructed
k) inspection sheet completed (Y/N)
l) Name of Contractor

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

(Put on in 1977)

- 1) make Landscape Zimmatic
- 2) number of towers 7
- 3) distance between towers -
- 4) overall length -
- 5) end gun (GN) Nelson
- 6) high or low pressure Low (40 PSI)
- 7) make & size of nozzles _____

- 8) capacity (GPM) 700

g) siphons

Model - 307 Serial # 602269

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available. old well ~ 1500' NW of new well

600 GPM Capacity
constructed - 1953

No log, but
have the well
specifications

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
_____	☒	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? <u>No soil/water needed for vested Right</u>
☒	_____	2. Special qualifications to permit being abided by?
☒	_____	3. All structures, wells and lands on map?
_____	_____	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? <u>Vested Right</u>
_____	☒	5. Is chemigation used?
☒	_____	6. If yes, does equipment comply with chemigation rule?

REMARKS:

STATE OF SOUTH DAKOTA

PARTIAL VESTED RIGHT WATER LICENSE NO. 130A-3 FOR IRRIGATION

(1) John A Mortimer of RR #1 Box 89, Hitchcock, SD 57348 made Application No. 130A-3, October 23, 1989 to amend Vested Right Claim No. 130-3 to appropriate no additional cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for irrigation purposes. Permit No. 130-3 was approved March 7, 1990 with a priority date of December 12, 1953. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Water Permit No. 130A-3 amended Recognized Vested Right Claim No. 130-3 to change the diversion point location. No additional water or acreage were authorized.

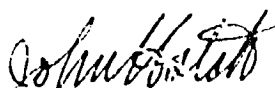
The applicable portions of Vested Right No. 130-3, which was validated by the Water Management Board on March 7, 1990, are being incorporated into Partial Vested Water Right License No. 130A-3. A priority date of December 12, 1953 is retained.

(2) The applicant is entitled to divert 1.07 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 220 feet south of the center of the NE1/4 Section 22, T113N, R62W.

The location of the irrigated acreage is:

T112N, R62W Section 22	NW1/4 NE1/4	31	acres
	NE1/4 NE1/4	29	"
	SW1/4 NE1/4	8	"
	SE1/4 NE1/4	7	"
	Total	75	acres

(3) Pursuant to Section 46-5-30.1 John A. Mortimer of RR #1 Box 89, Hitchcock, SD 57348 the holder(s) and/or owner(s) of Partial Vested Water Right No. 130A-3 is issued a license to appropriate 1.07 cubic feet of water per second from groundwater (one well) with a priority date of December 12, 1953 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 130A-3 and subject to South Dakota State Law.

 SEP 13 1990
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources



Department of Water & Natural Resources

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

SEP 13 1990

130A-3

John A. Mortimer
RR #1 Box 89
Hitchcock SD 57348

Dear Mr. Mortimer:

Enclosed are your Validated Vested Water Right and Water License No. 130A-3. 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.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

Conversation or File Documentation

NAME OF PERSON OR FILE: John A. MartimerADDRESS: RR1, Box 89, Hitchcock COUNTY BeadleDATE: Nov 20, 1989 TELEPHONE _____RE: Soil/Water compatibility permit (S/W)

COMMENTS:

Jim Stikel, Division of Conservation, called and informed me that no S/W permit is needed if the acreage remains unchanged, no change in source, and no increase in diversion rate.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NOTICE OF ALL CONCERNED PARTIES

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____

Well owner: W. H. M. L. L. L. (Year) 1911 (Address) 1111 1st St.

Date well drilling completed 12/1/77 (month, day, year)

WELL LOG

Locals, top in top in feet	Description of layer
0-2	Topsoil
2-20	yellow clay
20-30	red sand
20-27	green gravel
27-41	blue clay
41-48	fine sand
48-58	coarse sand
58-69	coarse gravel
69-83	blue clay
83-116	coarse gravel
116	shale

Slipch sheet of 7200 2200 19 1900 1

2025 RELEASE UNDER E.O. 14176

[illegible]

Name of student: _____

1997 2000 2003 2006 2009 2012 2015 2018 2021 2024 2027 2030 2033 2036 2039 2042 2045 2048 2051 2054 2057 2060 2063 2066 2069 2072 2075 2078 2081 2084 2087 2090 2093 2096 2099 2102 2105 2108 2111 2114 2117 2120 2123 2126 2129 2132 2135 2138 2141 2144 2147 2150 2153 2156 2159 2162 2165 2168 2171 2174 2177 2180 2183 2186 2189 2192 2195 2198 2201 2204 2207 2210 2213 2216 2219 2222 2225 2228 2231 2234 2237 2240 2243 2246 2249 2252 2255 2258 2261 2264 2267 2270 2273 2276 2279 2282 2285 2288 2291 2294 2297 2300 2303 2306 2309 2312 2315 2318 2321 2324 2327 2330 2333 2336 2339 2342 2345 2348 2351 2354 2357 2360 2363 2366 2369 2372 2375 2378 2381 2384 2387 2390 2393 2396 2399 2402 2405 2408 2411 2414 2417 2420 2423 2426 2429 2432 2435 2438 2441 2444 2447 2450 2453 2456 2459 2462 2465 2468 2471 2474 2477 2480 2483 2486 2489 2492 2495 2498 2501 2504 2507 2510 2513 2516 2519 2522 2525 2528 2531 2534 2537 2540 2543 2546 2549 2552 2555 2558 2561 2564 2567 2570 2573 2576 2579 2582 2585 2588 2591 2594 2597 2600 2603 2606 2609 2612 2615 2618 2621 2624 2627 2630 2633 2636 2639 2642 2645 2648 2651 2654 2657 2660 2663 2666 2669 2672 2675 2678 2681 2684 2687 2690 2693 2696 2699 2702 2705 2708 2711 2714 2717 2720 2723 2726 2729 2732 2735 2738 2741 2744 2747 2750 2753 2756 2759 2762 2765 2768 2771 2774 2777 2780 2783 2786 2789 2792 2795 2798 2801 2804 2807 2810 2813 2816 2819 2822 2825 2828 2831 2834 2837 2840 2843 2846 2849 2852 2855 2858 2861 2864 2867 2870 2873 2876 2879 2882 2885 2888 2891 2894 2897 2900 2903 2906 2909 2912 2915 2918 2921 2924 2927 2930 2933 2936 2939 2942 2945 2948 2951 2954 2957 2960 2963 2966 2969 2972 2975 2978 2981 2984 2987 2990 2993 2996 2999 3002 3005 3008 3011 3014 3017 3020 3023 3026 3029 3032 3035 3038 3041 3044 3047 3050 3053 3056 3059 3062 3065 3068 3071 3074 3077 3080 3083 3086 3089 3092 3095 3098 3101 3104 3107 3110 3113 3116 3119 3122 3125 3128 3131 3134 3137 3140 3143 3146 3149 3152 3155 3158 3161 3164 3167 3170 3173 3176 3179 3182 3185 3188 3191 3194 3197 3200 3203 3206 3209 3212 3215 3218 3221 3224 3227 3230 3233 3236 3239 3242 3245 3248 3251 3254 3257 3260 3263 3266 3269 3272 3275 3278 3281 3284 3287 3290 3293 3296 3299 3302 3305 3308 3311 3314 3317 3320 3323 3326 3329 3332 3335 3338 3341 3344 3347 3350 3353 3356 3359 3362 3365 3368 3371 3374 3377 3380 3383 3386 3389 3392 3395 3398 3401 3404 3407 3410 3413 3416 3419 3422 3425 3428 3431 3434 3437 3440 3443 3446 3449 3452 3455 3458 3461 3464 3467 3470 3473 3476 3479 3482 3485 3488 3491 3494 3497 3500 3503 3506 3509 3512 3515 3518 3521 3524 3527 3530 3533 3536 3539 3542 3545 3548 3551 3554 3557 3560 3563 3566 3569 3572 3575 3578 3581 3584 3587 3590 3593 3596 3599 3602 3605 3608 3611 3614 3617 3620 3623 3626 3629 3632 3635 3638 3641 3644 3647 3650 3653 3656 3659 3662 3665 3668 3671 3674 3677 3680 3683 3686 3689 3692 3695 3698 3701 3704 3707 3710 3713 3716 3719 3722 3725 3728 3731 3734 3737 3740 3743 3746 3749 3752 3755 3758 3761 3764 3767 3770 3773 3776 3779 3782 3785 3788 3791 3794 3797 3800 3803 3806 3809 3812 3815 3818 3821 3824 3827 3830 3833 3836 3839 3842 3845 3848 3851 3854 3857 3860 3863 3866 3869 3872 3875 3878 3881 3884 3887 3890 3893 3896 3899 3902 3905 3908 3911 3914 3917 3920 3923 3926 3929 3932 3935 3938 3941 3944 3947 3950 3953 3956 3959 3962 3965 3968 3971 3974 3977 3980 3983 3986 3989 3992 3995 3998 4001 4004 4007 4010 4013 4016 4019 4022 4025 4028 4031 4034 4037 4040 4043 4046 4049 4052 4055 4058 4061 4064 4067 4070 4073 4076 4079 4082 4085 4088 4091 4094 4097 4100 4103 4106 4109 4112 4115 4118 4121 4124 4127 4130 4133 4136 4139 4142 4145 4148 4151 4154 4157 4160 4163 4166 4169 4172 4175 4178 4181 4184 4187 4190 4193 4196 4199 4202 4205 4208 4211 4214 4217 4220 4223 4226 4229 4232 4235 4238 4241 4244 4247 4250 4253 4256 4259 4262 4265 4268 4271 4274 4277 4280 4283 4286 4289 4292 4295 4298 4301 4304 4307 4310 4313 4316 4319 4322 4325 4328 4331 4334 4337 4340 4343 4346 4349 4352 4355 4358 4361 4364 4367 4370 4373 4376 4379 4382 4385 4388 4391 4394 4397 4400 4403 4406 4409 4412 4415 4418 4421 4424 4427 4430 4433 4436 4439 4442 4445 4448 4451

Page 10 of 10

1000

Casing information in the space below shall show field, lined, weight, lengths per 30 meter, etc., for production casing and surface casing if used.

...and the ...

1. Size - information on the photo below: how long is screen below bottom of screen, how wide is screen or how big perforations

1. *Phragmites australis* (Cav.) Trin. ex Steud.

[illegible]

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

For any work, the first step is to

1. *Chlorophyll a* (Chl *a*)

Dr. J. H. ...

(2) PUMP INSTALLATION

Company name and size of pump _____ HP

Type of pump _____ GPM _____

Depth of pupal placement 0.1 m below surface (n = 8)

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.406 of Chapter 46-4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube when raised to _____ ft, tube diameter _____

Name of U.S. INSPECTION CARPENTER

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 23, 1939, 1939

RECEIVED OF John A. Mortimer, RR #1 Box 89, Hitchcock, SD 57348

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

Fee for Application for Permit No. 130A-3 to Appropriate Water, to construct works 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 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

 **Department of
Water & Natural Resources**

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

September 11, 1989

John A Mortimer
RR 3, Box 89
Hitchcock SD 57348

Dear Mr. Mortimer:

On July 26, 1989 Tom Brandner, Engineer, Division of Water Rights, inspected your Vested Right Claim No. 130-3. Mr. Brandner found that you have replaced the well and that the new well was located approximately 1500 feet from the old well.

A water permit application is required anytime a diversion point is moved more than 660 feet from the original diversion point. Enclosed are application forms for your change of diversion point. The forms must be signed in the presence of a notary and returned to this office with a filing fee of \$50.00. The application will then have to be advertised in a local newspaper and brought before the Water Management Board for approval. The new well location will need to be approved before Claim No. 130-3 can be validated.

Claim No. 130-3 also needs to be officially transferred to your name. This has never been done. Enclosed is a transfer form. Please sign the form in the presence of a notary public and return the form with a fee of \$2.50.

If I can answer any questions, please contact me.

Sincerely,



DELVIN D. BROSZ, P.E.
Hydrologist
605 773-3352

enclosures



77

**Department of
Water & Natural Resources**

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

January 9, 1990

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

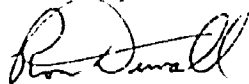
John A. Mortimer
RR #1 Box 89
Hitchcock, SD 57348

Dear Mr. Mortimer:

Water Permit Application No. 130A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Huron Daily Plainsmen printed at Huron SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

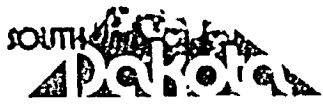
Sincerely,



Ron Duvall
Natural Resources Engineer:
605 773-3352

enclosures





Department of Water & Natural Resources

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

January 9, 1990

Huron Daily Plainsmen
Box 1278
Huron, SD 57350

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 130A-3 to be published twice. Please publish the first notice on or before January 18, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is John A. Mortimer, RR #1 Box 89, Hitchcock, SD 57348.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before January 18, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 130A-3 to Amend
Recognized Vested Water Right Claim No. 130-3

Notice is given that John A. Mortimer, RR #1 Box 89, Hitchcock, SD 57348 has filed an application for a water permit to amend Recognized Vested Right Claim No. 130-3 to change the diversion point location. No. 130-3 claims an appropriation of 1.33 cubic feet of water per second (cfs) from one well to irrigate 98.1 acres with a claimed priority date of December 12, 1953. This application is to change the well location from the NW1/4 NE1/4 to near the center of the NE1/4; all in Section 22-T113N-R62W. The irrigated acreage is located in the NE1/4 Section 22-T113N-R62W. No increase in water appropriation or acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 130A-3 for diversion of 1.07 cfs and irrigation of 75 acres with a priority date of December 12, 1953 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Beadle) ss.

I, James L. Hein

certify that the attached printed Notice was taken
 from the Huron Daily Plainsman

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

City _____ of Huron

County of Beadle and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

January 16, 1990

January 23, 1990

James L. Hein
 (Signature)
Controller
 (Title)

January 23, 1990
 (Date Signed)

Cost of Printing: \$74.60

NOTICE OF HEARING On Application No. 130A-3 To Amend Recognized Vested Water Right Claim No. 130-3

Notice is given that John A. Mortimer, RR #1 Box 89, Hitchcock, SD 57348 has filed an application for a water permit to amend Recognized Vested Right Claim No. 130-3 to change the diversion point location. No. 130-3 claims an appropriation of 1.33 cubic feet of water per second (cfs) from one well to irrigate 93.1 acres with a claimed priority date of December 12, 1953. This application is to change the well location from the NW 1/4 NE 1/4 to near the center of the NE 1/4 all in Section 22-T113N-R62W. The irrigated acreage is located in the NE 1/4 Section 22-T113N-R62W. No increase in water appropriation or acres irrigated is authorized by this application.

Pursuant to SDCL 45-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 130A-3 for diversion of 1.07 cfs and irrigation of 75 acres with a priority date of December 12, 1953 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3252)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel. If legal counsel is obtained, The applicant need not file a petition. Contact the Water Right Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if no exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SF CL 46-1-1 thru 46-1-9, 46-1-12 thr, 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13; 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-3 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board rules ARSD 74-02:01:01 thru 74-02-1-15.

No. 23 (adv.)



Department of Water & Natural Resources

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

January 11, 1990

NOTICE

TO: John A Mortimer
RR 1, Box 89
Hitchcock SD 57348

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Hearing to Consider Validation of Recognized Vested Water Right
Claim No. 130-3, John A Mortimer

A Notice of Intent to validate Claim No. 130-3 was published on June 23 and 30, 1988 in the Huron Daily Plainsman. The Division of Water Rights opposed validation of No. 130-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 130-3 was completed on July 26, 1989, by Tom Brandner, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 98.1 acres to 75 acres and the well location identified on the claim was not correct. Application No. 130A-3 is to amend Claim No. 130-3 to identify the correct location of the well.

The Water Management Board will consider validation of Claim No. 130-3 and Application No. 130A-3 at 10:00 am on March 7, 1990, in the Roosevelt/Jefferson Room, Howard Johnson's, 2211 LaCrosse Street, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. A separate notice with a cover letter dated January 9, 1990 was sent regarding the hearing for Application No. 130A-3.

Pursuant to the findings of the on-site inspection, validation of Claim No. 130-3 is recommended for a diversion rate of 1.07 cfs (480 gallons per minute) from the well to irrigate 75 acres. Following the hearing, the Board is authorized to 1) validate Claim No. 130-3 as recommended for 1.07 cfs to irrigate 75 acres, 2) validate Claim No. 130-3 as licensed prior to the on-site inspection, 3) validate Claim No. 130-3 based on evidence presented at the public hearing, or 4) defer validation of No. 130-3.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided for by law.

cc: John Haak, Assistant Attorney General

CERTIFICATION

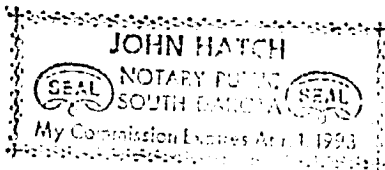
I hereby certify that on January 11, 1990 I have personally deposited with the U.S. Mail postage a prepaid envelope containing a Notice of Hearing to Consider Validation of Recognized Vested Water Right Claim No. 130-3 addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of January, 1990.



John Hatch
Notary Public



130A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: JOHN A MORTIMER, BOX 1766, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 130A-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 130A-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 130A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

130A-3

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOHN A MORTIMER
BOX 1766
ABERDEEN SD 57401

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Herla Casanova B. Date of Delivery 1/18/00

C. Signature

Herla Casanova

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

2 227 670 482



130A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501 3181
www.state.sd.us/derr

January 25, 2000

Larry Lovett
PO Box 1766
Aberdeen, SD 57401-1766

RE: Irrigation Questionnaires

Dear Mr. Lovett:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for the following:

1423-3, 2976A-3 & 3317A-3 – Larry Lovett
130A-3 – John Mortimer
282-3, 4723-3A & 4794-3, Thomas M Tobin

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 17, 2000

Ken Hofer
19343 398th Ave
Hitchcock, SD 57348

130A-3

Dear Mr. Hofer:

Thank you for taking the time to call me back today concerning Vested Water Right No. 130A-3. The vested right is currently listed in the name of John Mortimer. Enclosed is a copy for your review.

It is my understanding that your father now owns the land described in No. 130A-3 and that you will be farming it. In order to update our files, I am sending you a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Eldon will need to complete the form and then sign it in the presence of a notary public. Upon completion, please return the transfer form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the "Water Rights Program."

If you will be farming the land, I can send the yearly irrigation questionnaire directly to you. Enclosed is a copy of the 1999 form filed by Larry Lovett and a sample copy of a questionnaire. They will give you an idea of what type of records you will need to keep track of during the irrigation season.

The transfer form and filing fee are the only things in the materials I am sending you today that need to be returned. You can either hold on to the transfer form till your dad returns from Arizona, or you can forward it to him for signature (it can be notarized by a notary in Arizona).

Thank you again for your help. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 130A-3

Date: 3-30-2000

I/We request that Vested Water Right No. 130A-3

formerly owned by: John A Mortimer

be transferred to: (name & address)

Eldon E Hafer

39649 195 Th St Hitchcock SD Dakota

Telephone No.

605 266 2828

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

75 acres - NE 1/4 Section 22, T112N, R62W

I/We understand that the validity of Vested Water Right No. 130A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

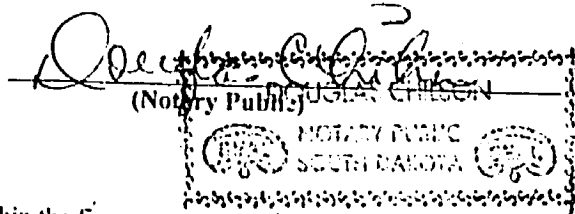
County of Beadle)

I/We Eldon E Hafer

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 that I know of my own personal knowledge that the information herein stated is true.

Eldon E Hafer
(Signed)

Subscribed and sworn to before me this 30th day of March, 2000.



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416455

Pierre, March 31, 2000

RECEIVED OF Eldon E. Hoyer, 39649 195th St., Hitchcock, SD 57348
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. _____		
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>Vested Water Right No. 130A-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *Richard E. Smith*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 31, 2000

130A-3

Eldon E Hofer
39649 195th St
Hitchcock, SD 57348

Dear Mr. Hofer:

Thank you for following up on the change of ownership for Vested Water Right No. 130A-3. The transfer has been completed and the vested water right is now listed in your name.

Enclosed is your receipt No. 416455 in the amount of \$2.50. You may keep this for your files.

It is my understanding that Ken Hofer is farming the land for you. I spoke with Ken about this awhile back and he indicated it would be acceptable to mail the yearly irrigation questionnaires directly to him for completion. The irrigation questionnaires for the year 2000 will be mailed out in October.

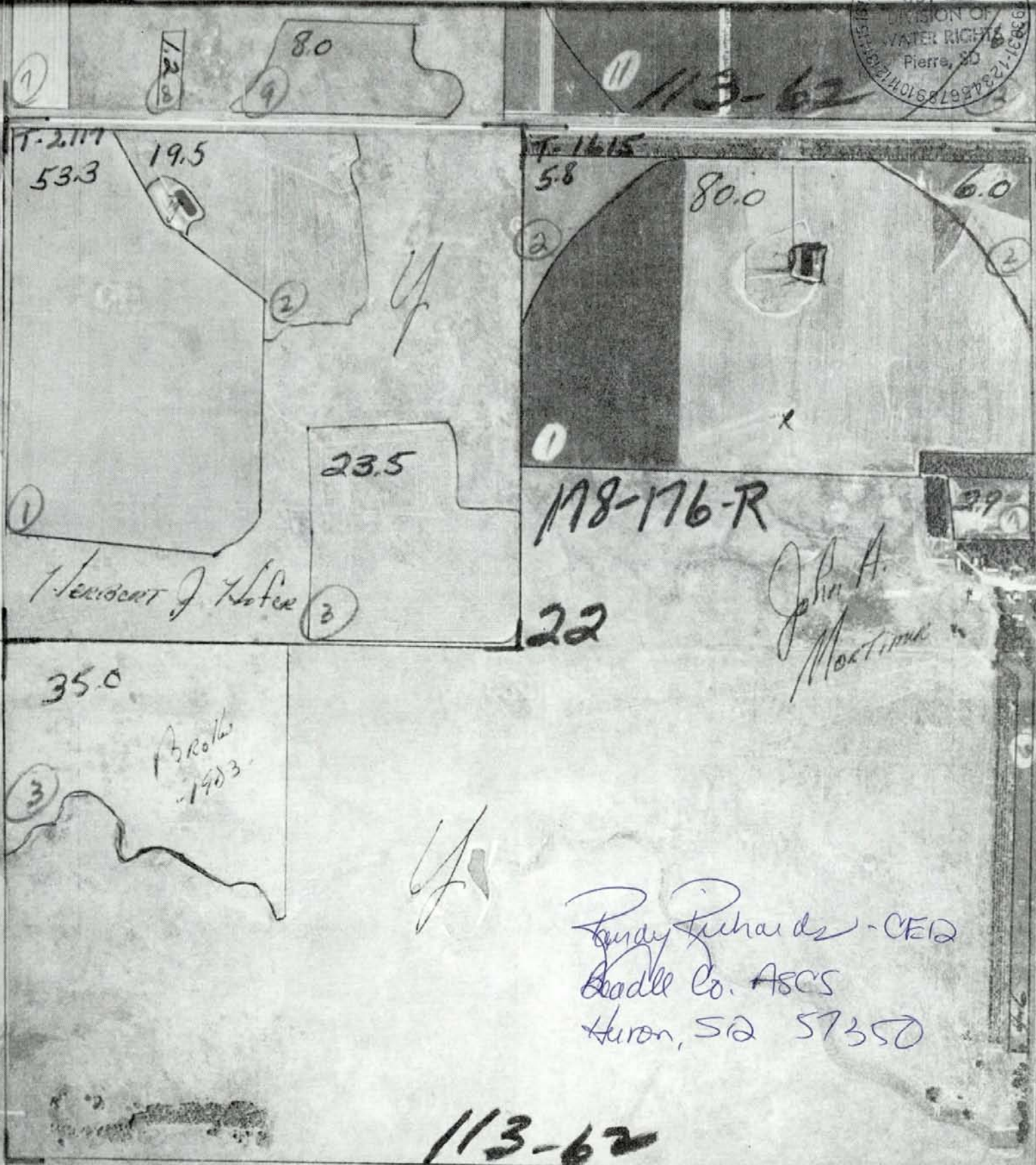
If you have any questions concerning Vested Water Right No. 130A-3, please give me a call.

Sincerely,

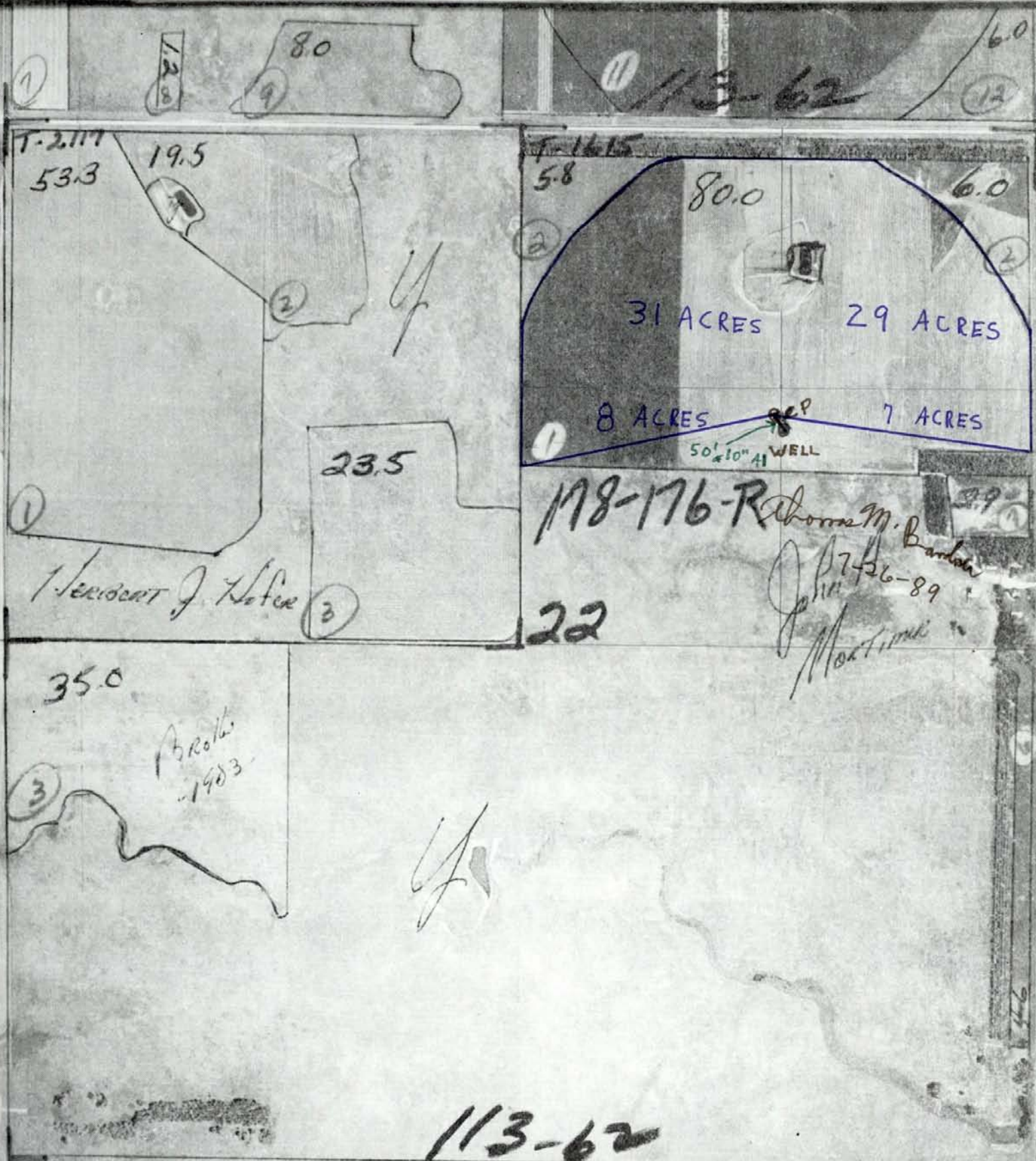
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOT TO SCALE

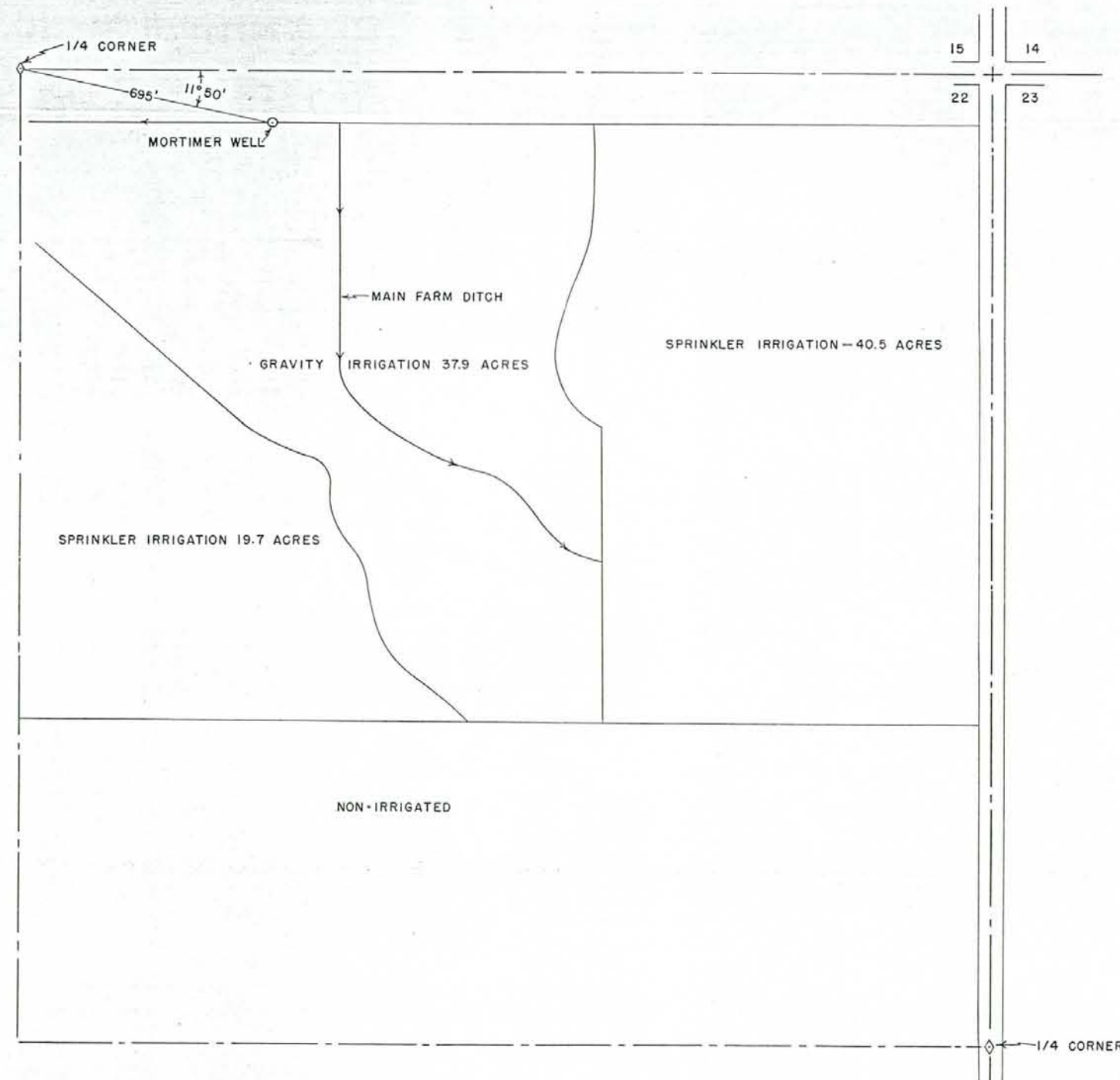


NOT TO SCALE



Appl. No. 130A-3

MAP SHOWING LOCATION OF MORTIMER WELL (POINT OF DIVERSION)
AND LANDS TO BE IRRIGATED WITH WATER DIVERTED FROM THIS
WELL. HELEN MORTIMER, OWNER.



LEGAL SUBDIVISION AREA TO BE IRRIGATED:
N.E 1/4 SECTION 22 T113N R 62W 98.1 ACRES
TOTAL 98.1 ACRES

LENGTH OF MAIN FARM DITCH 2460 FEET.

SCALE: 1 INCH = 200 FEET

Certified Correct M. C. Von Sygem
Chief, Projects Development Division
Bureau of Reclamation, Department of Interior
Huron, South Dakota.

Subscribed and sworn to before me
this 8th day of November 1955
Anthony H. Carter
Notary Public For The State of South Dakota
Residing at Huron, South Dakota
My Commission expires February 9, 1956



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

No. 130A-3

August 4, 2016

Eldon E Hofer
39649 195th St
Hitchcock SD 57348

Dear Mr. Hofer:

On July 25, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the NE 1/4 Section 22-T113N-R62W onto the adjacent north/south road (see attached photo). This irrigation system is covered by Water Right No. 130A-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 07252016

County: Beadle

Water Right/Permit No.: 130A-3

Reported by: Watertown Seasonal Observation Technician



Description from summer help: overspray, facing south, half mile north of this well (BD-80C)

Notes: picture location information matches description





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: KEN HOFER, OPERATOR, 19343 398TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 130A-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 130A-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 130A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: RLPJKY**

cc: ELDON E HOFER, 39649 195TH ST, HITCHCOCK, SD 57348

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

130A-3

Ken Hofer
19343 398th Ave
Hitchcock SD 57348

Dear Mr. Hofer:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 130A-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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

cc: ELDON E HOFER, 39649 195th St, HITCHCOCK, SD 57348