

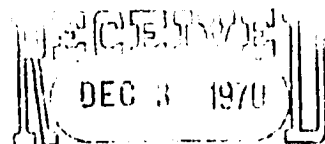
Water Right Number 1792-3

1. Considered January 20, 19 70
2. Name of Applicant Howard R. Johnson
3. Post Office Address Corson, S.D.
4. Amount of Water claimed .85
5. Source of Water supply Split Rock Creek
6. Water to be used for irrigation
- Acres to be irrigated 60.00
7. Water to be diverted and used in Minnehaha County
about 853W miles of GARRETSO
8. Proof of Publication Received 1-18-71
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1797-3Map No. 1300-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



STATE WATER RESOURCES COMMISSION

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Howard R. Johnson
 Postoffice address Corson, State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
 3. Name of diversion work Johnson Irrigation System
 4. Amount of water claimed (cubic feet per second) 0.855
 5. Source of water supply Split Rock Creek
 6. Location of point of diversion between points located 760 feet South 88° 30' East of the W½
Corner of Section 23, and 1690 feet North 88° 30' East of SW Corner of Section 23,
All in T102N, R48W County Minnehaha
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, _____ Total number of acres to be irrigated 60

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.	Land Description	No. Acres Irr.
NW¼ SW¼, Sec. 23, T102N, R48W	25		
SW¼SW¼, Sec. 23, T102N, R48W	35		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed _____ years. Additional time required to complete application of water to the proposed beneficial use completed _____ years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Garretson News, Garretson, S.D.
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Centrifugal pump powered by diesel tractor

B. Works proposed to transport water to place of use.

One half mile of six inch aluminum pipe

C. Works proposed to apply water to beneficial use.

Portable sprinkler boomEstimated Total Cost \$ 7500

Attachments: Attach Form 2A if diversion from a well or dugout or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Minnehaha)

I, Howard R. Johnson, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction,

Subscribed and sworn to before me this

Signed Howard R. Johnson
27 day of November, 1970

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1792-3

HOWARD R. JOHNSON
(Applicant)

CORSON
(Post Office Address)

SOUTH DAKOTA
(State) With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, AND PRIOR
WATER RIGHTS, MUST BE BY-PASSED

Date of first receipt of application DECEMBER 3, 19 70

Date of return to applicant for correction, amendments or changes required —, 19 —

Date of receipt of corrected application —, 19 —

Approved JANUARY 20, 19 71 Recorded in Book 11 Page 228

WATER RIGHT PERMIT NO. 1792-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1792-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 3, 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED, 19 —
3. The whole of said work is to be completed on or before COMPLETED, 19 —
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19 —
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed .85 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 THIS DATE, 19 —; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 22ND day of JANUARY, 19 71

WATER RESOURCES COMMISSION

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

1792-3

Publish first publication, on or before December 24, 19 70NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 14, 19 70Notice is hereby given that Howard R. Johnsonwhose post office address is Corson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .15cubic feet of water per second of time from the Split Rock Creek through theJohnson Irrigation System, the point of diversion of which is to be located in thebetween points in the NW 1/4 SW 1/4 and SW 1/4 SW 1/4of Section 23, Twp. 102N, Range 48W. Said water to be used for the purpose
of providing irrigation on a portion of the following described land:W 1/2 SW 1/4, Section 23, T102N, R48WThis application No. 1792-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 20th day of January, 19 71, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Howard R. Johnson
Corson, S.D.

By:

MARION F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, Clifford D. Sanders hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sioux Falls Suburban News

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 Sioux Falls of _____

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

Dec. 24, 31 - 1970; Jan. 7, 14 - 1971

Clifford D. Sanders
(Signature)

Publisher

(Title)

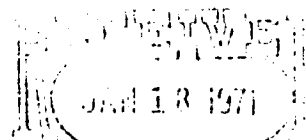
January 15, 1971

(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Howard R. Johnson whose post
office address is Corson, South
Dakota, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appro-
priate for beneficial use .85
cubic feet of water per second
of time from Spill Rock Creek
through the Johnson Irrigation
System, the point of diversion
of which is to be located be-
tween points in the NW 1/4
SW 1/4 and SW 1/4 SW 1/4 of
Section 23, Twp. 102N, Range
48W. Said water to be used for
the purpose of providing irriga-
tion on a portion of the follow-
ing described land: W 1/2 SW
1/4, Section 23, T102N, R48W.
This application No. 1792-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 20th
day of January, 1971, at 2:00
p.m. All interested persons may
appear and be heard.

Water Resources Commission
By: Burton F. Jones
Water Rights Specialist
(Pub. Dec. 24, 31, Jan. 7, 14)



1792-7 Howard Johnson

8-9-77 Pumped 900 N of S. Rd 365

" Motor = Donald Century

6.0 HP - 3540 RPM

Pumped
4-11-78 Pump = Berkeley P. P. 7572-765

Model R3E PSH Impeller 9 3/4

2450 RPM - 60 HP

Pumped

Pumped

Pumped

January 26, 1971

Mr. Howard R. Johnson
Corson
South Dakota 57019

Dear Mr. Johnson:

Enclosed herewith is your Water Right Permit No. 1792-3 as approved by the Water Resources Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1792-3.

Per our letter of November 25, upon receipt of your check in the amount of \$12.00 the final papers will be issued to you.

Also per the same letter, Permit No. 444-3 was cancelled.

Sincerely,

J.W. GRIMES, Executive Officer

JWG/BFJ/bw
Encl: As stated

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

HOWARD JOHNSON
1217 BEECHNUT
BRANDON, SD 57005

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

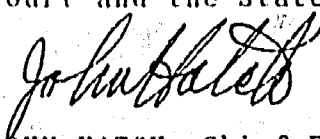
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1792-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

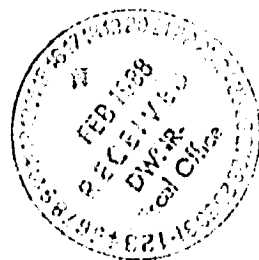
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

2-18-88
and another form

Harvard Johnson
1212 Beekmant
Brandon, SD 5700



Dear Sirs:

In regard to your letter concerning
a notification of requirement to submit
the 1987 Irrigation questionnaire, we
are sorry we did not do that. We
don't remember receiving it. Please
send us another questionnaire and we
will submit it immediately.

Thank you

Mrs. Harvard Johnson

P.S. We are spending the winter in

Arizona. If you would please send
the questionnaire to the following
address it would save time.

Arizona → 1000 Idaho Rd #364
Apache Junction, Ariz
85219-6499



Department of Water & Natural Resources

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

February 25, 1988

1792-3

Howard Johnson
100 Idaho Rd #364
Apache Junction AZ 85219-6499

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1937 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1792-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

 **Department of
Water & Natural Resources**

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

October 24, 1989

1792-3

Janet Schliem
RR #3 Box 163
Rochester, MN 55904

Dear Ms. Schliem:

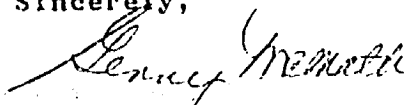
In response to our telephone conversation, enclosed are copies of Water Permit No. 1792-3, Cancelled Water Permit No. 444-3 and a "Notice of Transfer" form.

The area you indicated Mr. Johnson had not irrigated for along time is probably what used to be covered under Cancelled Water Permit No. 444-3. The correspondence indicates an inspection was made in 1970 which found the acreage under No. 444-3 was not being irrigated. Mr. Johnson then submitted an application for the acreage he was irrigating (Permit No. 1792-3).

As we discussed, the enclosed "Notice of Transfer" form should be completed and returned upon sale of the land. Just a reminder, the transfer form will need to be signed by the new owner.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH

Natural Resources Analyst

(605) 773-3352

enclosures



South Dakota Department of
Water & Natural Resources

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

May 30, 1990

1792-3

Janet Schliem
RR #3 Box 163
Rochester, MN 55904

Dear Ms. Schliem:

In October, 1989 you contacted our office with regard to Water Permit No. 1792-3 listed in the name of Howard R. Johnson. At that time, you indicated the land would be up for sale, possibly by the spring of 1990. At this time, I am writing to find out if the land has been sold yet or if the sale is still pending.

With my October letter, I forwarded a partially completed "Notice of Transfer" for use in filing an ownership change for Water Permit No. 1792-3. Since that time, the "Notice of Transfer" forms have changed somewhat to include additional information. Enclosed is one of the new transfer forms to be used when filing an ownership change. The form should still be signed and notarized by the new owner. A \$2.50 filing fee is required and should be returned with the completed form.

Please contact me concerning the status of the sale and whether or not the water permit should be transferred yet. I appreciate your assistance in this matter.

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 1792-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 14 June 1990

I/We request that Water Permit/Right No. 1792-3

formerly owned by: Howard R Johnson

be transferred to: (name & address)

Robert H. Johnson

(telephone No.) 605-582-1122

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

60 acres - W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 23, T102N, R48W

I/We understand that the validity of Water Permit/Right No. 1792-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of)

Minnehaha)

I/We Robert H. Johnson being first duly sworn on my oath depose and say that the above relation to the above-described undertaking is that of Owner, that I have read the foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Robert H. Johnson
(Signed)

Subscribed and sworn to before me this 14 day of June, 1990.

Charles W. Henry
(Notary Public)



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 water 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

Division of Water Rights
South Dakota Department of Water and Natural Resources

412266

Pierre, June 15, 1990

RECEIVED OF Robert H. Johnson, Box 116, Brandon, SD 57005

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 _____ Water Permit No. 1792 -5	2	50
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	2 50

By John Hatchman
Chief Engineer

 **Department of
Water & Natural Resources**

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

June 18, 1990

1792-3

Robert H Johnson
PO Box 116
Brandon, SD 57005

Dear Mr. Johnson:

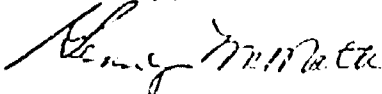
Enclosed is your receipt in the amount of \$2.50 and a copy of the "Notice of Transfer of Ownership" you submitted for filing an ownership change on Water Permit No. 1792-3. The transfer has been completed and the permit is now listed in your name.

Also enclosed is a copy of a computer printout showing the water permits/water rights we have on file from Split Rock Creek. They are listed in order of priority date. Some of the abbreviations contained in the printout are as follows:

CFS/AFA	cubic feet per second or acre feet annually
CO	County
MA	Minnehaha
SRC	Source
S	Surface water
B	both (use of water is from groundwater and surface water)
LC	Licensed
PE	Permit
BN	Basin
SR	Sioux River Basin

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

1792-3

Permit No. **1792-3**
Big Sioux - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Robert Johnson of P.O. Box 186 Brandon, SD 57005 holder of Permit No. 1792-3, bearing the priority of December 3, 1970 authorizing the diversion of 0.85 cu. ft. per second of the waters of Split Rock Creek for irrigation purposes, in Minnehaha County.

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

- A. Works used to divert the water:
Berkeley centrifugal pump, Model No. B3ZRM, 9", 450 GPM @ 58 PSI, Baldor Motor, Model No. M4103T, 25 HP
- B. Works used to transport water to place of use:
810' of 6" PVC pipe
- C. Works used to apply water to beneficial use:
Valley Model No. 4871 center pivot system, Model No. 4'71, 760' long with 5 towers, High Pressure system with end gun, 400 GPM

The system is in the following condition excellent. The point of diversion is located 1885'E and 1018'N of the SW corner of Section 23-T102N-R48W. The works are capable of diverting and conveying to the place of use 0.89 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:

All in Section 23-T102N-R48W:

NW1/4 SW1/4 = 6 acres

SW1/4 SW1/4 = 28 acres

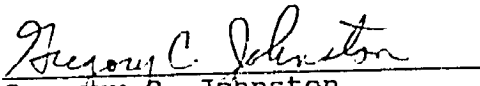
NE1/4 SW1/4 = 1 acre

SE1/4 SW1/4 = 7 acres

comprising a total of 42 acres of land and the license should be issued for 0.60 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date: 5/4/93



Gregory C. Johnston
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 1792-3

DATE: 5/4/93

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 1885'E and 1018'N of the SW corner of Section 23-T102N-R48W

Pump:

- ✓ 1) Make Berekeley Centrifugal
- 2) Model B3ZRM
- 3) Size 9"
- 4) Capacity 450 GPM

Motor:

- 1) Make Baldor
- 2) Model No. M4103T
- 3) Horsepower rating 25 HP

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 810 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley 4871
- 2) Overall length 760 feet
- 3) Number of towers 10
- 4) Distance between towers 150 feet
- 5) End gun Y/N Y
- 6) High or low pressure High
- 7) Capacity 400 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N Y
- 2) Special qualifications to permit being abided by Y/N Y
- 3) All structures, wells and lands on map Y/N Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N Y



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 4, 1993

Robert Johnson
P.O. Box 106
Brandon, SD 57005

Dear Mr. Johnson:

This letter is in regards to our conversation about your irrigation system. The following is a list of items needed to complete your Water License for Permit No. 1792-3:

- | | |
|--|--------------------------|
| Pump (BERKLEY B3ZRM) | Motor (BALDOR M4103T) |
| - Make and model number | - Make and model Number |
| - Size (inches) 3 X 4 | - Horsepower rating 25HP |
| - Capacity (GPM) 450 | |
| - Operating pressure 73 psi | |
| - No. of stages (if turbine pump) | |
| Centrifugal Impellar Diameter 9 | |
| Center Pivot | |
| - Make and model number VALLEY 4871 | |
| - No. of towers 5 | |
| - Overall length 760 | |
| - End gun present Nelson SR100 | |
| - High or low pressure 58 psi at pivot point | |
| - Capacity (GPM) 450 | |

In addition, an aerial photo of Section 23-T102N-R48W is enclosed. Indicate which acres are covered by the center pivot system and return the diagram and necessary information to me at the above address.

Your attention to this matter is appreciated. Please feel free to call at anytime, if you have questions or comments.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

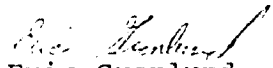
enclosures

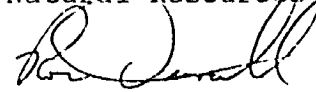
REPORT ON WATER PERMIT NO. 1792-3
ROBERT JOHNSON
December 17, 1993

Water Permit No. 1792-3 appropriates 0.85 cubic feet of water per second from Split Rock Creek located between points in the NW 1/4 SW 1/4 and SW 1/4 SW 1/4 Section 23-T102N-R48W to irrigate 60 acres. Readvertisement of the notice of hearing published on December 24 and 31, 1970 and January 7 and 14, 1971 is needed to correct the legal description of the irrigated acres and the point of diversion. The location of the irrigated acres was incorrectly advertised as being located in the W 1/2 SW 1/4 Section 23-T102N-R48W. The correct location of the acreage developed for irrigation is the SW 1/4 Section 23-T102N-R48W. The location of the point of diversion was also advertised incorrectly and is located in the SE 1/4 SW 1/4 Section 23-T102N-R48W. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 1792-3.
2. This readvertisement is necessary to correct the legal description of the lands being irrigated and the location of the diversion point prior to issuance of a water license. The correct location of the irrigated acreage was identified on the original map submitted with the application and the correct diversion point was identified on the application.
3. The correct legal description of the lands being irrigated is the SW 1/4 Section 23-T102N-R48W. The correct legal description of the diversion point is the SE 1/4 SW 1/4 Section 23-T102N-R48W.


Eric Gronlund
Natural Resources Engineer


Ron Duvall
Natural Resources Engineer IV

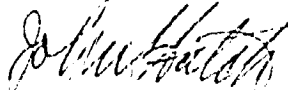
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER
PERMIT APPLICATION NO. 1792-3, Robert Johnson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 1792-3, Robert Johnson, PO Box 106, Brandon, SD 57005.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 1792-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 20, 1993



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 22, 1993

Robert Johnson
PO Box 106
Brandon, SD 57005

Dear Mr. Johrson:

The original notice of hearing for Water Permit No. 1792-3 was published with errors. Therefore, the notice of hearing needs to be readvertised to correct the errors. A notice of hearing has been sent to the Publisher of the Garretson Weekly printed at Garretson, SD (Ph # 594-6315). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 22, 1993

Garretson Weekly
Box 310
Garretson, SD 57030

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 1792-3 to be published twice. Please publish the first notice on January 6, 1994, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

1 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,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit 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 January 6, 1994, with the second publication 7 days later.

Readvertisement of NOTICE OF APPLICATION NO. 1792-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 1792-3 held by Robert Johnson, PO Box 106, Brandon, SD 57005. The water permit was originally applied for on December 3, 1970. Water Permit No. 1792-3 appropriates 0.85 cubic feet of water per second from Split Rock Creek to irrigate 60 acres. Readvertisement of the notice of hearing published on December 24 and 31, 1970, and January 7 and 14, 1971, is needed to correct the legal description of the irrigated acres and the point of diversion. The location of the irrigated acres was incorrectly advertised as being located in the W $1/2$ SW $1/4$ Section 23-T102N-R48W. The correct location of the acreage developed for irrigation is the SW $1/4$ Section 23-T102N-R48W. The location of the point of diversion was also incorrectly advertised and is located in the SE $1/4$ SW $1/4$ Section 23-T102N-R48W. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 1792-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 24, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss

I, Marque Martens

certify that the attached printed Notice was

taken from the South Dakota Environment
and Natural Resources

printed and published in Garrison Weekly

County of Minnehaha and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

1/6/94

1/13/94

Cost of Printing: 45.51

Marque Martens
(Signature)

Editor
(Title)

1-

(Date Signed)

Eric Grönlund
(Date)



Minnehaha

Readvertisement of NOTICE OF APPLICATION NO. 1792-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 1792-3 held by Robert Johnson, PO Box 106, Brandon, SD 57005. The water permit was originally applied for on December 3, 1970. Water Permit No. 1792-3 appropriates 0.85 cubic feet of water per second from Split Rock Creek to irrigate 60 acres. Readvertisement of the notice of hearing published on December 24 and 31, 1970, and January 7 and 14, 1971, is needed to correct the legal description of the irrigated acres and the point of diversion. The location of the irrigated acres was incorrectly advertised as being located in the W 1/2 SW 1/4 Section 23-T102N-R18W. The correct location of the acreage developed for irrigation is the SW 1/4 Section 23-T102N-R48W. The location of the point of diversion was also incorrectly advertised and is located in the SE 1/4 SW 1/4 Section 23-T102N-R48W. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 1792-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 623 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 24, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Grönlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PAYMENT REQUEST FORM

PAYEE: Garretson Weekly
Box 310
Garretson, SD 57030

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

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Publication of Readvertisement of Notice of
Application No. 1792-3 to Appropriate Water.

AMOUNT: \$45.51

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION:

J. Hubbard

1-13-94

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

EXECUTIVE BUILDING
EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 1, 1994

1792-3

Robert H. Johnson
P.O. Box 106
Brandon, SD 57005

Dear Mr. Johnson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1792-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414133

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 14, 19 94

RECEIVED OF Robert H. Johnson, Box 106, Brandon, SD 57006

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. 1792-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1792-3 FOR IRRIGATION

(1) Howard R. Johnson of Corson SD made Application No. 1792-3, December 3, 1970 for a water permit to appropriate 0.855 cubic feet of water per second from Split Rock Creek, Minnehaha County, South Dakota for irrigation purposes. Permit No. 1792-3, with a priority date of December 3, 1970 was approved January 20, 1971 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 1792-3 was transferred on June 15, 1990 to Robert H. Johnson.

The permit was readvertised January 6 and 13, 1994 to correct errors in the original notice of hearing in the legal description of the lands being irrigated and the location of the diversion points. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.60 cubic feet of water per second for beneficial use. The location of the diversion points are 1885 feet east and 1018 feet north of the southwest corner of Section 23-T102N-R48W (SE 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 23-T102N-R48W	NW 1/4 SW 1/4	6 acres
	SW 1/4 SW 1/4	28 acres
	NE 1/4 SW 1/4	1 acre
	SE 1/4 SW 1/4	7 acres
	Total	42 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert H Johnson of PO Box 106, Brandon SD 57005 the holder and/or owner of Water Permit No. 1792-3 is issued a license to appropriate water, the right to use 0.60 cubic feet of water per second from Split Rock Creek with a priority date of December 3, 1970 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1792-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date



1792-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

1792-3

Robert H. Johnson
P.O. Box 106
Brandon, SD 57005

Dear Mr. Johnson:

Enclosed is Water License No. 1792-3 and Receipt No. 414133 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1792-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

rd
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

ROBERT H JOHNSON
PO BOX 106
BRANDON SD 57005

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1792-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1792-3

ROBERT H JOHNSON
PO BOX 106
BRANDON, SD 57005

4a. Article Number

P 837 692 721

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-8-95

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1792-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 10, 1995

1792-3

Robert H Johnson
PO Box 106
Brandon, SD 57005-0106

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.**

The questionnaire 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 Division
(605) 773-3352



1792-3
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: ROBERT H JOHNSON, PO BOX 106, BRANDON, SD 57005 0106

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 has not been submitted for Permit No(s) 1792-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

1792-3

of address to do for item is to fold at line over top of envelope
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:

ROBERT H JOHNSON
PO BOX 106
BRANDON SD 57005 0106

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <i>Robert H Johnson</i>	B. Date of Delivery <i>1-18-00</i>
C. Signature <i>[Signature]</i>	☐ Agent ☐ Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
☐ Yes ☐ 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)

2227670361



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2000

1792-3

Robert H Johnson
PO Box 106
Brandon, SD 57005-0106

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 1792-3.

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

1792-3

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:

ROBERT H JOHNSON
PO BOX 106
BRANDON SD 57005 0106

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1-22-01

C. Signature

X. *[Signature]*

☐ 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)

7000 0600 0026 9814 3345



1792-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: ROBERT H JOHNSON, PO BOX 106, BRANDON, SD 57005 0106

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 1792-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2001

1792-3

Robert H Johnson
PO Box 106
Brandon, SD 57005-0106

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 1792-3.

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



1792-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: ROBERT H JOHNSON, PO BOX 106, BRANDON, SD 57005 0106

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 1792-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002. in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

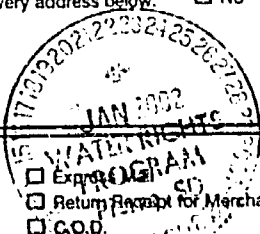
1. Amend Permit No(s) 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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 March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

1792-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY					
■ 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.		<table border="1"> <tr> <td>A. Received by (Please Print Clearly)</td> <td>B. Date of Delivery</td> </tr> <tr> <td>Quentin Johnson</td> <td>1-19-02</td> </tr> </table>		A. Received by (Please Print Clearly)	B. Date of Delivery	Quentin Johnson	1-19-02
A. Received by (Please Print Clearly)	B. Date of Delivery						
Quentin Johnson	1-19-02						
1. Article Addressed to:		C. Signature X <i>[Signature]</i>					
ROBERT H JOHNSON PO BOX 106 BRANDON SD 57005 0106		<table border="1"> <tr> <td> ☐ Agent ☐ Addressee </td> </tr> </table>		☐ Agent ☐ Addressee			
☐ 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					

7001 2510 0004 4797 5071



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2002

1792-3

Robert H Johnson
PO Box 106
Brandon, SD 57005-0106

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 1792-3.

I completed a questionnaire for you based on our February 8th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



1792-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: ROBERT H JOHNSON, PO BOX 106, BRANDON, SD 57005 0106

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 1792-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



1792-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8510

Your item was delivered at 9:18 am on January 15, 2004 in BRANDON, SD 57005. The item was signed for by R JOHNSON.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8510

ROBERT H JOHNSON
PO BOX 106
BRANDON SD 57005 0106

Waiver of Signature ☐ YES ☐ NO

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

January 15, 2004

1792-3

Robert H Johnson
PO Box 106
Brandon SD 57005-0106

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 1792-3.

I completed a questionnaire for you based on our January 15th telephone conversation. Enclosed is a copy of the form I filled out. You indicated you irrigated a total of 337 hours. In order to enter the information into the computer, I had to edit the hours you pumped so they did not include decimals. The total still adds up to 337 hours.

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

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



1792-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: ROBERT H JOHNSON, PO BOX 106, BRANDON, SD 57005 0106

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1792-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1792-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



1792-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1572

Your item was delivered at 3:32 pm on January 21, 2005 in BRANDON, SD 57005. The item was signed for by R JOHNSON.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1572

ROBERT H JOHNSON
PO BOX 106
BRANDON SD 57005 0106

Waiver of Signature ☐ YES ☐ NO

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PS Form 158, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2005

1792-3

Robert H Johnson
PO Box 106
Brandon SD 57005-0106

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1792-3.

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

NOT TO SCALE

② T-194 ⑨ 102-48 ⑩ T-277

All in Section 23 - T102N-R48W:

NW¹/₄ SW¹/₄ = 6 acres
 SW¹/₄ SW¹/₄ = 28 acres
 NE¹/₄ SW¹/₄ = 1 acre
 SE¹/₄ SW¹/₄ = 7 acres ①
 Total = 42 acres

57-1

No. 1792-3

Robert Johnson

1"=754'

Drawn by:

Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer II
 Water Rights Division, DENR

5/4/93

T-196

⑨ T-357

⑩ T-259

NW¹/₄ SW¹/₄ = 6 acres ①

NE¹/₄ SW¹/₄ = 1 acre ②

CRP 88.97

CRP 88.91 ③

CRP 88.97

CRP 88.91 ②

SW¹/₄ SW¹/₄ = 28 ac.

F.C.P. 6" PVC

Diversion Point

SE¹/₄ SW¹/₄ = 7 acres ④

1885'

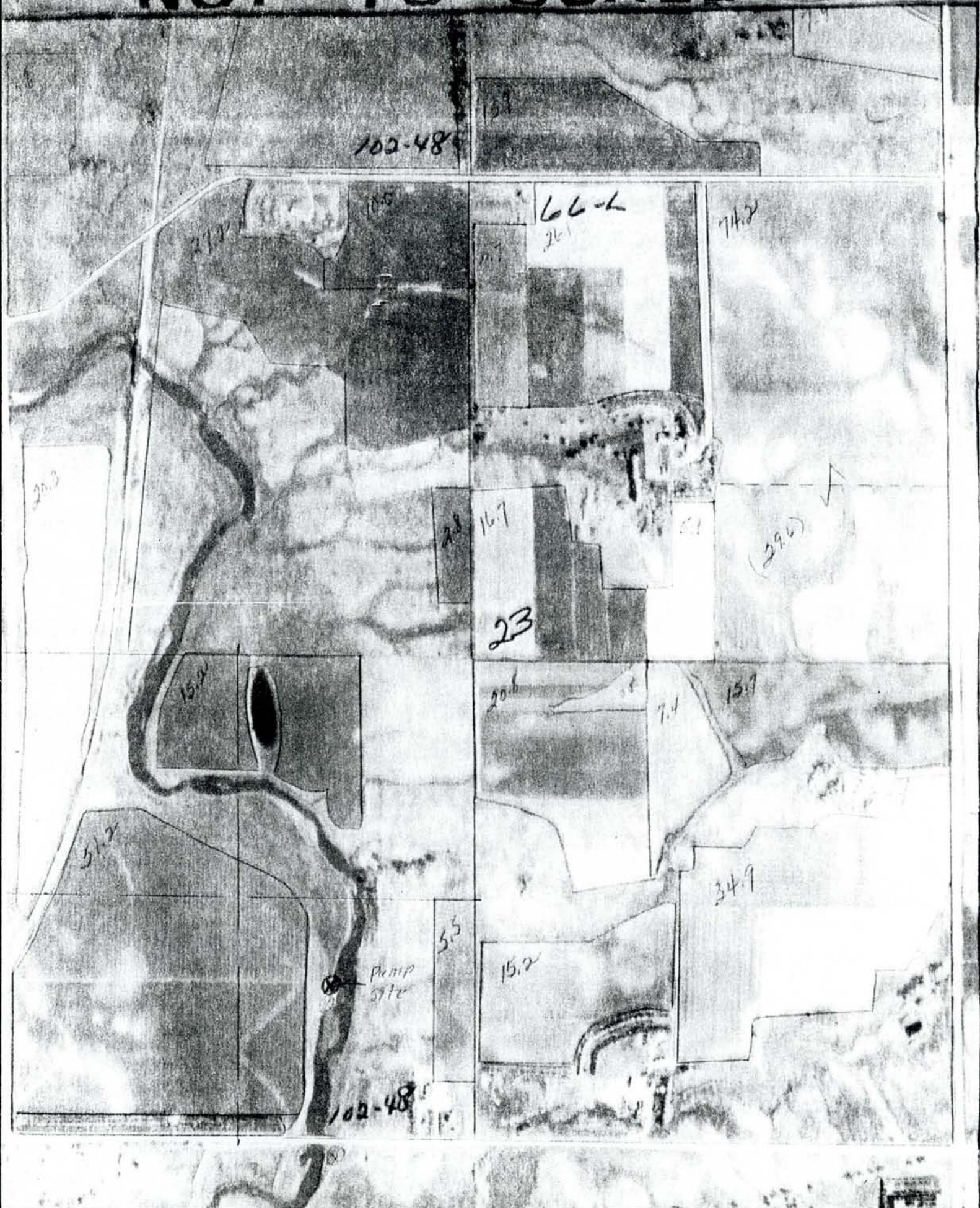
T-102-23

102-48

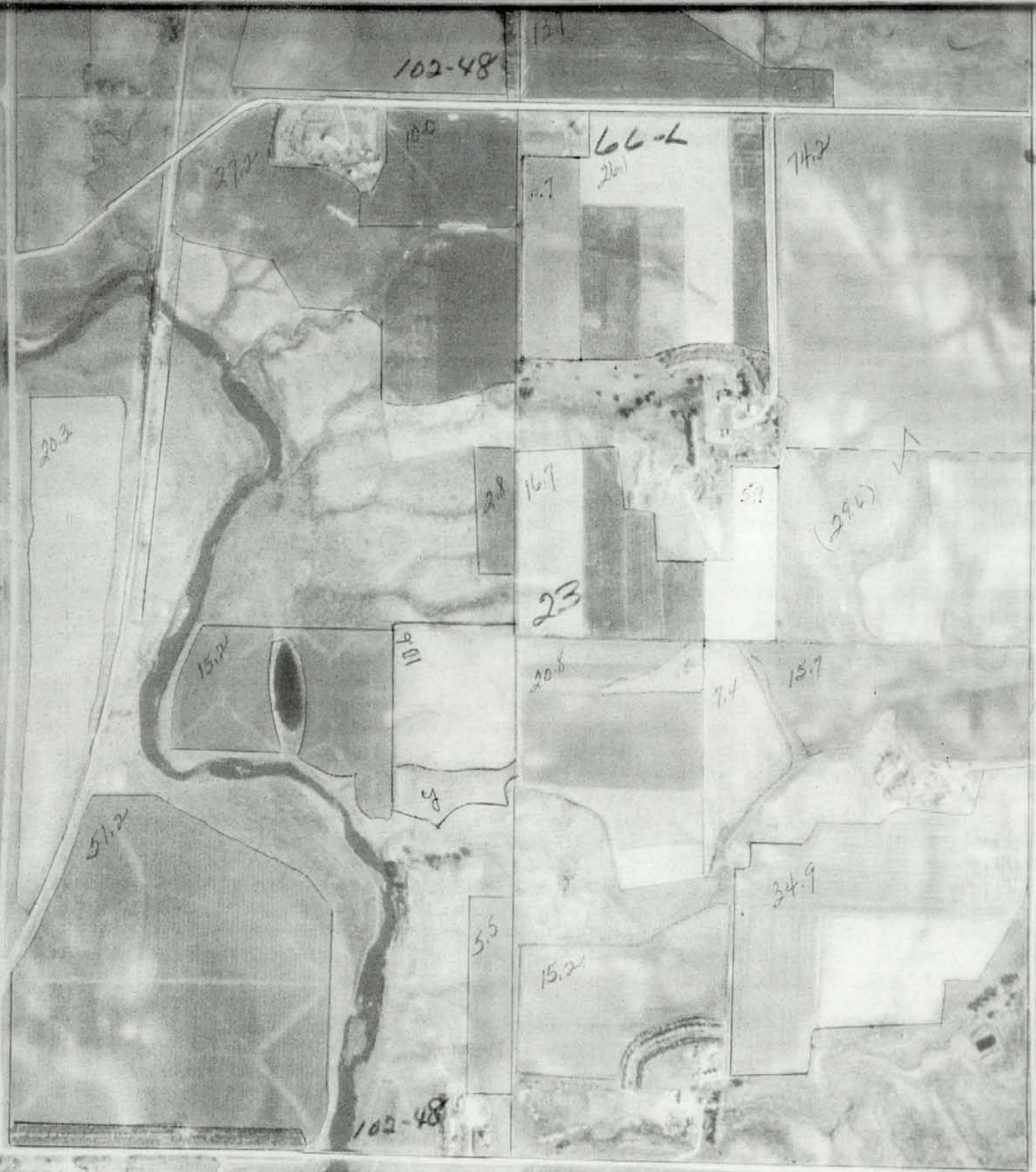
T-215

1792-3

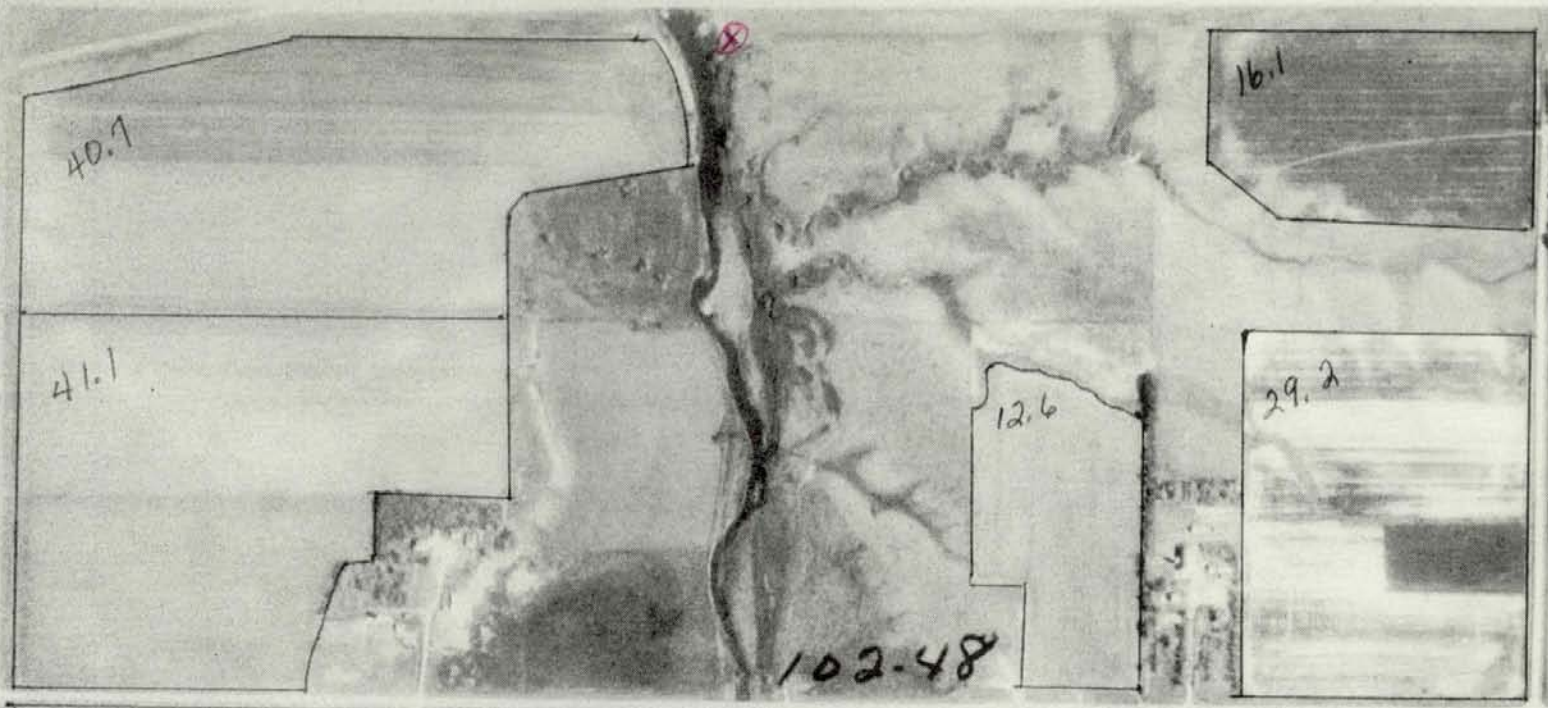
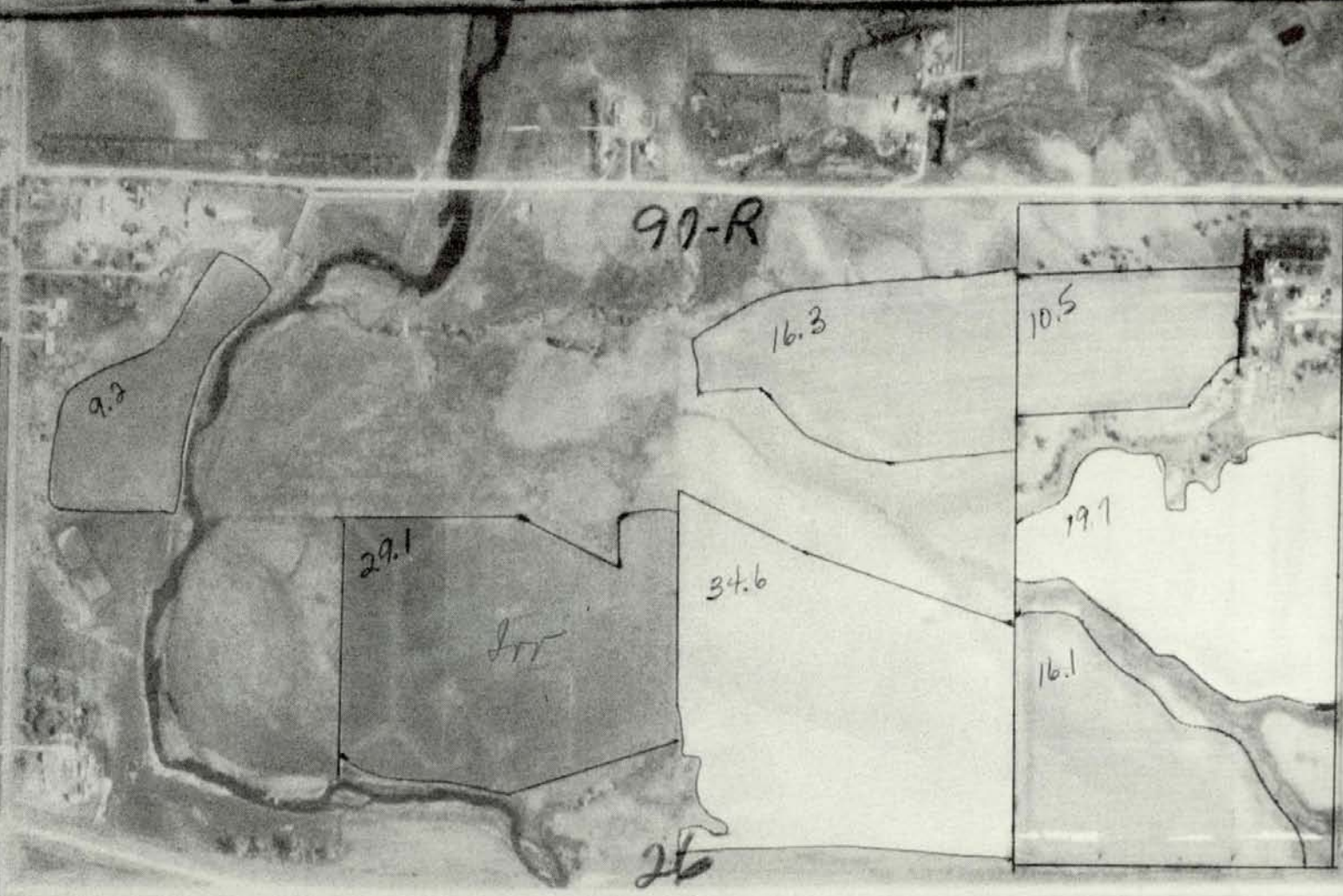
NOT TO SCALE



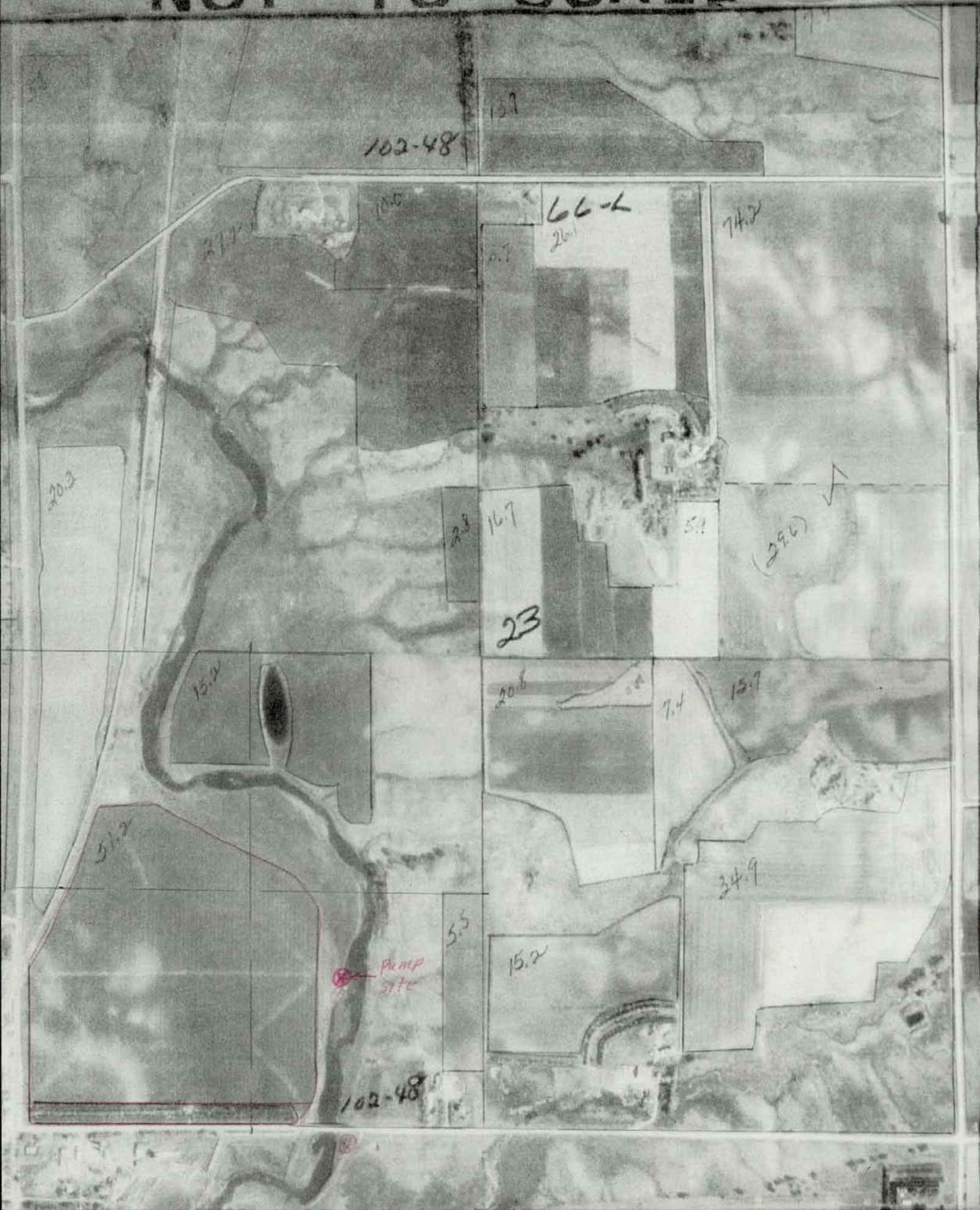
NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



1792-3

RECEIVED

MAY 05 2025

OFFICE OF
WATER

PAID

MAY 05 2025

Ck# 42016205

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1792-3

Date: 05/01/2025

I/We request that Water Right/Permit No. 1792-3 formerly owned by:
Robert H Johnson - Brandon SD be transferred to:

New Owner Name: Sweetman Construction Co. (dba Knife River)
Address: 1500 N Sweetman PL mobile: (712) 577-6757
City, State, Zip: Sioux Falls, SD 57107 email: colin.chatterton@kniferiver.com

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

Section 23-T102N-R48W
NE 1/4 SW 1/4 - 1 acre
NW 1/4 SW 1/4 - 6 acres
SW 1/4 SW 1/4 - 28 acres
SE 1/4 SW 1/4 - 7 acres
TOTAL: 42 acres

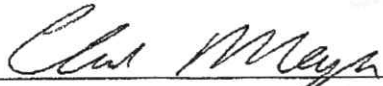
EMMAILED SHANNON 5.6.25

☒ I understand that the validity of Water Right/Permit No. 1792-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Clark Meyer, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date May 6th, 2025

RECEIVED OF Knife River 1500 N Sweetman Pl Sioux Falls SD 57107

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 #1792-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By

Mark Mayek
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program