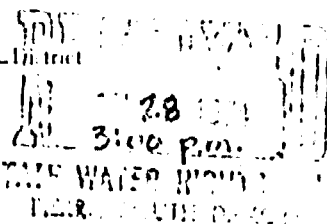


Water Right Number 2043-3

1. Considered MARCH 20, 19 74
2. Name of Applicant JOHN L. BOURK
3. Post Office Address BLUNT
4. Amount of Water claimed 1.27
5. Source of Water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 89.3
7. Water to be diverted and used in HUGHES County
about W EDGE miles of BLUNT
8. Proof of Publication
Received 3-11-74
Not Received
9. Application
Approved
Subject to
Not Approved
Action Deferred
10. Remarks:

Map No. 1449.3 Water Division No. 3 MISSOURI RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)
No. 22043-3

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant John L. Bourk
 Postoffice address Blunt 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) Contract and Direct Labor
3. Name of diversion work Bourk #1
4. Amount of water claimed (cubic feet per second) 1.27
5. Source of water supply ground water
6. Location of point of diversion 365 feet east and 700 feet south of the Center, Section 8,
T112N, R76W
- County Hughes
7. Annual period or periods during which water is to be used April thru 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 89.3

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.
All in Sec. 8, T112N, R76W			
S $\frac{1}{2}$ NE $\frac{1}{4}$	35.6		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$	53.7		

Attach sheet if more space is needed

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

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

Well pump and motor

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

Mainline

C. Works proposed to apply water to beneficial use.

Sprinkler or Gravity

Estimated Total Cost \$ _____

 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)
) ss.
 County of Hughes)

 I, John L. Bourk, 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

 Signed John L. Bourk
 Subscribed and sworn to before me this 28th day of January, 19 74
Betty Westlund
 Notary Public (or other qualified officer)
 BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

WATER RIGHTS COMMISSION

by approves Water Right Application No. 2043-3

JOHN L. BOURK

BLUNT

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other ~~irrigation~~ wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in ~~irrigation~~ wells having prior water rights.

*See also
4767-3*

Date of first receipt of application JANUARY 28 1974

Date of return to applicant for correction, amendments or changes required JANUARY 28 1974

Date of receipt of corrected application FEBRUARY 14 1974

Approved MARCH 20 1974, Recorded in Book 12 Page 328

WATER RIGHT PERMIT NO. 2043-3

WATER RIGHTS COMMISSION

The Water Resources Commission hereby grants and issues this Water Right Permit 2043-3 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 JANUARY 28 1974
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20 1976
3. The whole of said work is to be completed on or before MARCH 20 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 1983
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 1.27 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 MARCH 20 1983; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 22ND day of MARCH 1974

WATER RIGHTS COMMISSION

By:

Donald R. Nicoll

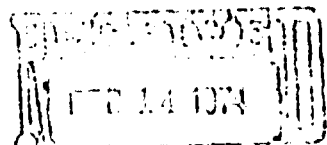
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



February 11, 1974



Mr. John L. Bourk
Box 198
Blunt, SD 57522

Dear Mr. Bourk:

NB → { Enclosed please find the Report of Analysis of the irrigation water sample received here on January 31. The water quality is high salinity low sodium. The type of soil which you indicate on your WI-1 to be available is suitable for irrigation with this water. However, I am unable to completely identify the exact site where the water will be used. The well location is given as the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec 8 and you indicate that 91 acres are to be irrigated but there is no way of knowing whether this is down along Medicine Creek or up near the highway in that section. The soils down near the creek may be Bon and Ree loam and very likely are but the soils up closer to the highway are not as permeable and not as easily drained internally as those down along the creek. Thus, there is considerable reason for caution in the use of this water because of the moderately high salinity that it has.

I am enclosing a copy of Extension Circular 654 on water quality and soils. The water quality is designated by a red cross on the back cover of this pamphlet. I suggest you study this Extension Circular 654 carefully especially the very last page and the last few paragraphs in particular. The biggest concern I have with your soil is that there is enough clay and enough sodium already present in the soil so that a little bit of extra salt will not easily go through the soil but will tend to accumulate in the root zone. Therefore, I suggest first of all that you irrigate at the minimum possible amount of water that will give you satisfactory performance of crops and then if and when salt accumulations begin to develop, irrigate late in the fall so that winter and spring precipitation will displace the salt downward in the soil profile. All of this, of course, depends on some net downward movement of water past the root zone and into the ground waters. This is the only way you can succeed with water containing as much salt as this. If you have questions, please contact me directly by telephone (605-688-4211) or by letter.

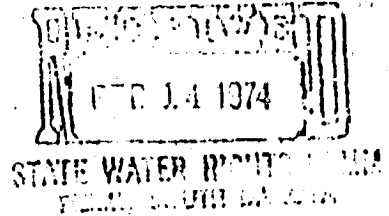
Sincerely yours,

Lawrence O. Fine
Lawrence O. Fine
Water Quality Lab

CC: State Conservation
Commission
Hughes County Agent, Darrel Pahl



February 11, 1974



Mr. John L. Bourk
Box 198
Blunt, SD 57522

Dear Mr. Bourk:

NB → { Enclosed please find the Report of Analysis of the irrigation water sample received here on January 31. The water quality is high salinity low sodium. The type of soil which you indicate on your WI-1 to be available is suitable for irrigation with this water. However, I am unable to completely identify the exact site where the water will be used. The well location is given as the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec 8 and you indicate that 91 acres are to be irrigated but there is no way of knowing whether this is down along Medicine Creek or up near the highway in that section. The soils down near the creek may be Bon and Lea loam and very likely are but the soils up closer to the highway are not as permeable and not as easily drained internally as those down along the creek. Thus, there is considerable reason for caution in the use of this water because of the moderately high salinity that it has.

I am enclosing a copy of Extension Circular 654 on water quality and soils. The water quality is designated by a red cross on the back cover of this pamphlet. I suggest you study this Extension Circular 654 carefully especially the very last page and the last few paragraphs in particular. The biggest concern I have with your soil is that there is enough clay and enough sodium already present in the soil so that a little bit of extra salt will not easily go through the soil but will tend to accumulate in the root zone. Therefore, I suggest first of all that you irrigate at the minimum possible amount of water that will give you satisfactory performance of crops and then if and when salt accumulations begin to develop, irrigate late in the fall so that winter and spring precipitation will displace the salt downward in the soil profile. All of this, of course, depends on some net downward movement of water past the root zone and into the ground waters. This is the only way you can succeed with water containing as much salt as this. If you have questions, please contact me directly by telephone (605-688-4211) or by letter.

Sincerely yours,

Lawrence O. Fine
Lawrence O. Fine
Water Quality Lab

CC: State Conservation
Commission
Hughes County Agent, Darrel Fahl

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and;
the land capability for irrigation information has been acquired from

SCS

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Subscribed and sworn before me this

30TH day of JAN 19 74.

J. H. Kautti

NOTARY PUBLIC

(Title)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: **John L. Pourk**
 Address: **Pox 198**
Blunt, South Dakota
57522

Date Rec'd **January 31, 1974**
 Sample No. **74-058**
 Identification **Fell-**
1041, Sec. 8, T. 112N, R. 76E

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	54	ppm	4.43	me/l
Sodium (Na)	105	ppm	4.57	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	422	ppm	8.78	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	27	ppm	0.76	me/l
Bicarbonate (HCO ₃)	390	ppm	6.40	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	320	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1259	microamhos per cm at 25° C.		
Sodium Adsorption Ratio	2.10			
Sodium	31.93	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.48			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: **Total cations** **14.31 me/l**
 Total anions **15.94 me/l**

By: **Shirley Mitten**

Service Performed	Amount Due
Irrigation analysis	\$ 6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **74-058**

Amount Enclosed \$

Signed

2043-3

Publish first publication, on or before March 7, 1974

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 21, 1974

Notice is hereby given that John L. Bourl
whose post office address is Blunt, 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
1.27 cubic feet of water per second of time from the Ground Water through the
Bourl #1, the point of diversion of which is to be located in the _____

NW 1/4 SE 1/4
of Section 8, Twp. 112N, Range 76W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

S 1/4 NW 1/4, NW 1/4 SE 1/4 and NE 1/4 SW 1/4 all in Section 8, T112N, R76W

This application No. 2043-3 will be considered by the Water ^{Rights} Commission at their office at
Pierre upon the 20th day of March, 1974, at 2:20 P. M. All interested
persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: John L. Bourl, Blunt, S.D. 57522

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 60'
(2) Casing, Type steel Diameter 16" Thickness STD
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type slotted, Diameter 16", Length 20'
(4) Gravel Pack, Thickness 7", Length of gravel pack 60'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials sands and gravel

Depth to top of water bearing material 17 ft.

Depth to bottom of water bearing material 60 ft.

Thickness of water bearing material _____

Depth to water (ground surface to water level) 17 ft.

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 40 rds. On property owned by others 50 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

John L. Davis
Signature of Applicant

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2043-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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 _____ Pierre _____

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

February 26, 1974, and

March 5, 1974

John H. Hipple
(Signature)

Business Manager
(Title)

March 5, 1974
(Date Signed)

No. 1433 - 21 dly - Feb. 26 - Mar. 5
No. 2043-3

Publish first publication, on or
before March 7, 1974.

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501

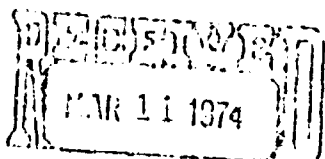
February 21, 1974

Notice is hereby given that John
L. Bourk, whose post office ad-
dress is Blunt, South Dakota, has
made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.27 cubic feet of
water per second of time from
Ground Water through the Bourk
No. 1, the point of diversion of
which is to be located in the NW $\frac{1}{4}$
SE $\frac{1}{4}$ of Section 8, Twp. 112N,
Range 76W. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$
SW $\frac{1}{4}$ all in Section 8, T112N,
R76W

This application No. 2043-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 20th day
of March, 1974, at 2:30 P.M.
All interested persons may ap-
pear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist



STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

200304 John L. Borch

9-1-81 4400 Lbs. 61H 1760 RPM

3-4-81 Pumping 450 1760 RPM

450 9PM Motor 815.86 25.40 1760 RPM

IP # K-2983-02-150 R 3110382

Moyno plans to Pump. Motor 1577-044

Motor # 26086

WELL	TIME
SUCK DOWN 8 HRS.	
A - 24.4	3:30
D - 28.5	
C - 29.4	
B - 21.5	
8 HRS. 13 HRS.	
A - 24.4	7:30
D - 24.9	

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

2043-3

NOTICE

September 13, 1983

TO: John L. Bourk
Box 198
Blunt, South Dakota 57522

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

John Hatch

Re: Violation of Permit No(s). 4767-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 4767-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 2043-3 and 3562-3 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 4767-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

Equal Opportunity Employer

The hearing(s) 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. Suspend Permit No(s). 4767-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Require permits No(s). 2043-3 and 3562-3 also held by John L. Bourk to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

These hearing(s) are 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.

C91305gm.wr

Water Rights Division
605 773-3352

September 20, 1983

4767-3

John L. Bourk
Box 198
Blunt SD 57522

Dear Mr. Bourk:

This letter will acknowledge receipt of and thank you for the return of your 1982 Irrigation Questionnaire. A notice was sent to you September 13, 1983 regarding the Irrigation Questionnaire submittal violation of Permit No. 4767-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning the violation. Our records now show that you have returned the 1982 Irrigation Questionnaire and are no longer in violation of your permit.

Please disregard the notice sent to you dated September 13, 1983. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks



Department of Water & Natural Resources

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: John L Bourk
Box 198
Blunt SD 57522

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

SUBJECT: Amendment to Water Permit No(s). 3562-3 & 2043-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 3562-3 & 2043-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer



Department of Water & Natural Resources

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

Attachment to Water Permit No. 2043-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 2043-3 to add the following qualification:

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

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 23, 1987

JOHN L BOURK
BLUNT, SD 57522

NOTICE

Re: Violation of Water Permit No(s). 4767-3, 2043-3, 3562-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 4767-3, 2043-3, 3562-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4767-3, 2043-3, 3562-3 qualification:

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

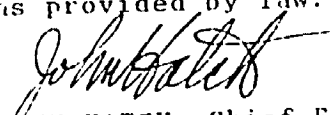
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 4767-3, 2043-3, 3562-3 until either the 1986 Questionnaire is submitted or for a period of up to one 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 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

April 15, 1987

2043-3
3562-3
4767-3

John L Bourk
Box 158
Blunt, SD 57522

Dear Mr. Bourk:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2043-2, 3562-3 and 4767-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

January 29, 1988

JOHN L. BOURK
BOX 158
BLUNT, SD 57522

NOTICE

Re: Violation of Water Permit No(s). 2043-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 2043-3. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2043-3 qualification:

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

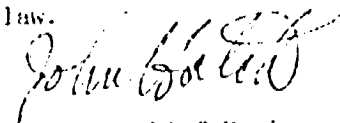
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 2043-3 until either the 1987 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: JOHN L BOUREK
BOX 158
BLUNT, SD 57522

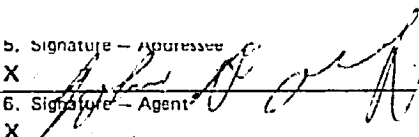
FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352

SUBJECT: One Year Suspension Of Water Permit No(s). 2043-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 2043-3 be SUSPENDED until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

● SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery <i>(Extra charge)†</i>	
JOHN L BOURK BOX 158 BLUNT, SD 57522	4. Article Number <i>P501 738 942</i>
	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail
	Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee <i>X</i> 	6. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <i>X</i>	
7. Date of Delivery MAR 16 1988	

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

April 6, 1988

2043-3
3562-3

John L Bourk
Box 153
Blunt, SD 57522

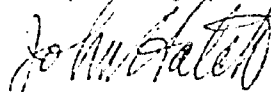
Dear Mr. Bourk:

I am writing to advise you that our records now show that 1987 irrigation questionnaires have been completed for Water Permit Nos. 2043-3 and 3562-3. During your April 5, 1988, visit to this office, you indicated that the irrigation data for your permits were reported all on one form. You further stated that all of your permits should be listed as John Bourk and that the "Jr." (listed on Permit No. 3562-3), should be deleted.

The Water Management Board did take action to suspend your permits at their March 2, 1988 meeting, however, since the questionnaire data was in our office prior to the hearing, your name has been deleted from the list of permits suspended at the hearing.

If you have any questions, please contact us.

Very truly yours,



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

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

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

February 9, 1990

JOHN L BOURK
BOX 158
BLUNT, SD 57522

NOTICE

RE: Violation of Water Permit No(s). 4767-3, 3562-3, 2043-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4767-3, 3562-3, 2043-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4767-3, 3562-3, 2043-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

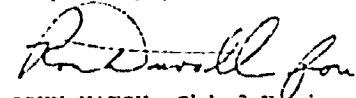
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4767-3, 3562-3, 2043-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

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

February 23, 1990

2043-3
4767-3
3562-3

John L Bourk
Box 158
Blunt SD 57522

Dear Mr. Bourk:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2043-3, 4767-3 and 3562-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board Meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall /*hrs*

RON DUVALL
Natural Resources Engineer
Water Rights Division

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

February 1, 1991

JOHN L. BOURK
BOX 158
BLUNT SD 57522

NOTICE

RE: Violation of Water Permit No(s) 2043-3, 3562-3, 4767-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2043-3, 3562-3, 4767-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 2043-3, 3562-3, 4767-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

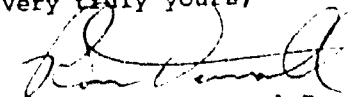
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 2043-3, 3562-3, 4767-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

South Dakota



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501 3181

February 21, 1991

2043-3
3562-3
4767-3

John L Bourk
Box 158
Blunt, SD 57522

Dear Mr. Bourk:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2043-3, 3562-3 and 4767-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath. at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

August 26, 1991

2043-3

3562-3

4767-3

John L Bourk
Box 158
Blant, SD 57522

Dear Mr. Bourk:

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 Nos. 2043-3, 3562-3 and 4767-3, has been completed. Your final water right document for each, the Water License, can now be issued. Upon licensing, Water Permit No. 2043-3 will be incorporated into No. 4767-3 (because they involve the same system).

Statutes require that we charge a \$50.00 fee for the inspection and issuance of each Water License. Upon receipt of the \$100.00 fee from you (\$50.00 for No. 3562-3 and \$50.00 for No. 4767-3), we will begin processing your Water Licenses.

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

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 27 1991

4767-3

John L. Bourk
Box 139
Blunt, SD 57522

Dear Mr. Bourk:

Enclosed is Water License No. 4767-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412823 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4767-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

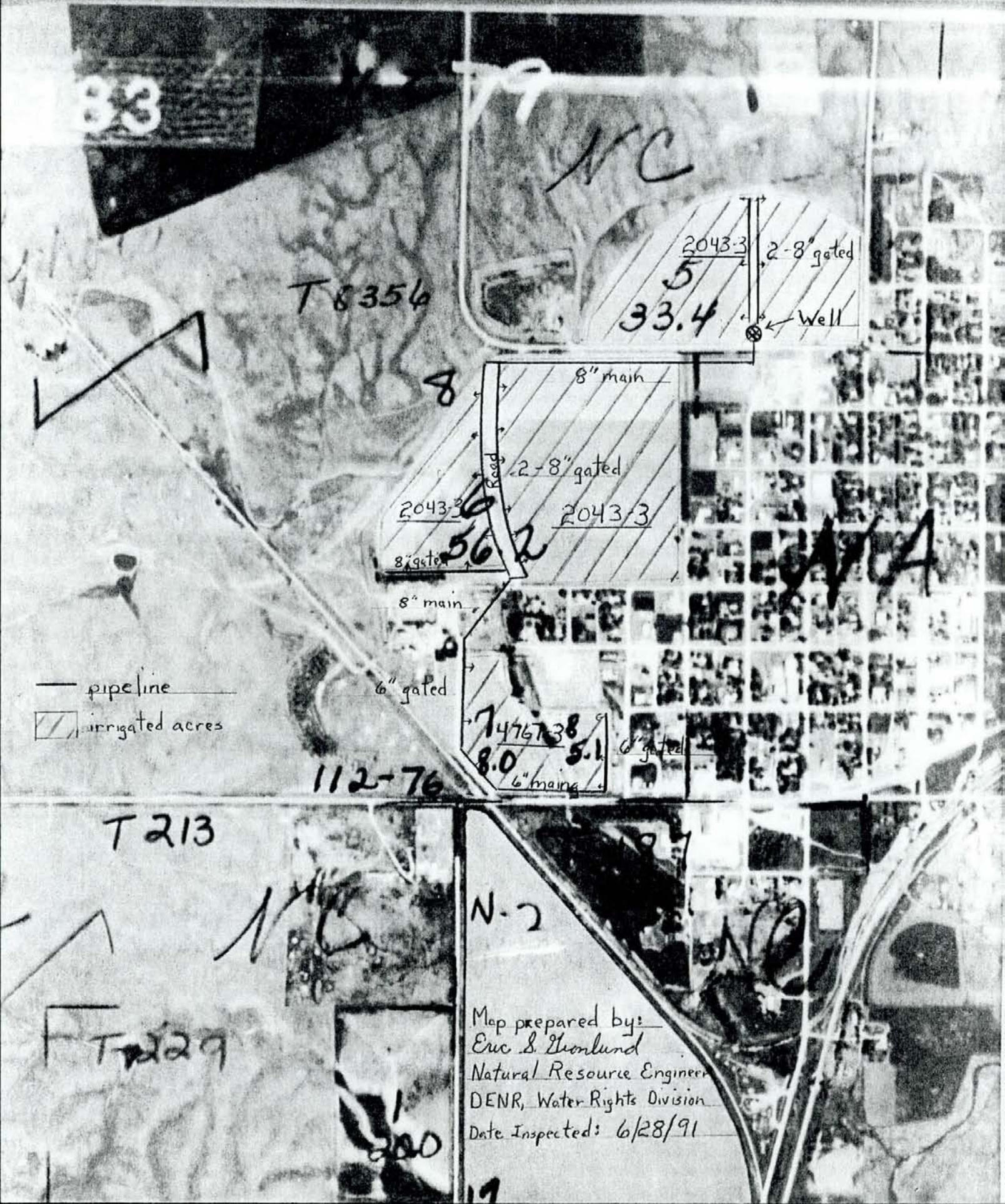
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Permit No. 2043-3 are incorporated into this Water License No. 4767-3.

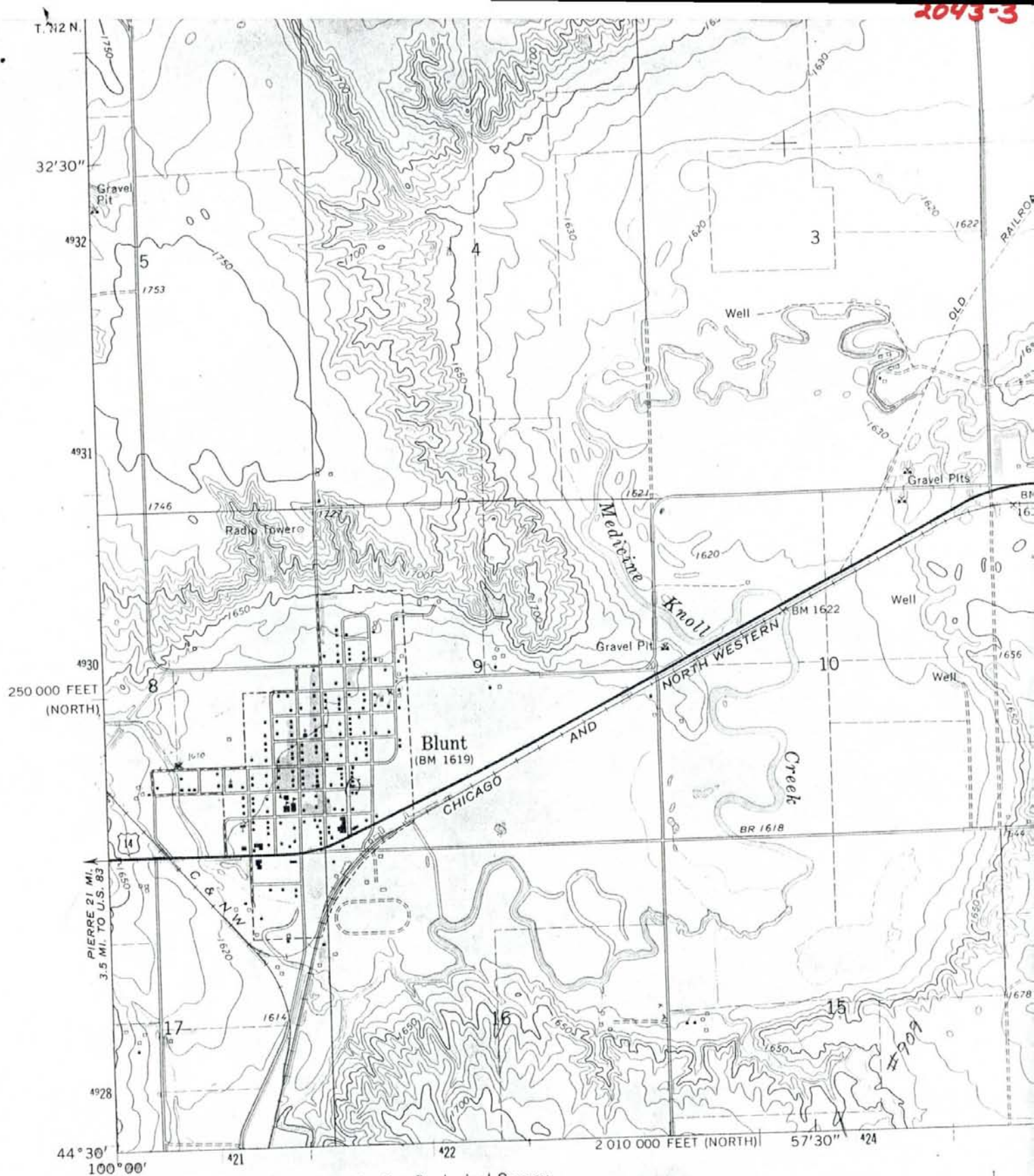
NOT TO SCALE

4767-3



Map prepared by:
Eric S. Thonlund
Natural Resource Engineer
DENR, Water Rights Division
Date Inspected: 6/28/91

2043-3

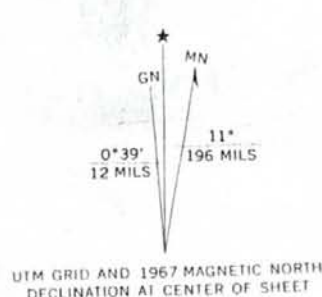


Mapped, edited, and published by the Geological Survey as part of the Department of the Interior program for the development of the Missouri River Basin Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1966. Field checked 1967

Polyconic projection. 1927 North American datum 10,000-foot grids based on South Dakota coordinate system, north and south zones 1000-meter Universal Transverse Mercator grid ticks, zone 14, shown in blue

First red dashed lines indicate selected fence and field lines where



THIS MAP CO
FOR SALE BY U.S. GEOLOGICAL
A FOLDER DESCRIBING

Appl. # 2043-3

- See also Appl. # 4429-3