

2443-3

1. Considered 1-22, 1976
2. Name of Applicant MARVIN R. COOK
3. Post Office Address MISSION HILL
4. Amount of water claimed 2.8
5. Source of water supply GROUNDWATER (2 WELLS-EXISTING)
6. Water to be used for IRRIGATION
- Acres to be irrigated 192.12
7. Water to be diverted and used in YANKTON county
about 1N, 4W miles of CLAYVILLE
8. Proof of Publication Received 12-29-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

THIS APPLICATION PROPOSES TO USE THE EXISTING WELLS
CONSTRUCTED UNDER PERMITS 422-3 & 447-3. THE
PRIORITY ESTABLISHED UNDER 447-3 WAS TRANSFERRED
TO PERMIT NO 2335-2 (TO CHANGE DIRECTION PT.) THIS APPL.
REQUESTS USE OF THE WELL APPROVED UNDER 447-3 AS
WELL AS THE ONE UNDER 422-3. HE WILL RETAIN PRIORITY
FOR 422-3, WITH A SECOND PRIORITY OF DATE OF RECEIPT OF THIS APPL.

24433 Marvin Cook

1-22-76 Cook and Associates, Inc.

Copy Appl. 422-3 & 447-3

for Department of Agriculture

Map No. 321-3 341-3 Water Division No. 3 JAMES RIVER District 3
 (Blanks to be Filled by the Engineer, for the W. R. C.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Marvin R. Cook
 Postoffice address Mission Hill, State South Dakota 57046
 If a corporation show date and place of incorporation N/A
2. Method of accomplishing work (contract, employment of others, or by direct labor) Well already constructed
3. Name of diversion work Thorson Well #1 & #2
4. Amount of water claimed (cubic feet per second) 2.8
5. Source of water supply Ground water
6. Location of point of diversion #1-1710', S49°21'E of the NW corner, Sec. 5, Twp. 93N, R. 54W;
#2-1460 Feet, S87°43'W of the E½ corner, Sec. 5, Twp. 93N, R. 54W
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 192.12

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. 5, Twp. 93N, R. 54W		E½SW¼ & W½SE¼	
W½NW¼	71.32	(N of RR.)	40.86
SE¼NW¼	40.00	NE¼SE¼	40.00
NW¼SW¼	6.34		

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 Yankton Daily Press & Dakotan,
Yankton, S. Dak.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. The purpose of this application is to allow the use of Well #2 to the above described acreage, in addition to using Well #1 as authorized in Permit No. 422-3. The granting of the application, therefore, would not result in an authorized diversion of additional acreage.

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost already constructed

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 Yankton) ss.

I, Marvin R. Cook, 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

Subscribed and sworn to before me this 25th day of November, 1975.

James T. Goetz, Notary Public (or other qualified officer)
 James T. Goetz, Notary Public.

My commission expires Jan. 26, 1977.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2443-3
MARVIN R. COOK MISSION HILL
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57046 With the following modifications:
 (State)

The irrigation well approved under this Permit is located near domestic 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.

Date of first receipt of application DECEMBER 1 19 75
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved JANUARY 23 19 76 Recorded in Book 14 Page 201

WATER RIGHT PERMIT NO. 2443.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2443.3 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 2.26 C.F.S. - FEBRUARY 28, 1957
.84 C.F.S. - DECEMBER 1, 1975
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed _____
3. The whole of said work is ~~to be~~ completed _____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
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 2.8 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 28TH day of JANUARY 19 76

WATER RIGHTS COMMISSION

John Hatch
 Chief Engineer, Executive Office

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

6. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 42 inch, Depth 96 feet

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 18 inch, Thickness of casing 3/8

Length of casing 50 feet If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen punched steel

Size of perforated screen 8 inch (diameter), 30 feet (length)

Thickness of gravel pack 42 inch, length of gravel pack 86 feet

(c) Water Bearing Materials

Distance to water Character of water bearing materials

Thickness of water bearing material

(d) Pump and Motor

Type of pump vertical
(centrifugal, propeller, mixed flow, etc.)

Name of pump Master and P. H. Co., size 2 inch

Kind of motor gasoline
(gasoline, electric, diesel, etc.)

Horsepower 54, Name of Motor John Deere 70

(e) Complete well

Capacity 12000 gal at drawdown of 54, Estimated cost 9000

(f) Owner of land upon which well is located John Deere
Name

Mission Hill, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 0 rods. On property owned by others 100 rods

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32 inch, Depth 83 feet

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18 inch, Thickness of casing 1 1/2 galvanized

Length of casing 53 feet If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen punched Steel 3/8" x 1 1/4"

Size of perforated screen 18 inch 30 feet
(diameter) (length)

Thickness of gravel pack 6 inch, length of gravel pack 83 feet

(c) Water Bearing Materials

Distance to water 1 1/2 feet Character of water bearing materials fine sand grading to coarse gravel

Thickness of water bearing material 37 feet

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller, size 6"

Kind of motor Turbine
(gasoline, electric, diesel, etc.)

Horsepower 57, Name of Motor John Deere

(e) Complete well

Capacity 1000 at drawdown of 34 Estimated cost \$1046

Land upon which well is located Richard Thorsen
Name

Yorkton, So. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 47 rods. On property owned by others 50 rods



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

February 2, 1976

Marvin R. Cook
Mission Hill
South Dakota 57045

Dear Mr. Cook:

Enclosed herewith is your Water Right Permit No. 2443-3 as approved by the Water Rights 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. 2443-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission ~~XXXXXX~~ will schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

As you were informed, the applicable portions of Permits No. 422-3 and 447-3 are included in this Permit, and Permits 422-3 and 447-3 are cancelled.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

Form 6 - Notice of Intent to Appropriate Water

No. 2443-3

Publish first publication, on or before January 3, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 9, 1975

Notice is hereby given that Marvin R. Cook
whose post office address is Mission Hill, 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
add a diversion point, and to
2.8 cubic feet of water per second of time from the ground water through the
Thorson Wells #1 & #2 (existing) the point of diversion of which is to be located in the _____

NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 5, Twp. 93N, Range 54W. Said water to be used for the purpose
of providing irrigation on the following described land:

W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 5, T93N, R54W

This application No. 2443-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 1976, at 2:30 PM M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: Marvin R. Cook, Mission Hill, S.D. 57040

Form 3 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.

I, Harry L. Space hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Press & Dakotan

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 Yankton

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

December 17, 1975

December 24, 1975

Harry L. Space
(Signature)

Business Manager
(Title)

12-26-75
(Date Signed)

12+17&24
NOTICE
INTENT TO
APPROPRIATE WATER

December 9, 1975

Notice is hereby given that Marvin R. Cook whose post office address is Mission Hill, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to add a diversion point, and to appropriate for beneficial use.

2.6 cubic feet of water per second of time from the ground water through the Thorson Wells #1 & #2 (existing) the point of diversion of which is to be located in the NW¹/₄ SE¹/₄ and NW¹/₄ NW¹/₄ of Section 5, Twp. 93N, Range 54W. Said water to be used for the purpose of providing irrigation on portions of the following described land: W¹/₂ NW¹/₄, SE¹/₄ NW¹/₄, NW¹/₄ SW¹/₄, E¹/₂ SW¹/₄, W¹/₂ SE¹/₄, NE¹/₄ SE¹/₄, Section 5, T93N, R54W.

This application, No. 2443-3 will be considered by the Water Rights Commission at their office at Pierre upon the 22nd day of January, 1976, at 2:30 p.m. All interested persons may appear and be heard.

WATER RIGHTS
COMMISSION
BURTON F. JONES
Water Rights
Specialist

DEC 24 1975

GOETZ, HIRSCH, HAAR & BLACKBURN

ATTORNEYS AT LAW

311 WEST THIRD STREET

YANKTON, SOUTH DAKOTA 57078

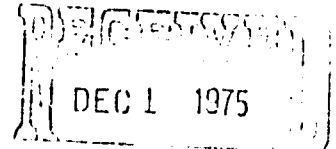
JAMES T. GOETZ
ROBERT W. HIRSCH
JAMES R. HAAR
JOHN P. BLACKBURN
WILLIAM J. KLIMOSCH

November 26, 1975

AREA CODE 605
605-9405

OFFICES ALSO AT
TRIP 2, SOUTH DAKOTA 57378

Mr. Larson F. Jones
Water Rights Specialist
Dept. of Natural Resource Development
Office Bldg. No. 2
Pierre, S. Dak. 57501



Re: Water Rights of Richard Thorson

Dear Sir:

Thank you for your letter of October 30, 1975 relative to the above captioned matter. In accordance with your instructions, I have had the new owner, Marvin R. Cook, execute your Form 2 in duplicate, his signature has been properly notarized, and I enclose herewith a check in the amount of \$8.00 to cover the requested fee.

Since you already have all data on the wells, required maps, etc., it is my understanding that further information need not be forwarded.

It is understood that Mr. Cook will maintain priority on Well #1, and that the priority date on Well #2 is to be assigned to Willard and Martha Wood; however, this is moot for, as you indicated in your letter, in this area priorities are not critical, and, particularly, since Wells #1 and #2 have already irrigated the same area involved in the Wood's application.

The only substantive change I made in the application is that the authorized acreage, according to our records, is 192.12 acres instead of 198.52.

Sincerely yours,

James T. Goetz
For the Firm

JTG:C
Enc. 2 Forms 2
Check \$8.00

October 30, 1975

James T. Goetz
Box 708
Yankton, SD 57078

Dear Jim:

I am enclosing a partially completed Form 2 which you may use as a guide for making application to allow use of Well #2 on the 198.52 acres allowed under Permit No. 422-3.

We will advertise this as adding a point of diversion to the present project. Upon approval of this application, both Permits No. 422-3 and No. 447-3 will be cancelled out. The applicant will retain the priority of the original applications for 2.26 cfs as granted under Permit No. 422-3. The additional, .54 cfs will bear the date of priority of receipt of the new application. The priority date established under Permit No. 447-3 will be assigned to the pending application of Willard & Martha Wood. In some areas the later priority would possibly cause some problems, out in the area we are talking about, priorities are not that critical.

I am enclosing additional Form 2's for your use. We have the data on the wells, and the required maps of the area. Please complete two copies of one Form 2, and have the present owner sign them before a notary public and return them to this office with the required fee of \$8.00.

Should you have further questions, feel free to contact us.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/tjb

Encl: Form 2's
Partially completed Form 2

2443-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2443-3

(1) Marvin R. Cook, 909 Memory Ln. Apt 19, Yankton SD 57078 made Application No. 2443-3, December 1, 1975 for a water permit to divert 2.26 cubic feet of water per second (cfs) from groundwater (two wells), Yankton County, South Dakota for irrigation purposes. Permit No. 2443-3, with priority dates of February 28, 1957 (2.26 cfs) and December 1, 1975 (0.54 cfs) was approved January 23, 1976 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.

(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 0.97 cubic feet of water per second for beneficial use. The location of the diversion point is 1.600 feet S52°E from the northwest corner of Section 5-T93N-R54W (NW 1/4 NW 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 5-T93N-R54W	NW 1/4 NW 1/4	36 acres
	SW 1/4 NW 1/4	32 acres
	Total	68 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marvin R. Cook, 909 Memory Ln. Apt 19, Yankton SD 57078 the holder and/or owner of Water Permit No. 2443-3 is issued a license to appropriate water, the right to use 0.97 cubic feet of water per second from groundwater (one well) with a priority date of February 28, 1957 from the location specified in (2) of this license. The water to be 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. 2443-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 1 1996

date



Permit No. 2443-3
James River - Water District

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

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

I have this day, August 1, 1995, made a thorough examination of the water use system constructed by Marvin R. Cook of 909 Memory Ln. Apt. 19, Yankton, SD 57078 holder of Permit No. 2443-3, bearing the priority of February 28, 1957 and December 1, 1975 authorizing the diversion of 2.26 cu. ft. per second and 0.54 cu. ft. per second respectively of the waters of groundwater for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Water is diverted from a well located 1500' S52°E from the NW corner of Sec. 5, T93N-R54W, (NE¼ SE¼ NW¼ NW¼ Sec. 5, T93N-R54W). The well uses a Western Land Roller Pump powered by a 100 HP U.S. Electric motor

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

Water is transported through 40' of 8" diameter aluminum pipe and 640' of buried 8" diameter PVC pipe to Pivot Point 1 (located in the NW¼ NW¼ Sec. 5, T93N-R54W), or 1012' of buried 8" diameter PVC pipe to Pivot Point 2 (located in the SW¼ NW¼ Sec. 5, T93N-R54W).

C. Works used to apply water to beneficial use:

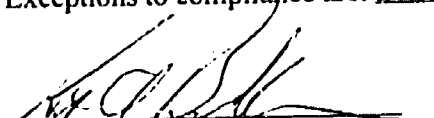
Water is applied to beneficial use through a towable, 3 tower, Zimmatic, low pressure, center pivot system. The system is 650 feet long and uses a Nelson 100 end gun.

The system is in the following condition good. The point of diversion is located 1600' S52°E from the NW corner of Sec. 5, T93N-R54W, (NE¼ SE¼ NW¼ NW¼ Sec. 5, T93N-R54W). The works are capable of diverting and conveying to the place of use 1.0 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:

<u>NW¼ NW¼ Sec. 5, T93N-R54W</u>	<u>36 acres</u>
<u>SW¼ NW¼ Sec. 5, T93N-R54W</u>	<u>32 acres</u>

comprising a total of 68 acres of land and the license should be issued for 0.97 cfs.
 Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


 Ken Buhler

Natural Resources Engineer
 DENR, Water Rights Program

3/6/95
 Date

REPORT ON INSPECTION OF PERMIT NO. 2443-3

DATE OF INSPECTION: August 1, 1995

Other permit(s) associated with the project: 422-3, 447-3, 2335-3 (Applicable portions of 422-3 and 447-3 were incorporated into 2335-3 and 2443-3)

DIVERSION POINT LEGAL LOCATION: 1600' S52°E from the NW corner of Sec. 5, T93N-R54W, (SE¼ SE¼ NW¼ NW¼ Sec. 5, T93N-R54W)

WELL INFORMATION:

- 1) Well Drilling Firm: Unknown, (checked with Christensen Well Co. and Wetmore Well Drilling), (no record of construction)
- 2) No. of Wells one
- 3) Depth(s) 60 feet ? (owner's recollection)
- 4) Well log is available no, owner does not have a log or know who drilled the well

Casing:

- 1) Diameter ? inches
- 2) Length ? feet
- 3) Type ?

Screen:

- 1) Type ?
- 2) Length ? feet
- 3) Static water level 15 feet

Pump:

- 1) Make Western Land Roller
- 2) Model Head #8M, 4 bowl
- 3) Serial No. 16269
- 4) Size 4 12B H
- 5) Capacity 450 GPM

Motor:

- 1) Make High Thrust U.S. Electric
- 2) Model No. Frame 404TP
- 3) ID No. R-9981-01-210 R2113098S

3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- A. 1) Type PVC 2) Size 8 inches 3) Length 640 feet (buried from well to Pivot Point 1)
B. 1) Type PVC 2) Size 8 inches 3) Length 1012 feet (buried from well to Pivot Point 2)
C. 1) Type Aluminum 2) Size 8 inches 3) Length 10 feet (at well)
D. 1) Type Aluminum 2) Size 8 inches 3) Length 30 feet (above ground at Pivot Point 1)

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmerman Generation 2 (towable)
2) Overall length 650 feet
3) Number of towers 3 plus 50' overhang
4) End gun Nelson 100
5) High or low pressure low (20 psi with end gun 25 psi without end gun)
6) Capacity 450 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
2) All structures, wells and lands on map yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1996

2443-3

Marvin R. Cook
909 Memory Lane, Apt. 19
Yankton, SD 57078

Dear Mr. Cook:

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. 2443-3, 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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b
- 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 Addressee to:

2443-3

Marvin R. Cook
909 Memory Lane, Apt. 19
Yankton, SD 57078

4a. Article Number

P 378 081 284

4b. Service Type

- ☒ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

JAN 27 1996

L

5. Received By: (Print Name)

Ruth M. Cook

6. Signature: (Addressee or Agent)

X Ruth M. Cook

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1996

SECOND NOTICE
Permit No. 2443-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Marvin R. Cook
909 Memory Lane, Apt. 19
Yankton, SD 57078

Dear Mr. Cook:

On April 30, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 2443-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

2443-3

Marvin R. Cook
909 Memory Ln., Apt. 19
Yankton, SD 57078

Dear Mr. Cook:

Enclosed is Water License No. 2443-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415077 in the amount of \$50.00 which you paid for the investigation 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. 2443-3, 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 Program
(605) 773-3352

ks
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

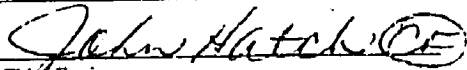
2443-3
415077

Pierre, _____ September 5, 19 96

RECEIVED OF Keith J. Cook (for Harvin R. Cook), Rt 1, Box 45, Mission Hill, SD 57046
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. 1		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2443-3</u>	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 Hatch 
Chief Engineer

WETMORE DRILLING

Mika Wetmore
Geologist



Office: 1-800-399-7713
(605) 356-3757
P. O. Box 880
Elk Point, SD 57025

Shop: (605) 356-2248
I-29 Exit 15
Elk Point, SD 57025

Cellular: (712) 251-7599

Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-9935

Re: Marvin Cook completion report

Gentlemen:

Per your telephone request, we have searched our files for well completion information for the above named well owner. Unfortunately, we have been unable to discover any completion information in our records.

We realize the value of complete and accurate well information. In that regard, if your office should uncover any information regarding this well, we would appreciate a copy of that information so that we can update our own files.

If you have any questions, please feel free to give us a call. Thank you.

Sincerely,

WETMORE DRILLING

Mike Wetmore



YK
05 43N 4W



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2001

2443-3

Marvin R Cook
909 Memory Lane, Apt #19
Yankton, SD 57078

Dear Mr. Cook:

I am contacting you in regard to the information you wrote on your "2000" irrigation questionnaire. On the form, you indicated that you irrigated 80 acres of land from surface water at a diversion rate of 2.8 cubic feet of water per second (cfs).

Water Right No. 2443-3 authorizes diversion of 0.97 cfs from ground water (a well approximately 60' deep) to irrigate 68 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, T93N, R54W. I have enclosed a copy of the map prepared following the investigation of your water use system in 1995.

My question is, did you purchase additional property with an existing water permit or is your current water right not accurately reflecting what your system is set up to be. The reason for my question is to find out what we need to do to update your water right or if we need to transfer another water right to your name.

Please get in touch with me either by letter or phone concerning this matter.

Sincerely,

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

enclosure

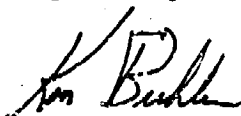
**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Keith Cook
ADDRESS: Sec. 5, T93N-R54W COUNTY: Yankton
DATE: February 27, 2001 TELEPHONE: (605) 665-3772
RE: 2000 Irrigation Questionnaire and Water Right No. 2443-3

COMMENTS:

Mr. Cook and I discussed discrepancies in this year's Irrigation Questionnaire. Mr. Cook indicated that he had irrigated 80 acres last year at a diversion rate of 2.8 cfs from a "surface" source of water. In actuality, Cook is irrigating in accordance with Water Right 2443-3. In the discussion we had about 2443-3, Cook claimed the License was not accurate, (claiming another 40 acres should be covered under the Water Right). I informed Mr. Cook that Water Right No. 2443-3 was licensed based on information provided to me by his father (Marvin Cook) during my August 1, 1995 inspection. I informed Keith Cook that a new water permit will be required if he intends to irrigate more acreage or at a greater diversion rate than the License was issued for. Cook indicated that he was not going to tow his pivot to a pivot point east of the two currently being used, and that he would not be making an application for additional acreage.

At the conclusion of our conversation, I told Mr. Cook that I had two areal photos of the irrigated acreage (1978 from NRCS, and 1991 from GIS) and neither showed evidence of a pivot to the east of the two pivot points covered by 2443-3. Mr. Cook also informed me that the field that would be irrigated with the east pivot point has been in alfalfa since 1997 and it was last irrigated in 1996. I notified Mr. Cook of the forfeiture statute and told him that even if he wanted to irrigate that quarter, he has no legal right to do so.

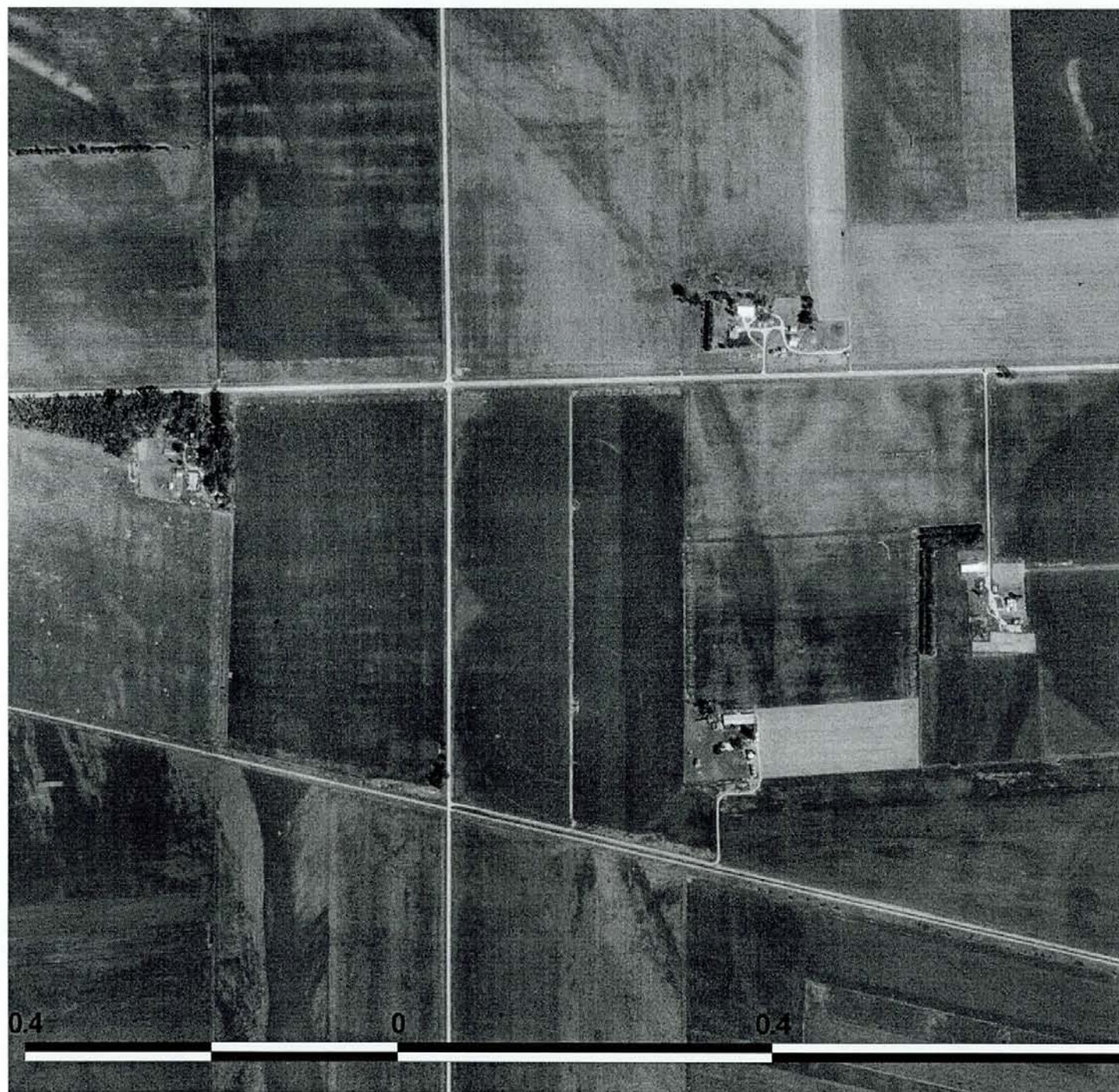


Ken Buhler
Natural Resources Engineer

2443-3

1991 3/19

SPRINGS 1991
1991

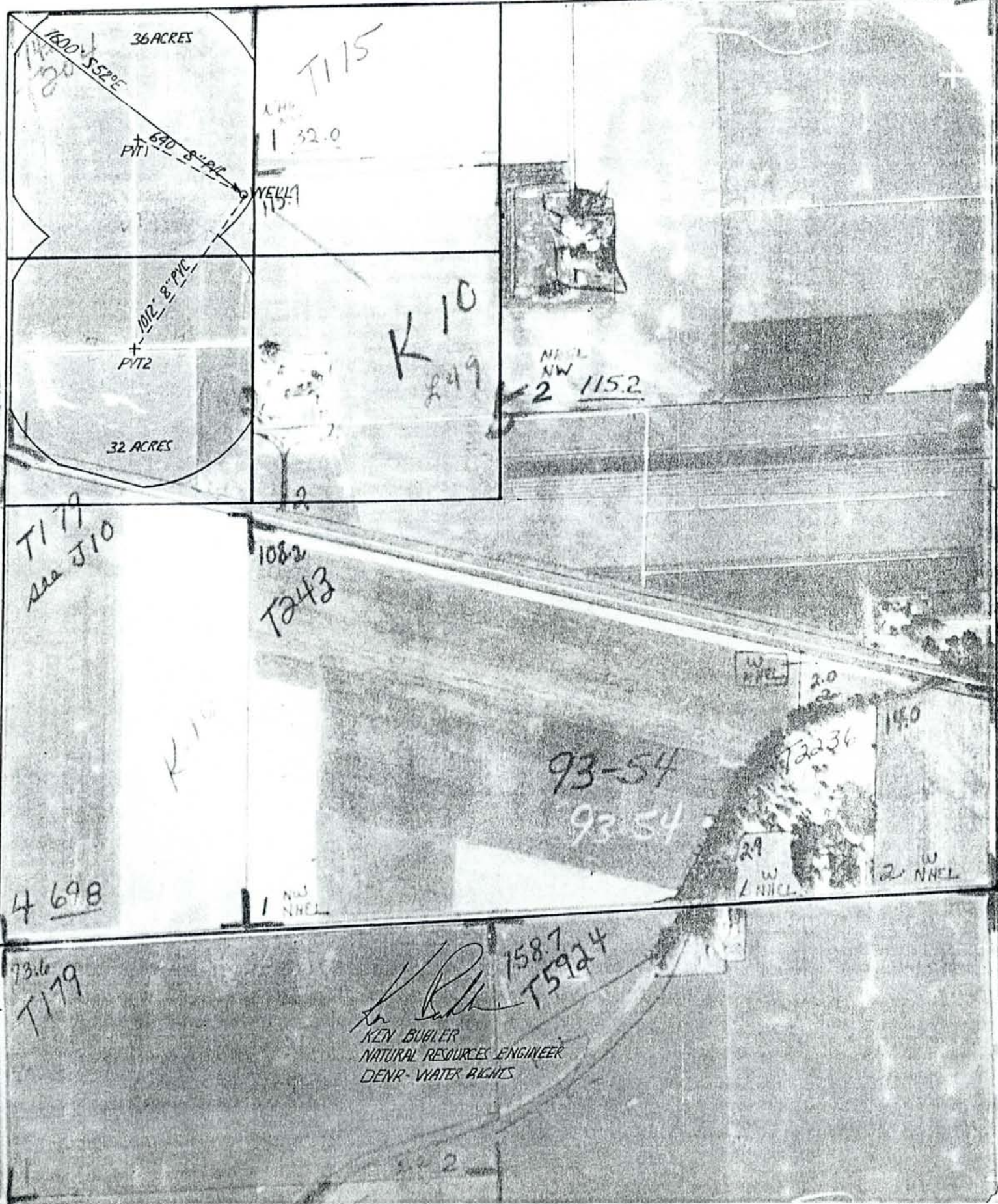


NOT TO SCALE

1995

2443-3

SEC 5 T93N R54W

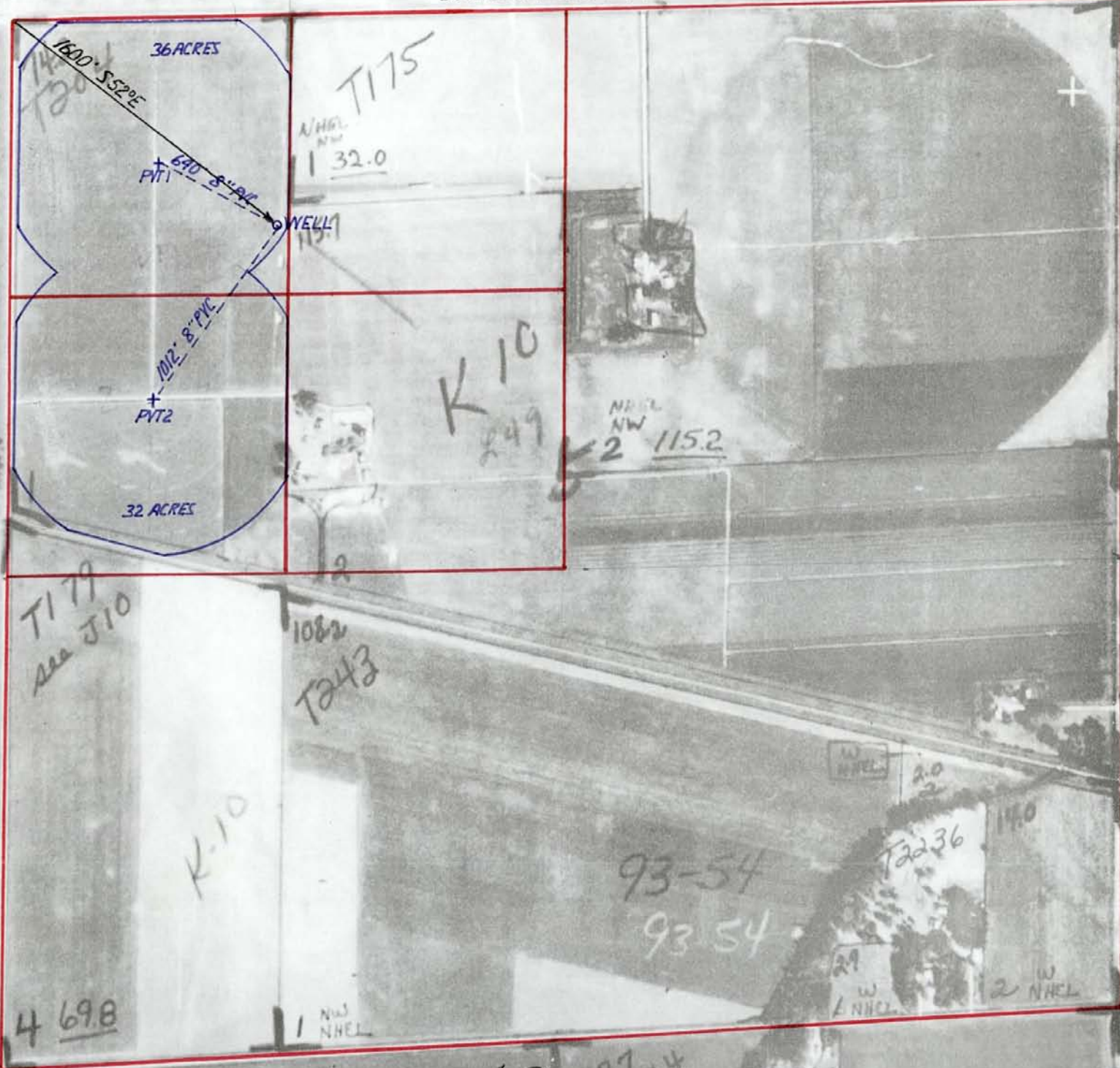


NOT TO SCALE

1995

2443-3

SEC 5. T93N-R54W



K. B. Buhler
KEN BUHLER
NATURAL RESOURCES ENGINEER
DENR - WATER RIGHTS

2443-3



2443-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: MARVIN R COOK, 44674 310st, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 2443-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

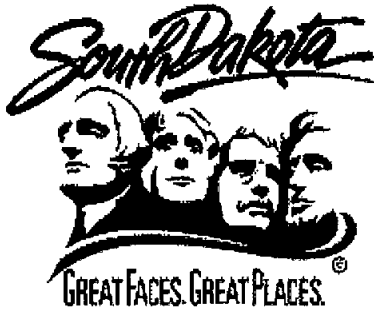
The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2443-3 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 23, 2015

2443-3

Marvin R Cook
44674 310th St
Mission Hill SD 57046

Dear Mr. Cook:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 2443-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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