

2714A-3

Considered: _____

WATER PERMIT NO. 2714A-3Phone: 647-5854Name of Applicant: Virgil PluckerPost Office Address: RR#1 Box 26, Hurley, SD 57036Amount of Water Claimed: no add'l (2.2) Total Acres: no add'l (163)Source of Water Supply: groundwaterWater to be used for: irrigation County: TurnerAbout 3 miles West of Chancellor

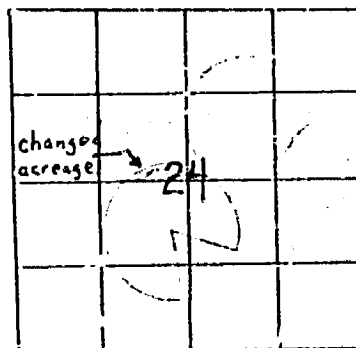
PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2/22/90 Fee: \$50.00 Remarks change &irrigated acresCorrected Application Received 5/1/90 Period of Annual Use April 1 - Oct. 31WATER QUALITY APPROVAL RECEIVED 5/14/90 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: 350' South & 500' West of the
center of Section 24-T99N-R53WLand to be Irrigated: SE1/4 NW1/4, SW1/4 NE1/4
of Section 24 - T99N - R53W

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: ASCS Aerial PREPARED BY: David Brown Reviewed and the NumberAssigned on 5/15/90 By Eric Gronlund

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2714A-3

(1) Virgil Plucker, of PO Box 92, Chancellor, SD 57015-0092 made Application No. 2714A-3, February 22, 1990 for a water permit to change the location of irrigated acres authorized by Water Right No. 2714-3. Water Permit No. 2714A-3 did not allow for an increase in the diversion rate or acres being irrigated. The land is located in Turner County, South Dakota. Permit No. 2714A-3, with a priority date of April 21, 1976 (established by Water Right No. 2714-3) was approved December 5, 1990 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 Right No. 2714-3 authorizes irrigation of 163 acres in the NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24, T99N, R53W from one 136' deep well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24. Water Permit No. 4552-3 authorizes irrigation of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24 from the same well described in No. 2714-3.

The applicable portions of Water Permit Nos. 2714-3 and 4552-3 are incorporated into this Water License No. 2714A-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is at a point 350 feet south and 500 feet west of the center of Section 24, T99N, R53W (NE $\frac{1}{4}$ SW $\frac{1}{4}$).

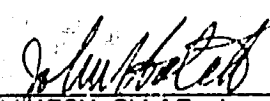
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: all in Section 24, T99N, R53W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 acres

	TOTAL 180 acres

***NW $\frac{1}{4}$ SE $\frac{1}{4}$ carries a priority date of August 26, 1980 (established by No. 4552-3)
remaining acreage carries a priority date of April 21, 1976 (established by No. 2714-3 & 2714A-3)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Virgil Plucker of PO Box 92, Chancellor, SD 57015-0092 the holder and/or owner of Incorporated Water Permit No. 2714A-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater (one well) with priority dates of April 21, 1976 and August 26, 1980 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 Incorporated Water Permit No. 2714A-3 and subject to South Dakota State Law.


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

MAR 14 1994
date

FORM 2: Application for irrigation (type or print)
In South Dakota

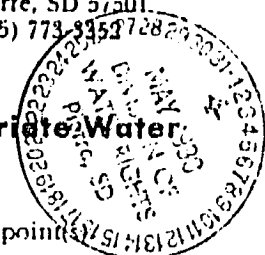
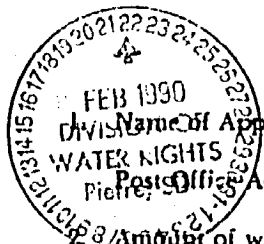
File day Wed Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 2714-3 Hydrologic Unit 10172102
Basin Vermillion River
Newspaper Hurley Leader P. 212 570-6

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

Type of Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 2714-3
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____



Name of Applicant Virgil Plucker Phone No. 647-5854
Post Office Address RR 1, Box 26, Hurley State SD 57036
(Street, RR or Box) (City) (Zip Code)

Amount of water claimed (c.f.s) no additional Total acres irrigated 8

3. Source of Water supply existing well
4. Location of point of diversion at a point 350 feet south and 500 feet west of the center of
Section 24, T99N R53W

County Turner

5. Counties where water will be used Turner

6. Annual period during which water is to be used April through October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE 1/4 NW 1/4 of Sec. 24, T99N R53W	5
SW 1/4 NE 1/4 of Sec. 24, T99N R53W	3

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify)

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)

Existing project under Water Right No. 2714-3 however 8 acres of land are not covered under an existing permit. This application is to change acreages previously licensed under Water Right No. 2714-3 to a different location. A center pivot system is now being used for irrigating land previously licensed under Water Right No. 2714-3 (see attached map). This application requests: no additional water, no increase in irrigated acreage, retention of old priority date, and change in acreage location.

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

STATE OF SOUTH DAKOTA)
County of Turner, ss

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

Signed Virgil Plucker

Subscribed and sworn to before me this 1st day of May 1990

Sharon A. Christensen
Notary Public

Dear Sirs:

The information
you asked for again
is still the same.

The well has not been
changed since our
first application.

We cannot find the
details as it has been
lost since we applied
the first time. You
have all the information
from the first time.

Thank You

Virgil Tucker



Supplemental Information

(type or print in ink)

1. Well Information - ~~Under Construction~~ Existing well

- Drill Hole Diameter inch Depth 136 feet
- Casing Type steel Diameter 16 inch Thickness
- Screen Type stainless steel Diameter 16 inch Thickness
- Gravel Pack Thickness Length of Gravel Pack
- Depth to Top of Water Bearing Material
- Depth to Water (ground surface to water level)
- Distance to nearest existing domestic well:
 - On applicants property
 - On property owned by others

2. Dugout Information Estimates

- Surface Dimensions Depth
- Depth to water (ground surface to water level)

3. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity
If Pipe, diameter

f) Secondary Spillway Capacity
Spillway width

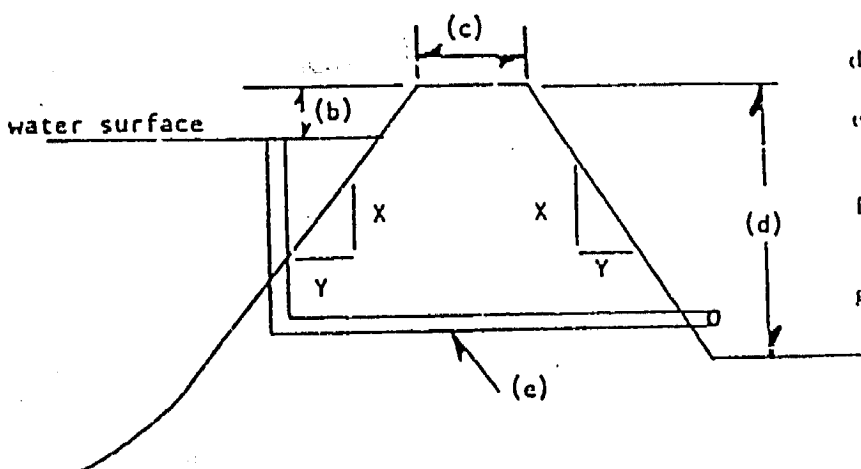
g) X & Y Slope
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



Signature of Applicant

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

5. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

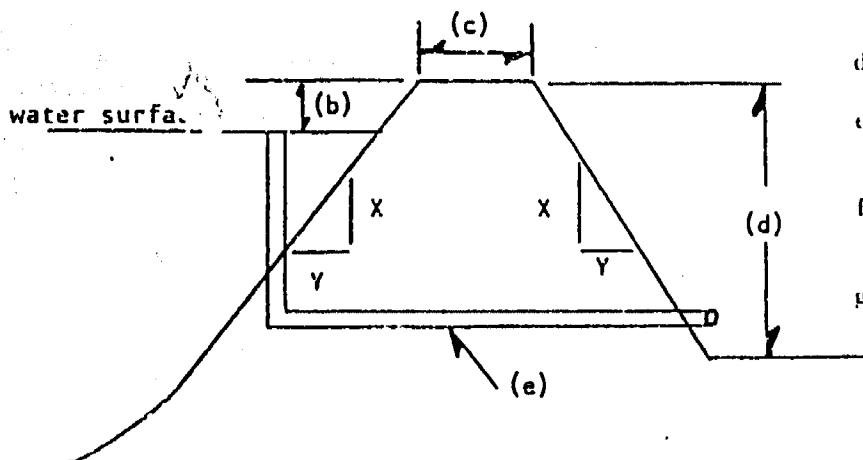
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Report on Water
Permit Application No. 2714A-3
Virgil Plucker
June 15, 1990

Water Permit Application No. 2714A-3, submitted by Virgil Plucker, RR 1, Box 26, Hurley, SD 57036, is to change the location of irrigated acreage under Water Permit No. 2714-3. Water Permit No. 2714-3 authorizes irrigation of 163 acres in the NE1/4, E1/2 SW1/4 of Section 24, T99N, R53W. This application is to change the location of 8 irrigated acres from the SE1/4 SW1/4 to the SE1/4 NW1/4, SW1/4 NE1/4 of Section 24, T99N, R53W. No increase in diversion rate or acres irrigated is authorized by this application.

General Information

On June 23, 1988, a licensing inspection of Water Permit No. 4552-3 was conducted by David Brown, Division Engineer. The licensing inspection found that lands were being irrigated which were not authorized under any existing water permit. Water Permit Application No. 2714A-3 is to change lands under Water Right No. 2714-3 using the existing irrigation well and center pivot system.

Aquifer (UVM)

The Upper Vermillion Missouri (UVM) Aquifer is a system located below the Parker-Centerville (PAC) Aquifer (Hedges, 1983). The estimated recoverable water in storage for the UVM Aquifer was estimated at 1,037,400 acre-feet with an estimated surface area of 106,400 acres (Hedges, 1983). The UVM Aquifer consists of a buried sand and gravel glacial outwash under predominately artesian conditions.

In 1988, there were 54 Water Permits withdrawing water from the UVM Aquifer (Division, 1988). Reported usage in 1988 from the UVM Aquifer was 6,753.10 acre-feet with the total permitted annual appropriation being 26,072.60 acre-feet (Division, 1988). Twenty-six percent of the appropriated water from the UVM aquifer was used in 1988.

Water Rights Division Observation Well TU77P is located in the aquifer about 1 1/2 miles east of the applicant's well. The water levels fluctuate 8 to 16 feet based on seasonal and annual climatic variations, but no long term affects are evident (WRD Observation Well Logs, 1989).

Other Water Permits are located in the vicinity of the applicant's well, with the nearest irrigation well approximately 0.75 miles away. Because of the aquifer's characteristics and adequate well spacing, no well interference is expected due to irrigation withdrawals under this permit. As noted before, the well applied for is an existing well that has been used in the past with no apparent adverse effects to adjacent well owners.

Existing Water Rights

There are Water Rights near this water permit/amendment application (see attached location map). Below is a listing of the Rights within a 1.5 mile radius of this application.

Water Permit No.	Owner	Priority Date	Diver-sion rate (cfs)	No. acres irrigated	Aquifer
72-3A	Alvin Plucker	1/13/59	0.42	30	PAC
177-3	Shirley Wulf				
	& Gladys Flygt	4/27/56	2.28	160	PAC
439-3	Alvin Plucker	1/1/54	0.9	63	PAC
439-3A	Alvin Plucker	1/13/59	1.38	97	PAC
1164-3	Willis L. Scott	2/18/65	1.14	80	surface water
1433-3	Shirley Wulf				
	& Gladys Flygt	7/19/67	5.70	400	PAC
2288-3	Robert Merrill	5/9/75	1.0	76	PAC
2714-3	Virgil Plucker	4/21/76	1.88	163	UVM
2962-3	Kenneth				
	Hoogestraat	7/30/76	1.77	136	PAC
3634-3	Bones Ranch Inc	2/8/77	1.78	132	UVM
3675-3	Kenneth				
	Hoogestraat	2/25/77	1.77	136	UVM
4552-3	Virgil Plucker	8/26/80	0.52	37	UVM

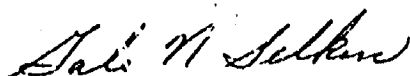
Conclusions

1. Permit Application No. 2714A-3 is to amend Water Right No. 2714-3. This application is requesting to change the location of 8 acres under Water Right No. 2714-3 with no increase in the irrigated acreage or diversion rate.
2. The well is drilled into the Upper Vermillion Missouri Aquifer. This basal aquifer has water available for appropriation.
3. Adjacent irrigation wells are located about 0.75 miles from the applicant's existing well. Artesian conditions are present in the area for the UVM aquifer.
4. The irrigation well has been used for irrigation purposes in the past with no adverse affects to adjacent irrigation wells or to domestic users.



David S. Brown
Natural Resources Engineer

Approved by:



Gale N. Sulken, P.E.
Hydrologist

References

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNK Geological Survey, Vermillion, SD.
- Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNK Geological Survey, Vermillion, SD.
- Water Rights Division, 1989, Drillers Logs, Observation Well Logs and Permit Files, DWNK, Joe Foss Bldg., Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2714A-3, Virgil Plucker

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2714A-3, Virgil Plucker, RR #1 Box 26, Hurley SD

The Chief Engineer is recommending APPROVAL of Application No. 2714A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 9, 1990

 **Department of
Water & Natural Resources**

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

August 22, 1990

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

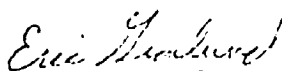
Virgil Plucker
RR #1 Box 26
Hurley, SD 57036

Dear Mr. Plucker:

Water Permit Application No. 2714A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hurley Leader printed at Hurley SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

August 22, 1990

Hurley Leader
Box 218
Hurley, SD 57036

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 2714A-3 to be published twice. Please publish the first notice on or before August 30, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Virgil Plucker, RR #1 Box 26, Hurley, SD 57036.

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

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

Sincerely,

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before August 30, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2714A-3
to Amend Water Right No. 2714-3

Notice is given that Virgil Plucker, RR #1 Box 26, Hurley, SD 57036 has filed an application for a water permit to change the location of irrigated acreage. Water Right No. 2714-3 authorizes irrigation of 163 acres in the NE1/4, E1/2 SW1/4 of Section 24-T99N-R53W from one well located in the NE1/4 SW1/4 Section 24-T99N-R53W. This application is to change the location of 8 irrigated acres from the SE1/4 SW1/4 to the SE1/4 NW1/4, SW1/4 NE1/4 of Section 24-T99N-R53W. No increase in diversion rate or acres irrigated is authorized by this application.

Pursuant to SDCL 45-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2714A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-5.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

1. James E. Wipf

certify that the attached printed Notice was taken
from the Hurley Leader

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

City of Hurley

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

Thursday, August 30, 1990
Thursday, Sept 6, 1990

(Signature)

Publisher
(Title)

9/6/90
(Date Signed)

Cost of Printing: \$45.31

NOTICE OF HEARING
On Application
No. 2714A-3
To Amend Water Right
No. 2714-3

Notice is given that Virgil Plucker, RR#1, Box 26, Hurley, South Dakota 57036 has filed an application for a water permit to change the location of irrigated acreage. Water Right No. 2714-3 authorizes irrigation of 163 acres in the NE1/4, E1/2 SW1/4 of Section 24-T99N-R53W from one well located in the NE1/4 SW1/4 Section 24-T99N-R53W. This application is to change the location of 9 irrigated acres from the SE1/4 SW1/4 to the SE1/4 NW1/4 SW1/4 NE1/4 of Section 24-T99N-R53W. No increase in diversion rate or acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends Approval of Application No. 2714A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Hurle County Courthouse, 300 S. Courtland, Chamberlain, South Dakota on October 3, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with Both the applicant and Chief Engineer by September 21, 1990. The

Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, South Dakota 57501 (605/773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

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

Publish: In The Hurley Leader, Aug. 30 & Sept. 6, 1990

By signed copy of the applicant

South Dakota Department of
Water & Natural Resources

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

September 17, 1990

Virgil Plucker
RR 1, Box 26
Hurley SD 57036

Dear Mr. Plucker:

I am writing to advise you that the legal notice of hearing on your water permit application published in the Hurley Leader was not properly advertised. Because of error in the legal description, it can not be considered by the Water Management Board at the October 3, 1990 meeting.

As a result of the error, the legal notice will need to be readvertised for the December 5 & 6, 1990 Water Management Board meeting. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to the inaccurate legal description. The information needed to readvertise the notice will be sent to you and the newspaper in October, 1990.

Please contact me, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

cc: Hurley Leader

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

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

October 18, 1990

Hurley Leader
Box 218
Hurley SD 57036

ATTN: Legal Publications:

Enclosed is a Notice of Intent to Appropriate Water by Virgil Plucker, RR #1 Box 26, Hurley SD 57036, Application No. 2714A-3, in Turner County, South Dakota. Please publish this notice in your paper once each week for two consecutive weeks. The first publication should be on, or before October 25, 1990.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. This notice is a readvertisement of the notice published in your paper on August 30, 1990 and September 6, 1990. Due to publishing errors on the original notice this notice needs to be readvertised.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication 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 before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

Eric S. Gronlund
ERIC S GRONLUND
Natural Resources Engineer
Water Rights Division
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Bldg
Pierre SD 57501

NO. _____

DATE: _____

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

NAME _____ NEWSPAPER _____

 **Department of
Water & Natural Resources**

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

October 18, 1990

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

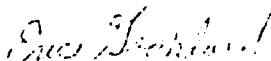
Virgil Plucker
RR #1 Box 26
Hurley SD 57036

Dear Mr. Plucker:

Water Permit Application No. 2714A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hurley Leader printed at Hurley SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before October 25, 1990 with the second publication 7 days later.

NOTICE OF HEARING on Application No. 2714A-3 to
Amend Water Right No. 2714-3

Notice is given that Virgil Plucker, RR #1 Box 26, Hurley SD 57036 has filed an application for a water permit to change the location of irrigated acreage. Water Right No. 2714-3 authorizes irrigation of 163 acres in the NE1/4, E1/2 SW1/4 of Section 24-T99N-R53W from one well located in the NE1/4 SW1/4 Section 24-T99N-R53W. This application is to change the location of 8 irrigated acres from the SE1/4 SW1/4 to the SE1/4 NW1/4, SW1/4 NE1/4 of Section 24-T99N-R53W. No increase in diversion rate or acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2714A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 533 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 November 26, 1990. 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.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. This hearing is an adversa proceeding. Any person filing a petition opposing the application and/or the applicant has the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-1 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Form 8 - Proof of Publication

PROOF OF PUBLICA

STATE OF SOUTH DAKOTA)
County Turner) ss.I, James E. Wipfcertify that the attached printed Notice was
from the Hurley LeaderA newspaper which during the whole time of public
said notice herein after stated, has been and is pri
published in theCity of Hurley
County of Turner and State of South
that the said notice was published in said newspap
following two dates:10-25-9011-1-90

(Signature)

(Title)

(Date Signed)

Cost of Printing

NOTICE OF HEARING
ON APPLICATION
NO. 2714A-3
TO AMEND WATER
RIGHT NO. 2714-3

Notice is given that Virgil Plucker, RR #1 Box 26, Hurley, S. D., 57038 has filed an application for a water permit to change the location of irrigated acreage. Water Right No. 2714-3 authorizes irrigation of 163 acres in the NE1/4, E1/2 SW1/4 of Section 24-T99N-R53W from one well located in the NE1/4 SW1/4 Section 24-T99N-R53W. This application is to change the location of 8 irrigated acres from the SE1/4 SW1/4 to the SE1/4 NW1/4, SW1/4 NE1/4 of Section 24-T99N-R53W. No increase in diversion rate or acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2714 A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

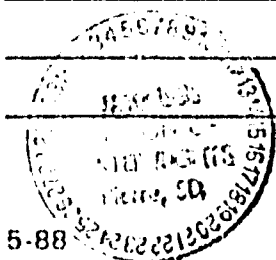
Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. D. 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 November 26, 1990. 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.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the

applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 a.m., on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, S. D., and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15;



HURLEY LEADER

46-5-1 thru 46-5-11, 46-5-13
thru 46-5-15, 46-5-24, 46-5-25,
46-5-30.3, 46-5-30.4, 46-5-31:
46-6-3, 46-6-3.1, 46-6-6.1, 46-6-
10, 46-6-13, 46-6-14, 46-6-26;
and Board & Rules & ARSD
74:02:01:01 thru 74:02:01:15.

Publish: In The Hurley
Leader, Oct. 25, & Nov. 1, 1990

el
n

Permit Nos. 4552-3, 2714-3 & 2714A-3
Vermillion River - 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 Virgil Plucker of PO Box 92, Chancellor, SD 57015-0092 holder of Permit No. 4552-3 and Water Right 2714-3, bearing the priority of August 26, 1980 (4552-3) and April 21, 1976 (2714-3) authorizing the diversion of 0.52 (4552-3) and 2.20 (2714-3) cu. ft. per second from groundwater (one well) for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

One 136' deep well, 121' of 16" steel casing, 15' of 16" stainless steel screen, which provides water to both center pivots - operating one at a time. Well produces 850 gallons per minute

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

2,905 feet of 8 inch PVC pipe

C. Works used to apply water to beneficial use:

Two center pivots: #1 - T & L center pivot, 8 towers w/end gun, high pressure; #2 - T & L center pivot, 9 towers w/end gun, high pressure

The system is in the following condition good. The point of diversion is located at a point 350 feet south and 500 feet west of the center of Section 24, T99N, R53W (NE $\frac{1}{4}$ SW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.89 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 24, T99N, R53W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres	** NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres	

**NW $\frac{1}{4}$ SE $\frac{1}{4}$ retains a priority date of August 26, 1980 (established under No. 4552-3); remaining land carries a priority date of April 21, 1976.

comprising a total of 180 acres of land and the license should be issued for 1.89 cfs. The applicable permit qualifications have been complied with.

The February 6, 1990 inspection conducted by David Brown, found 8 acres that were being irrigated, but were not covered under either No. 2714-3 or 4552-3. Water Permit No. 2714A-3 was then obtained to change the location of the irrigated acres from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24. No. 2714A-3 did not increase the diversion rate or the total acres irrigated. Water Permit No. 2714A-3 retained an April 21, 1976 priority date, as established under Water Permit No. 2714-3.

Above report reviewed by Gale Selken, Natural Resources Engineer IV.

Gale N Selken
 Gale N Selken

10 Feb 94
 date

LICENSE FOR PERMIT NUMBER 4552-3 Virgil Plucker

1. Legal location of wells: at a point located 350 feet south and 500 feet west of the
center of Section 24, T99N R53W

dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report	Yes _____ No _____	No. of Wells _____	Depth _____
Casing	a) diameter	<u>16 inch</u>	Screen a) type <u>stainless steel</u>
	b) length	<u>121 feet</u>	b) length <u>15 feet</u>
	c) type	<u>steel</u>	Static Water Level _____
Pump	a) make	<u>National</u>	Motor a) make <u>Westinghouse Life-line T</u>
	b) model	<u>Serial No. 676802</u>	b) model No. <u>TBDP</u>
	c) size	<u>8 inch</u>	c) horsepower rating <u>75 HP</u>
	d) capacity	<u>850</u> gpm	
	e) turbine pump - no. of stages	_____	
	f) operating PSI	_____	

3. Distribution lines or canals

a) size 8 inch
b) type PVC
c) length 2,905 feet

4. Dam Information:

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

5. System Type a) sideroll:

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

c) gun

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

e) gated pipe

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

f) portable boom

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

b) towline:

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

d) center pivot Note: @ denotes C.P. located in NE 1/4 of Sec. 24

- 1) make @T & L, T & L
- 2) number of towers @8, 9
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) @yes, yes
- 6) high or low pressure high
- 7) make & size of nozzles _____

- 8) capacity (GPM) 850 GPM one well supplies water too both C.P.'s, run one at a time

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project 2714-3 _____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
---	---	2. Special qualifications to permit being abided by?
-X-	---	3. All structures, wells and lands on map?
-X-	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
-X-	---	5. Is chemigation used? Inspected prior to adoption of chemigation rules.
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

Incorporate Water Right Nos. 2714-3 and 4552-3 because same water source is being used under both permits.



Department of Water & Natural Resources

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

February 8, 1990

Virgil Plucker
RR 1, Box 26
Hurley, SD 57036

Dear Mr. Plucker:

On November 11, 1988, I conducted a routine field inspection of your irrigation system for licensing purposes. Specifically, I inspected Water Permit No. 4552-3 which permits you to irrigate 37 acres in the NW1/4 SE1/4 of Section 24, T99N R53W.

The field inspection found that you are using a nine tower center pivot irrigation system to irrigate lands covered under Water License No. 2714-3 and Water Permit No. 4552-3. You are irrigating 31 acres (see enclosed map) out of the 37 permitted acres under Water Permit No. 4552-3.

Water Permit No. 2714-3 was licensed on September 10, 1980 for the following lands in Section 24, T99N R53W: 25 acres (NW1/4 NE1/4), 5 acres (NE1/4 NE1/4), 36 acres (SW1/4 NE1/4), 23 acres (SE1/4 NE1/4), 40 acres (NE1/4 SW1/4), and 34 acres (SE1/4 SW1/4). The enclosed map also shows the lands under Water License No. 2714-3.

Currently you are irrigating 8 acres which are not covered under an existing Water Right. South Dakota water law requires that you obtain an amendment to Water License No. 2714-3 for these acres if you wish to continue irrigating them. Enclosed are the partially completed application forms for obtaining an amendment for these 8 acres. Please fill out the application forms to amend Water License No. 2714-3 following the instruction sheet and return the application forms to this office. As required by statute, a \$50 application fee must accompany the application.

Upon approval of amendment to Water License No. 2714-3 by the Water Management Board, Water License No. 2714-3 will be incorporated with Water Permit No. 4552-3 because one well supplies the water for both Water Rights. Water License No. 4552-3 will incorporate Water License No. 2714-3 and Water Permit No. 4552-3. The appropriate lands and priority dates will be retained during incorporation of the two Water Rights.

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

Very truly yours,

David S. Brown
Natural Resource Engineer II
DWNRR, Water Rights Division
(605) 773-3352

enclosures

South Dakota
Department of
Water & Natural Resources

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

March 22, 1990

Virgil Plucker
RR 1 Box 26
Hurley, SD 57036

Dear Mr. Plucker:

This letter is in response to your water permit application received on February 22, 1990. The following information still needs to be submitted in order to process your application.

- 1) The application must be notarized by a notary public. I have attached your application form to be notarized.
- 2) The Form 2A was not submitted with your application. Please complete and sign the attached Form 2A.
- 3) A well completion report for the existing well should be submitted with the application.

The water permit application can not be considered by the Water Management Board until the application is complete. Please submit the above mentioned items referencing your water permit application and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

MAR 28 1991

Virgil Plucker
RR1 Box 26
Hurley, SD 57036

Dear Mr. Plucker:

Enclosed is Water Permit No. 2714A-3 For Irrigation as approved by the Water Management Board authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

John Hatch

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

enclosures

**SOUTH DAKOTA
WATER PERMIT No. 2714A-3 FOR IRRIGATION**

Date of first receipt of application February 22, 1990.
Date Soil/Water Compatibility Permit received May 14, 1990.
Date of return to applicant for corrections, amendments or changes
March 22, 1990.
Date of receipt of corrected application May 2, 1990.

The Water Management Board approved Water Permit Application No. 2714A-3 on December 5, 1990 for Virgil Plucker, RR #1, Box 26, Hurley, SD 57036 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2714A-3 changes the location of irrigated acres authorized by Water Right No. 2714-3. Water Right No. 2714-3 appropriates 1.88 cubic feet of water per second from one well located in the NE1/4 SW1/4 to irrigate 163 acres in the NE1/4, E1/2 SW1/4; all in Section 24 T99N, R53W. This Permit changes the location of 8 irrigated acres from the SE1/4 SW1/4 to the SE1/4 NW1/4, SW1/4 NE1/4 of Section 24 T99N, R53W. No increase in the diversion rate or acres irrigated are authorized by this Permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is April 21, 1976.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hubert
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

MAR 28 1991

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412627

Pierre, April 5, 1991

RECEIVED OF Virgil Plucker RR 1, Box 26 Hurley, SD 57036

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 _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2714A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

MAR 14 1994

2714A-3

Virgil Plucker
P.O. Box 92
Chancellor, SD 57015-0092

Dear Mr. Plucker:

Enclosed is Water License No. 2714A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412627 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. 2714A-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

gm
enclosures

NOTE: The applicable portions of Water Permit Nos. 2714-3 and 4552-3 are incorporated into this Water License No. 2714A-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412106

Pierre, February 26, 1990

RECEIVED OF Virgil Plucker, RR #1 Box 26, Hurley, SD 57036

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

Fee for Application for Permit No. <u>7714-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer

Department of Agriculture
W111
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4499

WRH

OWNERS NAME: PLUCKER, VIRGIL

OWNERS ADDRESS: RR 1, Box 26
Harley, SD 57036

COUNTY LAND LOCATED IN: Turner PHONE: 647-5854

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 350' South & 500' West of the center of 24-T99N-R53W

Depth: _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 24-T99N-R53W	5		
SW $\frac{1}{4}$ R2 $\frac{1}{2}$ 24-T99N-R53W	3		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ~~XXX~~ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 86-0904

7. ADJUSTED (SAR): 5.37

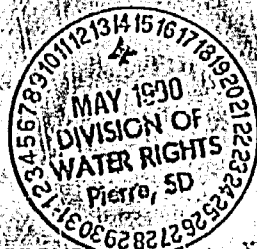
5. SALINITY (EC X 10⁶): 1800

8. PERCENT SODIUM: 23.53

6. SODIUM (SAR): 1.95

Requirements:

The maximum allowable limits of salt and sodium buildup in the soil file at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the Division, or the Commission.



XXX APPROVED

XXX REQUIREMENTS

DISAPPROVED

WAIVER

Director, Division of Conservation

May 9, 1990

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



2714A-3

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

January 30, 1996

NOTICE

TO: VIRGIL PLUCKER, PO BOX 92, CHANCELLOR, SD 57015 0092

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2714A-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2714A-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2714A-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2714A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

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 Addressed to:

VIRGIL PLUCKER
PO BOX 92
CHANCELLOR SD 57015-0092

4a. Article Number

Z 161 984 078

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Virgil Plucker

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



2714A-3

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

February 5, 1996

2714A-3

Virgil Plucker
PO Box 92
Chancellor. SD 57015-0092

Dear Mr. Plucker:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 2714A-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 Division
(605) 773-3352



2714A-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: VIRGIL PLUCKER, 87 DEWEY AVE, CHANCELLOR, SD 57015
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2714A-3 & 5946-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2714A-3 & 5946-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2714A-3 & 5946-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

2714A-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:

VIRGIL PLUCKER
87 DEWEY AVE
CHANCELLOR SD 57015

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ 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)

Z 227 670 497



2714A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2000

2714A-3
5946-3

Virgil Plucker
87 Dewey Ave
Chancellor, SD 57015

Dear Mr. Plucker:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2714A-3 and 5946-3.

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



App'l. No. 2714A-3

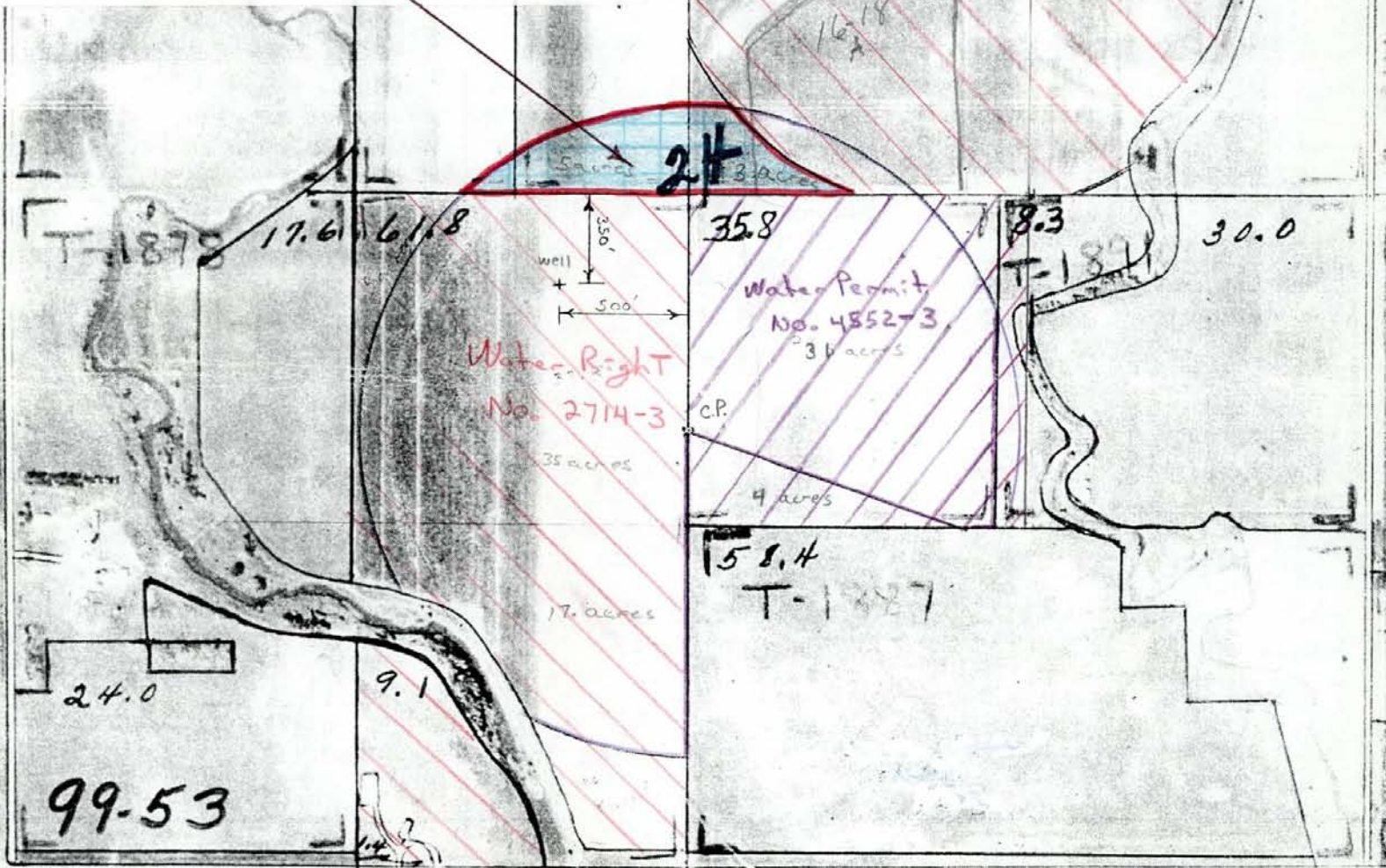
NOT TO SCALE



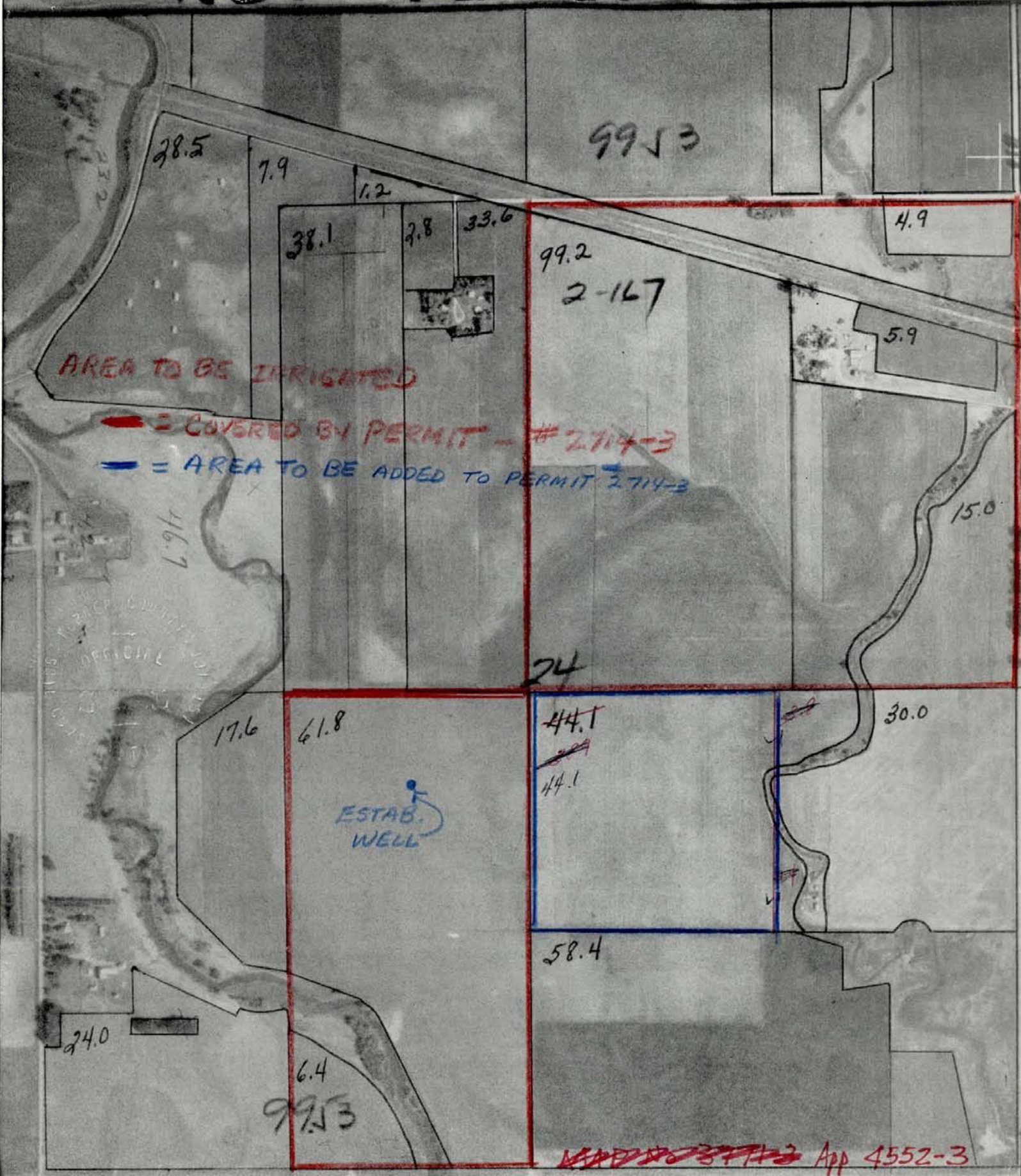
Map prepared by ⁶³
David Brown, DDB
Natural Resources Engineer
DWR, Water Rights Division
2/6/90 Pierre, SD 57501

4.9
22R

Note: Blue colored area represents irrigated land which does not have a water permit.



NOT TO SCALE



VIRGIL PLUCKER SYSTEM #1
OWNER: VIRGIL PLUCKER
HURLEY, S.D. 57036

~~POP~~ || 999

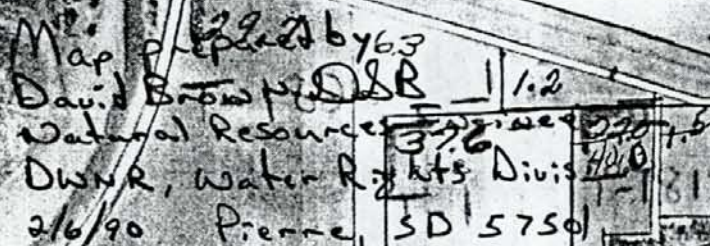
FAS

CHAN

HURLEY

POP. 419

NOT TO SCALE



Map showing land parcels and water rights along a river system. Key features include:

- Water Right No. 2714-3**: 35 acres, located in the central-left area.
- Water Permit No. 4852-3**: 31 acres, located in the central-right area.
- Water Right No. 1887**: 17 acres, located in the bottom-right area.
- Well**: Indicated by a cross symbol in the central-left area.
- C.P.**: Center Point, located near the intersection of the central-right and bottom-right areas.
- Acreage Measurements**: Various parcels are labeled with acreage values: 17.6, 16.18, 35.8, 18.3, 30.0, 24.0, 9.1, and 99.53.
- Shaded/Hatched Areas**: Several parcels are shaded or hatched, indicating specific land ownership or status.

2714A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 23, 2009

2714A-3
5946-3

Virgil Plucker
87 Dewey Ave
Chancellor SD 57015

Dear Mr. Plucker:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires and am returning the forms to you for completion. In order for them to be considered complete, the back side also needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day the system(s) was running. The information is important to us in calculating how much water was used from a specific source.

Please complete and return the form to us by **December 1, 2009.** Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



2714A-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: VIRGIL PLUCKER, 87 DEWEY AVE, CHANCELLOR, SD 57015

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2714A-3 & 5946-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2714A-3 & 5946-3 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2714A-3 & 5946-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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 22, 2015

2714A-3
5946-3

Virgil Plucker
87 Dewey Ave
Chancellor SD 57015

Dear Mr. Plucker:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2714A-3 & 5946-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

McMath, Genny

From: Gronlund, Eric
Sent: Friday, December 04, 2015 10:39 AM
To: McMath, Genny
Subject: Nos 2714A-3 and 5946-3, Virgil Plucker

Virgil Plucker passed away this last year. I received a call from his son Prentice Plucker. First, he said that they'll submit the IQ's soon.

No. 2714A-3 is solely in the name of Virgil Plucker
No. 5946-3 is in the name of Virgil and Arlene Plucker.

Arlene Plucker is the mom and the owner of the property. Prentice Plucker said his brother farms the ground. Arlene Plucker is currently in assisted living.

I said a transfer of ownership should be filed for No. 2714A-3 to get in the name of Arlene Plucker and sent partially completed transfer form. I said the transfer could be in care of the brother's name.

I did not think a transfer was necessary for No. 5946-3 but the current address is not correct and will include the brother as the contact person (once we get the transfer on No. 2714A-3 and get the proper name and address).



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 13, 2016

2714A-3

Prentice Plucker
45907 276th St
Chancellor SD 57015

Dear Mr. Plucker:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 2714A-3.

The ownership change has been completed. The water right formerly held by Virgil Plucker is now listed in the name of "**G Arlene Plucker**" in-care-of you.

Enclosed is Receipt No.07591 in the amount of \$50 which was paid for filing the ownership change. If I can answer any questions, please let me know.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/4, 20 16

RECEIVED OF Virgil or Arlene Plucker 87 Dewey Ave Chancellor SD 57015

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	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2714A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07591

By J. Earl Holman Jr.
Chief Engineer

RECEIVED

JAN - 4 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2714A-3

Date: 12/29/15

I/We request that Water Right/Permit No. 2714A-3

formerly owned by: Virgil Plucker, PO Box 92, Chancellor SD 57015

be transferred to: (name & address) G. Arlene Plucker c/o Prewitt Plucker
45907 276th St Chancellor, SD 57015

Telephone No. 605 447-7500 ext 0203

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

NE 1/4, E 1/2, SW 1/4, SE 1/4 NW 1/4 and NW 1/4 SE 1/4 of Section 24, T99N, R53W

I/We understand that the validity of Water Right/Permit No. 2714A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We G. Arlene Plucker, 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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



2714A-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 26, 2018

NOTICE

TO: G ARLENE PLUCKER, PRENTICE PLUCKER, 45907 276TH ST, CHANCELLOR, SD 57015
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2714A-3 & 5946-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2714A-3 & 5946-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2714A-3 & 5946-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** 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.

2714A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2018

2714A-3
5946-3

Prentice Plucker
45907 276th St
Chancellor SD 57015

Dear Mr. Plucker:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2714A-3 and 5946-3. 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 black ink that reads 'Genny McMath'.

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN 02 2019

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JAN 02 2019

WATER RIGHTS
PROGRAMWater Right/Permit No. 2714A-3Date: 12-26-18Ck# 3555I/We request that Water Right/Permit No. 2714A-3 formerly owned by:G Arlene Plucker

be transferred to:

New Owner Name:

Prentice & Vincent Plucker

Address:

45907 276th St

City, State, Zip

Chancellor SD 57015Telephone No. 605-750-0203

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

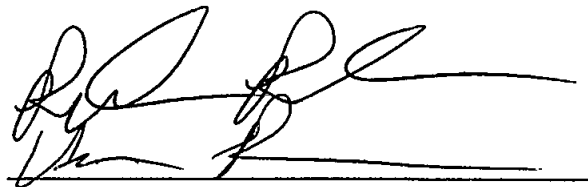
Sec 24 - T099N - R53W	NE 1/4 NW 1/4 NE 1/4	- 25 Acres
Sec 24 - T099N - R53W	NE 1/4 NE 1/4	- 5 Acres
Sec 24 - T099N - R53W	SW 1/4 NE 1/4	- 39 Acres
Sec 24 - T099N - R53W	SE 1/4 NE 1/4	- 23 Acres
Sec 24 - T099N - R53W	SE 1/4 SW 1/4	- 17 Acres
Sec 24 - T099N - R53W	NE 1/4 SW 1/4	- 35 Acres
Sec 24 - T099N - R53W	SE 1/4 NW 1/4	- 5 Acres
Sec 24 - T099N - R53W	NW 1/4 SE 1/4	- 31 Acres

☒ I understand that the validity of Water Right/Permit No. 2714A-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, Prentice & Vincent Plucker, 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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 2019

RECEIVED OF Prentice Plucker Darla Plucker 45907 276th St Chancellor SD 57015

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2714A-3</u>		
Fee for _____	50	00
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08890**

By

Jeannie Goodman
Chief Engineer
Jm

2714A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 2019

2714A-3
5946-3

Prentice & Vincent Plucker
45907 276th St
Chancellor SD 57015

Dear Sirs:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 2714A-3 and 5946-3.

The ownership changes have been completed. Water Right Nos. 2714A-3 and 5946-3 formerly listed in Virgil D and/or G Arlene Plucker are now listed in your names.

Enclosed for your records are Receipt Nos. 08889 and 08890 in the amounts of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures



2714A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 28, 2019

2714A-3
5946-3

Prentice & Vincent Plucker
8620 W Bryggen Ct
Sioux Falls SD 57107-8510

Dear Sirs:

Enclosed is a "Notice" dated October 18, 2019 concerning the 2019 irrigation questionnaires.

The notice was originally mailed to 45907 276th St, Chancellor SD. The post office notified us that your address has changed and I will update our records accordingly.

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

enclosures



DENR
SOUTH DAKOTA

2714A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: PRENTICE & VINCENT PLUCKER, 8620 W BRYGGEN CT, SIOUX FALLS, SD 57107 8510
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2714A-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2714A-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2714A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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: <https://denr.sd.gov/iq> using this password: XDWFLO**

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.

2714A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2021

2714A-3

Prentice & Vincent Plucker
8620 W Bryggen Ct
Sioux Falls SD 57107-8510

Dear Sirs:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 2714A-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 29, 2024

2714A-3

Prentice & Vincent Plucker
5211 Jasper Dr
Bismark ND 58503

Dear Pluckers:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires, which our records show you have successfully submitted online.

The notice was originally mailed to 8620 W Bryggen Ct, Sioux Falls SD 57107. The post office notified our office that your address has changed, and your records have been updated accordingly.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

NOTE: You may disregard the yellow questionnaire form, unless you would like to keep it for your records.

enclosures

553 NCE 114152410010/26/24
RETURN TO SENDER
PLUCKER
5211 JASPER DR
BISMARCK ND 58503-5684
RETURN TO SENDER



2714A-3

PAID

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

JAN 29 2025

Ck# 1042

Rec't#

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2714A-3

Date: 10/28/24

I/We request that Water Right/Permit No. 2714A-3 formerly owned by:
Prentice and Vincent Plucker be transferred to:

New Owner Name:

Roger Sieck

Address:

728 Applewood LN

City, State, Zip

Spearfish, SD 57783

Telephone No.

462-670-1781

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

NE 1/4, SE 1/4 NW 1/4, NW 1/4 SE 1/4E 1/2 SW 1/4 Sec 24 - 89-53W

i called Roger to confirm that
he'd only bought E 1/2 SW 1/4 but
he said so that the entire 180 ac
auth. by 2714A-3 had been
purchased by himself. (AD) 1/5/25

☒ I understand that the validity of Water Right/Permit No. 2714A-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, Roger Sieck, 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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

JAN 29 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date February 3rd 2025

RECEIVED OF Roger Sieck 728 Appaloosa Ln Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>#2714A-3</u>	<u>\$50.00</u>
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	<u>\$50.00</u>

By

Eric Groshund

Chief Engineer

See



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 5, 2025

2714A-3

Roger Sieck
728 Appaloosa Ln
Spearfish SD 57783

Dear Mr. Sieck:

I have received your "Notice of Transfer of Ownership" form for Water Right No. 2714A-3 and the required fees. Enclosed is a copy of the original license and receipt of payment for your records.

Water Right No. 2714A-3, previously owned by Prentice & Vincent Plucker, is now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the license, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Right No. 2714A-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

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