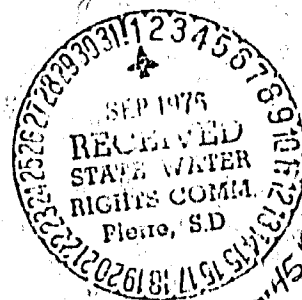


Water Right Number 3039-3

1. Considered 10-21, 19 46
2. Name of Applicant Johnson Bros Inc
3. Post Office Address Centerville
4. Amount of water claimed 2.00
5. Source of water supply 243' deep well
6. Water to be used for irrigation
Acres to be irrigated 140
7. Water to be diverted and used in Clay County
about 8N 4W Miles 15 of Vermillion
8. Proof of Publication Received 15
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 3039-3Map No. 2363-3 Water Division No. 3 VERMILLION RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Johnson Brothers Incorporated 90 Boy & Johnson
Postoffice address Centerville RR #1 Box 86 State South Dakota
If a corporation show date and place of incorporation July 22, 1970
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work JA JOHNSON BROS #2
4. Amount of water claimed (cubic feet per second) 2.0 CFS
5. Source of water supply ground water
6. Location of point of diversion 110 RODS, S 40° E FROM THE NW CORNER, SECTION 5, T 93N, R 51W
County Clay

7. Annual period or periods during which water is to be used May-October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 140 acres

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 5-93-51	37		
SW 1/4 5-93-51	35		
NE 1/4 5-93-51	29		
SE 1/4 5-93-51	31		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Plain Talk
12. Principal Features of the Proposed Water Supply System.

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

well

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

well near center of pivot

C. Works proposed to apply water to beneficial use.

center pivotEstimated Total Cost \$ 40,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of ClayI, Ray John Sord the applicant, certify that I have read the foregoing application and have examined the attached map, and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Ray John SordSubscribed and sworn to before me this 9th day of Aug. 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3039-3JOHNSON PROPERTIES, INC
(Applicant)CENTERVILLE, RR #1 Box 86
(Post Office Address)SOUTH DAKOTA 57014
(State)

With the following modifications:

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

Date of first receipt of application SEPTEMBER 1, 1976

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

Date of receipt of corrected application OCTOBER 1, 1976Approved OCTOBER 31, 1976, Recorded in Book 16 Page 142WATER RIGHT PERMIT NO. 3039-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3039-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 1, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 31, 1977
3. The whole of said work is to be completed on or before OCTOBER 31, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 31, 1981
5. The water appropriated shall be used for the purpose of IRRIGATION

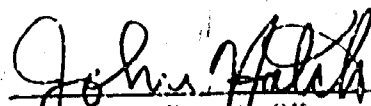
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before OCTOBER 31, 1981; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 15th day of DECEMBER, 1976

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer
Certificate of Construction Issued June 13, 1980Water License Issued June 13, 1980

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

D Well Information or Estimates

(1) Drill Hole, Diameter 18", Depth 243'
 (2) Casing, Type Steel Diameter 12" I.D. Thickness 1/2"
 (wood, concrete, steel, etc)
 (3) Perforated Screen, Type Johnson Flatt &, Diameter 12" I.D. Length 40'
 (4) Gravel Pack, Thickness 2 1/2", Length of gravel pack 50'

E Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials Medium Sand

Depth to top of water bearing material 200'

Depth to bottom of water bearing material 243'

Thickness of water bearing material 43'

Depth to water (ground surface to water level) 80'

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

On same owner's property _____ rds. On property owned by others 92 rds.

G. Water Storage Dams.

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

Johnson Bros Inc
 Signature of Applicant Ray E. Johnson

September 24, 1976

Johnson Brothers, Inc.
Centerville, SD 57014

Dear Sir:

Your water sample (Lab. No. 76-1277) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

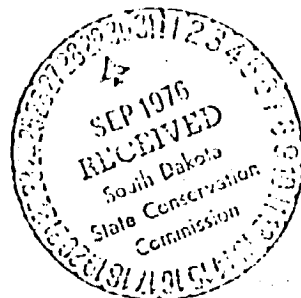
This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

- (1) It will be used no more than 3 times (preferably less) in any growing season.
- (2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.
- (3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.
- (4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

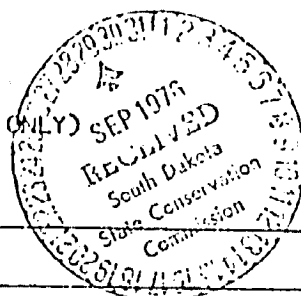
Sincerely yours,

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Johnson Brothers Incorporated

ADDRESS Centerville, South Dakota

COUNTY Clay

LEGAL DESCRIPTION

1. WELL LOCATION 110 rod and 440 southeast of the northwest corner of Sec. 5-93-51
2. LOCATION OF AREA TO BE IRRIGATED Sec. 5-93-51

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED corn and beans

WATER QUALITY

5. SAMPLE NUMBER 76-1277
6. SALINITY (EC X 10⁶) 1735 (high)
7. SODIUM (SAR) 0.61 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Soil Conservation District, County Extension office or Soil Conservation Service.

and:

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

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF Sept 19 76.

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

I hereby certify that this project can be carried out successfully in all circumstances. Individual man-
agement will to a large degree, determine the relative
success of this venture.

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Johnson Brothers, Inc.
 Address: Centerville, SD 57014

Date Rec'd September 7, 1976
 Sample No. 76-1277
 Identification Well
NE 1/4, Sec. 5, T. 93N, R. 51W

WATER ANALYSIS

Calcium (Ca)	344	ppm*	17.20	me/l**
Magnesium (Mg)	61	ppm	5.00	me/l
Sodium (Na)	47	ppm	2.04	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	810	ppm	16.85	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	20	ppm	0.57	me/l
Bicarbonate (HCO ₃)	342	ppm	5.60	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	280	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1735	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.61			
Sodium	8.30	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.22			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 24.55 me/l
 Total anions 23.02 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1277

Amount Enclosed \$

Signed

WATER LICENSE NO. 3039-3

(1) WHEREAS, On the 1st day of September A. D. 19 76

Johnson Bros., Inc.,

made Water Right Application No. 3039-3 for a permit to use 2.0 cubic feet per second of the water of groundwater (one well)

County of Clay, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 21st day of October A. D. 19 76

Permit No. 3039-3, with a date of priority of September 1, 1976

was issued to said applicant as for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 21 day of October A. D. 19 81 and for the application to beneficial use of said water on or before the 21 day of October A. D. 19 81

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet per second of water for beneficial use and:

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

for irrigating the following land in

Section 5, T93N, R51W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 37 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 acres

TOTAL 140 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Johnson Bros, Inc.

_____ of Centerville

the holder it and owner it of said permit No. 3039-3 a water right, dating from September 1, 1976

_____ to use of 2.0 cubic feet per second of the waters of groundwater (one well)

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 25' E of the corner of the NE Section 5,
T93N, R51W

and conducted to and upon portions of land in Section 5, T93N, R51W more fully described
on the face of this license

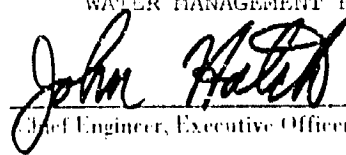
for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3039-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of June A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:



Chief Engineer, Executive Officer, JOHN HATCH

No. 3039-3
**NOTICE INTENT TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
October 5, 1976

Notice is hereby given that Johnson Brothers, Inc. whose post office address is Centerville, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from ground water through the Johnson Bros. #2, the point of diversion of which is to be located in the Center of the NW 1/4 of Section 5, Twp. 63N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 5, T93N, R51W.
This application No. 3039-3 will be considered by the Water Rights Commission at their office at Pierre upon the 21st day of October, 1976, at 1:00 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
Oct 19, 26, 1976



No. 3039-3

Date October 15, 1976

TO Water Rights Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

We are in receipt of your letter of October 5, 1976, enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____, which was first published in our issue of October 15, 1976.
Enclosed is a copy of the first publication.

Sincerely,

Burton F. Jones

Permit No. 3039-3

Water Diversion No. 3 Verrillion River Water District

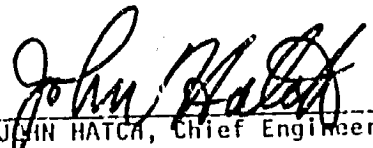
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Johnson Bros. Inc.

_____ the holder of
Permit No. 3039-3, issued upon Application No. 3039-3, bearing date of priority of September 1,
1976 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
groundwater (one well) County of Clay, State of South Dakota at _____
a point located 251 ft. of the center of the NW 1/4 Section 5, T93N, R51W
_____, for irrigation

_____ purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date June 13, 1980


JOHN HATCH, Chief Engineer
Water Rights, WMD

Form 6 - Notice of Intent to Appropriate Water

to. 3039-3

Publish first publication, on or before October 12, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 5, 1976

Notice is hereby given that Johnson Brothers, Inc.
whose post office address is Centerville, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.0 cubic feet of water per second of time from the ground water through the
Johnson Bros #2, the point of diversion of which is to be located in the _____

Center of the NW1

of Section 5, Twp. 93N, Range 51W Said water to be used for the purpose
of providing irrigation on the following described land:

NW1, Section 5, T93N, R51W

This application No. 3039-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 21st day of October, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES

Water Rights Specialist

BFJ/bw

cc: Johnson Bros. Inc., Centerville, S.D. 57014

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7511

PIERRE, May 23, 1980

RECEIVED OF Roy E. Johnson, Rt. 1, Centerville, SD 57014

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. 3039-3	50.	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 3039-3		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50.	00

WATER RIGHTS COMMISSION

By: *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH *(b)*

Permit No. 3039-3Water Division 3 VERMILLION RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JOHNSON
BERS, INC of CENTERVILLE holder
of Permit No. 3039-3, bearing date of priority of SEPTEMBER 1, 1976
authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in CLAY County.

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

The Water Use System consists of,

A. Works used to divert the water:

180' DEEP WELL W/14" STEEL CASING 20' OF SS SCREEN
NATIONAL PUMP 10", MODEL W 200, SERIAL 776138
POWERED BY 100HP US ELECTRIC MOTOR

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

25' 10" LINE TO CENTER PIVOT

C. Works used to apply water to beneficial use.

VALLEY CORNER SYSTEM CENTER PIVOT
MODEL 5171, SERIAL #19548

The system is in the following condition: GOOD

The point of diversion is located 25' E OF THE CENTER OF THE NW⁴,
SECTION 5, T93N, R51W

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 5, T93N, R51W

<u>NW⁴ NW⁴</u>	<u>37 ACRES</u>
<u>NE⁴ NW⁴</u>	<u>37 ACRES</u>
<u>SW⁴ NW⁴</u>	<u>35 ACRES</u>
<u>SE⁴ NW⁴</u>	<u>31 ACRES</u>

comprising a total of 140 acres of land.

Date

MAY 7, 1980

Burton Jones
(Signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3357

No. 3039-3

March 17, 1987

Milton Johnson
RR 1, Box 69
Centerville, South Dakota 57014

Dear Mr. Johnson:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

3039-3

NOTICE OF TRANSFER OF WATER PERMIT

T0: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

140 acres - NW 1/4 Section 5, T93N-R51W

formerly owned by Johnson Brothers

has been transferred to Milton Johnson, RR 1, Box 69, Centerville, SD 57014

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3039-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

[illegible]

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

Walter L. Brown
(Signed)

Subscribed and sworn to before me this 20th Day of April, 1987.

Betty Pittman
(Notary Public)

My Comm. Exp.: 5-18-90

No. 3039-3

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

April 30, 1987

Milton Johnson
RR 1, Box 69
Centerville, South Dakota 57014

Dear Mr. Johnson:

Enclosed is receipt No. 410856 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3039-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440056

Pierre, A. April 22, 1907, 19

RECEIVED OF Milton Johnson, RR 1, Box 69 Centerville, SD 57014

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3039-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (MS)



Department of Water & Natural Resources

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

January 29, 1988

MILTON JOHNSON
RR #1 BOX C9
CENTERVILLE, SD 57014

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3039-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 3039-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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



Department of Water & Natural Resources

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

February 10, 1988

3039-3

Milton Johnson
RR 1, Box 69
Centerville SD 57014

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 3039-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 17, 1989

Milton Johnson
RR 1, Box 69
Centerville, SD 57014

Dear Mr. Johnson:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

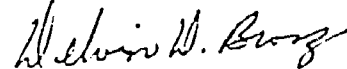


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

LAND USE MAP

Clay County Conservation District

Owner Johnson Brothers Inc.

County Clay State

Approx. Scale 1" = 1 mile

Prepared by U.S. Department of Ag.

Soil Conservation Service

94-51





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2008

3039-3

Virginia Johnson
30493 464th Ave
Centerville SD 57014

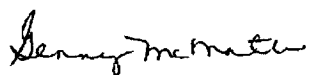
Dear Mrs. Johnson:

I am writing to acknowledge receipt of the 2008 irrigation questionnaire pertaining to Water Right No. 3039-3 listed in the name of Milton Johnson. I noticed on the form a notation was made that an ownership change was needed.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,


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

enclosure

RECEIVED

JAN - 2 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3039-3

Date: Dec. 31, 2008

I/We request that Water Right No. 3039-3

formerly owned by: Milton Johnson

be transferred to: (name & address) Virginia R. Johnson
Virginia Johnson, 30493 464th Ave, Centerville SD 57014

Telephone No. 605-253-2575

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

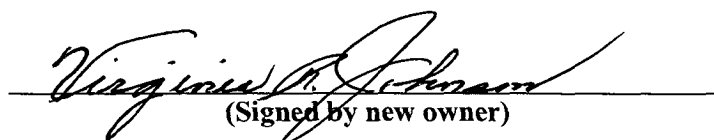
140 acres - NW ¼ Section 5, T93N, R51W

I/We understand that the validity of Water Right No. 3039-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Virginia R. Johnson, 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 1/2, 20 09

RECEIVED OF Milton Johnson Estate 30493 464th Ave Centerville SD 57014

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	3	50
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>3039-3</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

03004

By Harold Erbe
Chief Engineer



**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 5, 2009

3039-3

Virginia R Johnson
30493 464th Ave
Centerville SD 57014

Dear Mrs. Johnson:

Thank you for sending in the "Notice of Transfer of Ownership" form and filing fee for Water Right No. 3039-3. The ownership change has been completed. The water right formerly listed in the name of Milton Johnson is now listed in the name of "Virginia R Johnson".

Enclosed is your Receipt No. 03884 in the amount of \$2.50 which you paid for filing the ownership change.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



3039-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 30, 2017

3039-3

Ron Johnson
30493 464th Ave
Centerville SD 57014

Dear Mr. Johnson:

Thank you for contacting our program concerning the need for an ownership change on Water Right No. 3039-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right in the event you do not have one. If you have any questions, please contact me.

Sincerely,

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

enclosures



3039-3
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 20, 2017

NOTICE

TO: VIRGINIA R JOHNSON, 30493 464TH AVE, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 3039-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3039-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** 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.



3039-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

3039-3
3571-3

Todd Johnson
30437 University Rd
Centerville SD 57014

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 3039-3 and 3571-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Right No. 3571-3 is currently listed in the name of Roy Johnson Estate. Water Right No. 3039-3 is listed in the name of Virginia R Johnson. Do these need to be transferred to someone else? It is important that ownership records be kept current to ensure correspondence for the water rights gets to the proper person.

Please take a few minutes and give me a call concerning the water rights. Thank you in advance for your help.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3039-3

Date: RECEIVED

FEB 17 2017

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 3039-3

formerly owned by: Virginia R Johnson, 30493 464th Ave, Centerville SD 57014

be transferred to: (name & address) Ronald Alfred Johnson
30493 464th Ave., Centerville SD 57014-6403
Telephone No. _____

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

140 acres – NW ¼ Section 5, T93N, R51W

I/We understand that the validity of Water Right No. 3039-3 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 Ronald Alfred Johnson, the new owner, certify that the above information is true and correct.

Ronald A. Johnson
(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 2/17 20 17

RECEIVED OF Ronald A. Johnson 30293 464th Ave Certerville SD 57014

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>3039-3</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	

No. **08167**

By *Jeanne Henderson*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 21, 2017

3039-3

Ronald A Johnson
30493 464th Ave
Centerville SD 57014 6403

Dear Mr. Johnson:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 3039-3.

The ownership change has been completed. Water Right No. 3039-3, formerly held by Virginia R Johnson is now listed under "Ronald Alfred Johnson".

Enclosed for your records is Receipt No. 08187 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

encl