

Considered: _____

WATER PERMIT NO. 3054A-3

MAP No. Same

Name of Applicant Charles Gilbert

Post Office Address RR #1, Box 25 Hitchcock

Amount of Water Claimed no additional Total Acres no additional

Source of Water Supply Groundwater - 1 well. Application for change in Div. Point only

Water to be used for IRR County Spink

About 4 1/2 miles W of Hitchcock

PROOF OF PUBLICATION: Received 1-31-86 Not Received _____

APPLICATION: Approved 3/5/86 Subject to _____

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

PRIORITY _____ Date Received 2-13-85 Fee \$50.00 Remarks WI-1 is

scheduled for approval 1-9-86 Preliminary recommendation enclosed

Corrected Application Received _____ Period of Annual Use May 1 - Nov. 1

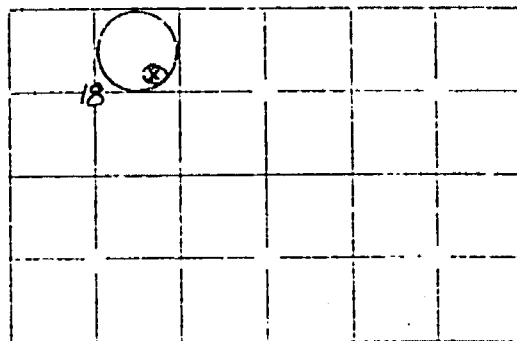
WATER QUALITY APPROVAL RECEIVED 1-14-86 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point SE⁴ NE⁴ sec. 18 T114N-R63W

Land to be Irrigated NE⁴ sec. 18 T114N-R63W as

approved by #3054-3



Well Log: Driller Grouch Chris Licensed YES X NO _____

Depth of Well 95 feet REMARKS well completed in 8-28-1977

Type of Map Aerial Photo PREPARED BY Ron Duvall Reviewed and the Number

assigned on 1-6-86 By K. C. Larson

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 3054A-3 Hydrologic Unit 10160006
Map No. Same Basin Jamez River
Newspaper Redfield Press, Box 440 (Wed)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐

☒ Application to amend Permit No. 3054-3 with old priority date retained

☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Charles T. Gilbert Phone No. 266-2986

Post Office Address RR#1 Box 25, Hitchcock SD State 57348
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s.) 2.22 Total acres irrigated 160

3. Source of Water supply groundwater (Tulare-Hitchcock) Western Spink

4. Location of point of diversion well: 860 feet W and 2400 feet W from the NE corner of Section 18, T114N, R63W

County Spink

5. Counties where water will be used Spink

6. Annual period during which water is to be used May 1 to November 1

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.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18	32.5	all in T114N, R63W	
NE $\frac{1}{4}$ NE $\frac{1}{4}$ "	32.5		
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	32.5		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	32.5		

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The well location has been changed from that specified on Permit No. 3054-3. An inspection was made within the 5 year construction period; therefore, this application is an amendment to change diversion points on Permit No. 3054-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of Spink

I, Charles T. Gilbert the applicant, certify that I have read the foregoing application, 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 Charles T. Gilbert

Subscribed and sworn to before me this 11th day of January, 1985

William J. Ford
Notary Public for other qualified officers

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 3054A-3
Charles I. Gilbert Box 25, Hitchcock
 (Applicant) (Post Office Address)
SD 57348 With the following qualifications.
 (State) (Zip Code)

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 wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application February 13, 19 85.

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

Date of receipt of corrected application _____, 19____. Approved March 5, 19 86.

The Water Management Board hereby approves this Water Permit No. 3054A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is see No. 3054-3 September 14, 19 76.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is ~~to be completed on or before~~ _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of irrigation.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed no add'l 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. For irrigation purposes said appropriation must be limited to not more than 2 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~~ _____, 19____; said water to be used during the following described annual period: May 1 - Nov. 1

WATER MANAGEMENT BOARD

By: John H. Hallett
 Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

APR 21 1986

_____, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 95 feet
- b) Casing Type concrete Diameter 16 in Thickness 2½ in
- c) Screen Type concrete Diameter 16 in Thickness 2½ in
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 75 ft
- f) Depth of Water (ground surface to water level) 44 ft
- g) Distance to nearest existing domestic well:
On applicants property 4000 ft On property owned by others 3500 ft

2. Dugout Information: Estimates

- a) Surface Dimensions _____ Depth _____
- b) 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.

- 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) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

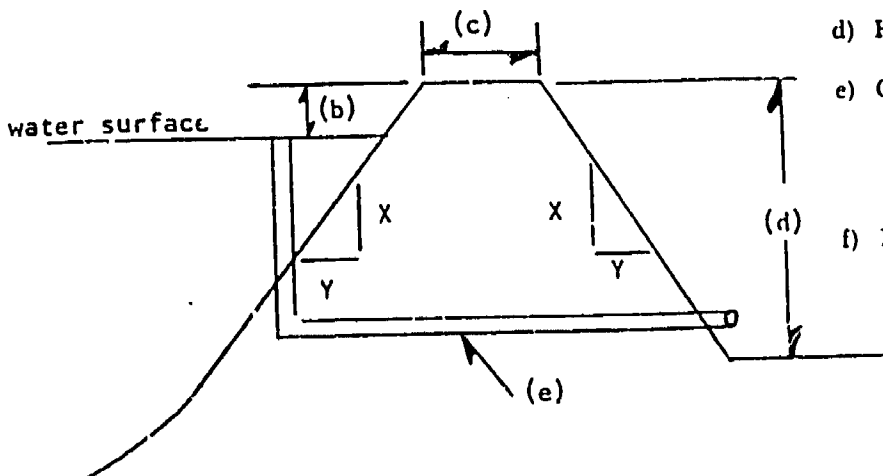
f) X & Y Slope:
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



(Signature)
Signature of Applicant

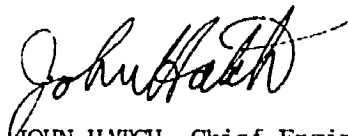
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3054A-3, Charles Gilbert

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. 3054A-3, Charles Gilbert, RR 1, Box 25, Hitchcock SD.

The Chief Engineer is recommending APPROVAL of Application No. 3054A-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 the attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
January 15, 1986

REPORT ON APPLICATION NO. 3054A-3

CHARLES GILBERT

January 13, 1986

This application proposes to change the location of a well approved under Water Permit No. 3054-3 from the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18 to the new location of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18 both located in T114N, R63W. This permit application does not authorize any increase in the diversion rate authorized by Water Permit No. 3054-3.

Aquifer - Tulare-Western Spink (T-WS)

Geology and Aquifer Characteristics

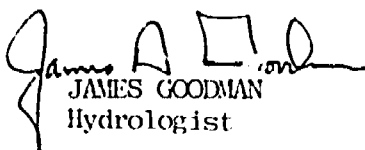
The Tulare-Western Spink (T-WS) is a glacially derived (sand and gravel) aquifer under artesian conditions. The T-WS underlies 72,300 acres in southwestern Spink County and contains an estimated 270,930 acre-feet of recoverable water (Hedges, 1982). The Division of Water Rights monitors two observation wells in this area SP-77X and SP-78C which are $\frac{1}{2}$ mile and $1\frac{1}{2}$ miles from the application respectively. Water levels from these wells indicate that the highest water levels ever recorded were in 1985 (Water Rights Division, 1986). This illustrates the favorable recharge years of 1983 and 1984. Irrigation wells in this area have specific capacity values of 40 to 50 gallons per foot of drawdown. The saturated thickness of the T-WS varies considerable in this area and is 31 feet thick where the irrigation well was drilled. Although the well is under artesian conditions fluctuations due to pumping are quite small probably due to the nearness of the water table aquifer Tulare-Hitchcock (T-H) which is in hydraulic connection with the Tulare-Western Spink.

Review of Existing Permits

There are numerous permit from both the T-WS and T-H in southern Spink County, however, the closest permit to this application is one mile away (Permit No. 3321-3). Because drawdowns are minimal, interference is not a problem. This irrigation well for this permit application is in existence and has been in use since 1977 with no complaints.

Conclusions

1. Water is available from the Tulare Western Spink Aquifer.
2. Interference is not a problem in this area.
3. This well has been in use for irrigation purposes for some time.
4. There have been no complaints in this area concerning water availability.
5. Water levels in nearby observation wells indicate seasonal fluctuation due to recharge and discharge and do not indicate the aquifer is over developed.
6. The original inspection on this system was done in 1978. At that time the well location was found to be different from the original permit. Since this system was inspected prior to the 5 year construction limitation the original permit can be amended to show this change.


JAMES GOODMAN
Hydrologist

Application No. 3054A-3
January 13, 1986
Page 2

Bibliography

Hedges, L.S., Etal., 1982 Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Final Report for U.S Army Corps of Engineers, DWR, SDGS, Vermillion SD 57069

Water Right Division, 1986, Observation well files, SP-77X and SP-78C, DWR, Division of Water Rights, Joe Foss Building, Pierre SD.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss

I, Roger Matz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Redfield Press

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

City Red of Red

County of Spink and
that the said notice was published in said ne
two dates:

January 22, 1986

January 29, 1986

No. 79 ~~EXHIBIT~~
**NOTICE OF HEARING ON
APPLICATION NO. 3054A-3 TO
APPROPRIATE WATER AND TO
AMEND WATER PERMIT NO. 3054-3**
Notice is hereby given that Charles
Gilbert whose mailing address is RR 2,
Box 25, Hitchcock, South Dakota, has
made an application for a permit to
change the location of the well 95 feet
deep approved under water permit No.
3054-3 from the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18 to
the new location of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18
both located in T114N-R63W. This ap-
plication does not increase the diver-
sion rate authorized by water permit
No. 3054-3.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends Approval of Application
No. 3054A-3 because 1) will be no
unlawful impairment of existing rights,
2) is beneficial use of water and 3) is in
the public interest.

This application will be considered by
the Water Management Board at room
216, Joe Foss Building, 523 E. Capitol,
Pierre, South Dakota, March 5, 1986 at
10:00 a.m.

The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is authorized
to 1) approve, 2) approve with
qualifications, 3) defer, or 4) deny this
application after it reaches a con-
clusion based upon facts presented at

the public hearing. Any interested per-
son who may be affected by a Board
decision and who intends to participate
in the hearing before the Board and
present evidence or cross-examine wit-
nesses according to SDCL 1-26, must
file a written petition with BOTH the
applicant and the Chief Engineer by
February 21, 1986. The petition may be
informal, but it must include a
statement describing the petitioner's
interest in the application, the reasons
for the petitioner's opposition to or sup-
port of the application, and the
signature and mailing address of the
petitioner or his legal counsel if legal
counsel is obtained. The applicant need
not file a petition.

This application is made pursuant to
the provisions of 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 74:02:02:01
thru 74:02:02:15.

This hearing is an adversary
proceeding. The applicant or any per-
son, after filing a petition, 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.

Any person wishing a copy of
the Chief Engineer's recommendation,
further information on this application
or to assure access to the hearing by the
handicapped can contact the Water
Rights Division, DWRN, Joe Foss
Bldg., Pierre, SD (605-773-3352) for
assistance prior to the hearing date.
The time of the hearing will be
automatically extended for at least
twenty days upon written request of the
applicant or any person who has filed a
petition to oppose or support the ap-
plication. The request for extension
must be filed with the Chief Engineer
by February 21, 1986.

(Jan. 22, 29)

Cost of Printing: \$41.55



DWNR 806-11/85

No. 3054A-3

Instruction to Newspaper - Publish first publication of the following Notice on or before January 22, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 3054A-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. 3054-3

Notice is hereby given that Charles Gilbert whose mailing address is
RR 2, Box 25, Hitchcock, South Dakota has made an application for a permit

to change the location of the well 95 feet deep approved under water permit No. 3054-3
from the NE1/4 Section 16 to the new location of SE1/4 Section 13 both located in
T114N-R63W. This application does not increase the diversion rate authorized by
water permit No. 3054-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 3054A-3 because 1) ~~unappropriated water is available,~~
~~2) will be no unlawful impairment of existing rights,~~ 2) is beneficial use of water and
3) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss
Building, 523 E. Capitol, Pierre, South Dakota, March 5 19 86 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 21, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of 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; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-28 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 21, 1986.

RECEIPT

Division of Water Rights

No 4 9943

South Dakota Department of Water and Natural Resources

Pierre, February 13, 1985

RECEIVED OF Charles Gilbert, RR#1, Box 25, Hitchcock, SD 57348

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

Fee for Application for Permit No. 3051A-3 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 John Hatch Chief En. JOHN HATCH

LICENSE FOR PERMIT NUMBER 3054-3

1. Legal location of wells: 860 Ft W and 2400 Ft S From the NE corner
of sec R-7114-R63W

dams & structures: _____

2. Well Information: Well Drilling Firm Grosch Irrigation

No. of wells 1 Depth 95 Ft drill hole

Casing a) diameter 16"x48"x2 1/2" wall Screen a) type concrete
b) length 49 Ft b) length 52 Ft
c) type concrete Static Water Level 44 Ft

Pump a) make Western Land Roller Motor a) make General Electric
b) ~~model~~ ^{S.N.} E 77660 b) ~~model~~ ^{Serial} no. GNT 713361
c) ~~size~~ ^{Head No.} 8M c) horsepower rating 40
d) capacity _____ GPH d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8 in.
b) type PVC
c) length 1190 Ft

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

1) size _____
2) type _____
3) length _____

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 _____

- b) towline:

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

5. System Type: c) center pivot

- 1) make Zimmatic
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1300 ft
- 5) End gun (Y/N) N
- 6) high or low pressure low
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 35
- 9) GPM 600

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

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.
☒	☐	3. All Structures, wells and lands on map.

REMARKS:

Permit No. 3054-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Charles Gilbert of Box 25, Hitchcock, SD holder ofPermit No. 3054-3, bearing the priority of September 14 1976 authorizing the diversion of 2.22 cu. ft. per second of the waters of groundwater (Tulare - Hitchcock) for irrigation purposes, in Spink County.

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

motor: General Electric pump: Western Land Roller

S.N. GNT713361

S.N. E 77660

A. Works used to divert the water:

40hp.

Head Ab. 8 M

pipeline: size - 8 in.

type - PVC

length - 1190 ft.

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

center pivot: make - Zimmatic

of towers - 7

length - 1300 ft.

C. Works used to apply water to beneficial use:

low pressure - 35 psi

capacity - 600 gpm

The system is in the following condition goodThe point of diversion is located well: 860 ft. W and 2400 ft. S from the NE corner of sec. 18 - T114N - R63WThe works are capable of diverting and conveying to the place of use 1.33cu. 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:

NW 1/4 NE 1/4 sec 18 - T114N - R63W Acres 32.5NE 1/4 NE 1/4 " 32.5SW 1/4 NE 1/4 " 32.5SE 1/4 NE 1/4 " 32.5comprising a total of 130.0 acres of land and the license should be issued for 1.33 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Dec. 12, 1984Ron Davall
(signature)

State of South Dakota
Water License No. 3054A-3

(1) Charles I. Gilbert
of Route 1, Box 25, Hitchcock, South Dakota 57348
made Application No. 3054A-3, February 13, 1985 for a water permit to appropriate
No Add'l cubic feet per second of water from groundwater (one well),
Spink County, South Dakota for irrigation purposes.
Permit No. 3054A-3, with a priority date of September 14, 1976
was approved March 5, 1986 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed.

Water Permit No. 3054A-3 authorized a change in the location of the well approved
under Permit No. 3054-3. The applicable portions of Water Permit No. 3054-3
are being incorporated into this Water License No. 3054A-3.

and

(2) It is certified that the application 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 1.33 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 860 ft. W and 2400 ft S from the
NE corner of Section 18, T114N-R63W. (SE1/4NE1/4)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T114N-R63W

Section 18	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.5 Acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.5 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.5 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.5 Acres
	TOTAL	130.0 ACRES

Pursuant to §46-5-30.1 Charles Gilbert
at RR 1, Box 25, Hitchcock, South Dakota 57348

the holder(s) and/or owner(s) of Water Permit No. 3054A-3 is issued a license to appropriate water, the right to use 1.33 cubic feet per second of water from groundwater (one well) with a priority date of September 14, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 3054A-3 and subject to South Dakota State Law.


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

JOHN HATCH

APR 30 1987

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3357

APR 22 1966

Charles Gilbert
RR 1, Box 25
Hitchcock SD 57348

Dear Sir:

Enclosed herewith is your Water Permit No. 3054A-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 3054A-3.

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 final papers will be sent to you.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JJ: ks

enclosure

NOTE: Also enclosed is a "Notice of Transfer" form for Permit No. 3054-3. Please check this over, date, sign have notarized and return with a \$2.50 filing fee so that the permit can be changed to your name. Total amount due for the Water License and transfer is \$52.50.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 4

RECEIVED OF Charles Gilbert, RR 1, Box 25, Hitchcock, SD 57348, 1917

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. 3054-3A	50 00
Fee for Filing Transfer Form 3054-3	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	52 50
-------	-------

By John Hatch
Chief Engineer

JOHN HATCH 



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 3054A-3

APR 30 1987

Charles I. Gilbert
Route 1, Box 25
Hitchcock, South Dakota 57348

Dear Mr. Gilbert:

Enclosed herewith is, Water License No. 3054A-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

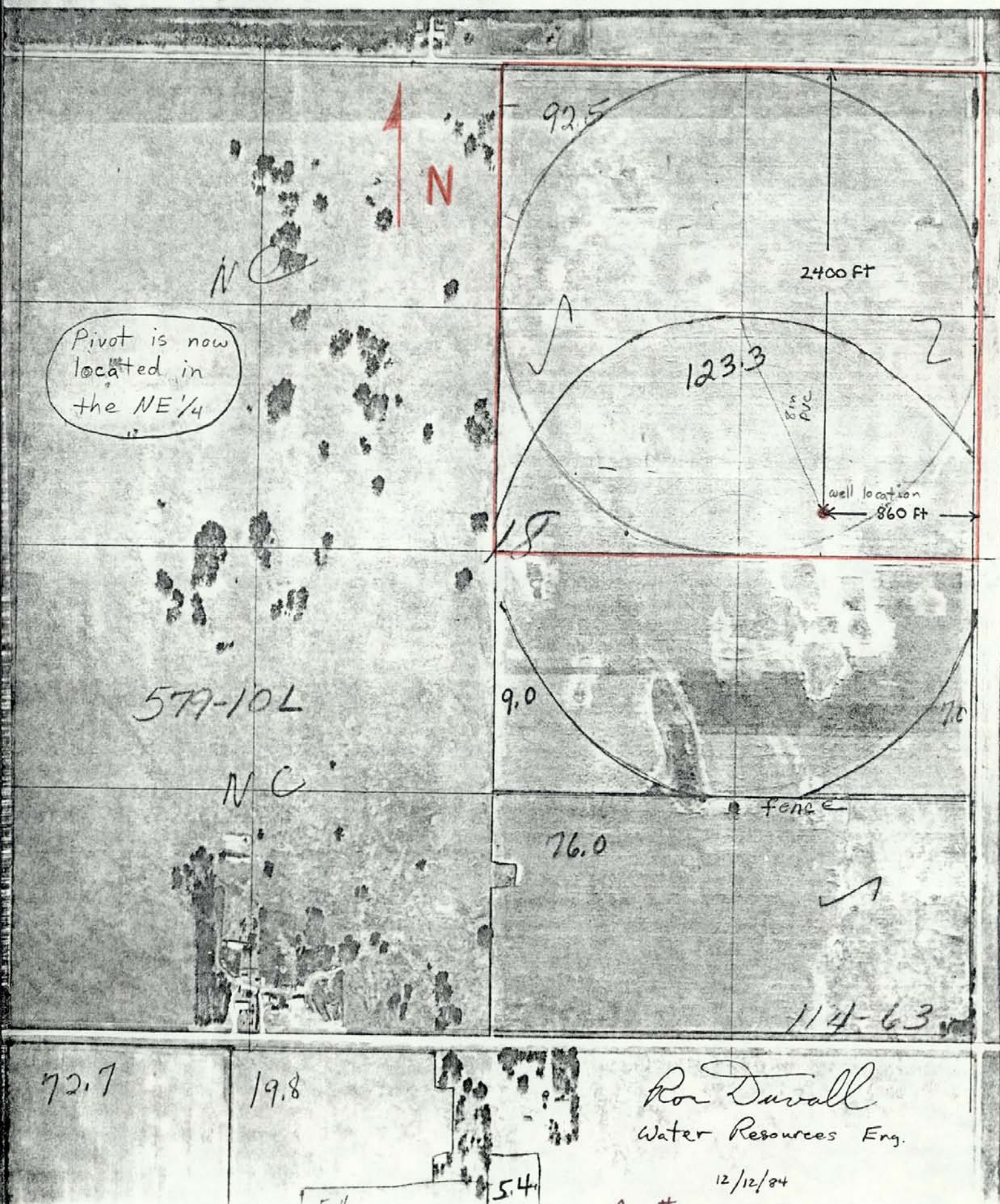
JH:ms

Enclosures

Applicable portions of Water Permit No. 3054-3 are being incorporated into this Water License.No. 3054A-3.

NOT TO SCALE

3054A-3



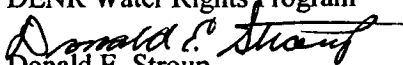


3054A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders, my observations, and subsequent actions are noted below:

Water Right No. 1424-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 3243-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2853-3, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD (605)266-2718

Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02). Spoke with Mr. Gordon and he stated he hadn't needed to irrigate as there was adequate moisture the previous years, but he planned to have the unit ready to use this summer. I re-visited the site in August 2003 and there was a corn crop in the field that had not been irrigated. The pivot was still in the same position and the trees were still standing. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2568-3, Leland Kleinsasser, 20166 401st Ave, Huron, SD (605)352-8125

No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present. Re-visited site in August 2003 and still no sign of equipment or irrigation. I spoke with Mr. Kleinsasser in mid October about the non use of the Water Right. Mr. Kleinsasser

stated that he no longer used the Water Right and had moved the equipment to another location. He agreed to the cancellation of the Water Right.

Water Right No. 4545-3, Victor Kleinsasser, 40008 198th St., Huron, SD (605)352-8103

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. Spoke with Mr. Kleinsasser about this water right and other appropriations from the James River. Mr. Kleinsasser stated that all the irrigation equipment is from the 70s and needs rebuilt or repaired which he plans on doing this winter. Mr. Kleinsasser also has a James River Water Right No. 2387-3 showing use from 1999 to the present and three other ones showing non use from 1986 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining his position on the issue. Mr. Kleinsasser agreed.

Water Right No. 4550-3, Raymond Oil Co., PO Box 142, Huron, SD

Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4194-3, Verlin Tollefson, 19578 388th Ave., Hitchcock, SD (605)266-2834

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4146-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4147-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4546, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the

renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 3321-3, Peggy Brooker, 18512 387th Ave., Tulare, SD (605)596-4391

Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 1993, 1995, and 1996 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD (605)720-2125 Farm (605)266-2108

No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present. I spoke with Mr. Chaplin about this Water Right and his other appropriations from the James River. Mr. Chaplin stated that he had pumped some from the river this summer (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. Mr. Chaplin is having test holes drilled on land better suited for irrigation and was wondering about transferring diversion point, etc. I explained the problem with the fully appropriated aquifer. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling this Water Right for cancellation and that the ground water personnel list this well as abandoned. Mr. Chaplin again stated he desired to retain the Water Rights on the James River but did not object to the cancellation of this Water Right. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD (605)472-2782

Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993 and 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3054A-3, Charles Gilbert, 38957 186th St., Hitchcock, SD (605)266-2886

Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system had not been used for awhile as moisture has been adequate and he plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present. Re-visited site in August 2003 and pivot was running and irrigating crop. This Water Right will not be scheduled for cancellation.

Water Right No. 2729-3, Leroy Gross, 39848 185th St., Hitchcock, SD (605)266-2548

No sign of irrigation equipment or irrigation. This Water Right was transferred to Harvey Wollman at the May 2003 Water Management Board meeting.

Water Right No. 5568-3, Richard Jessen, 18250 377th Ave., Tulare, SD (605)472-2408 (Brett Binger Operator)

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4375-3, Dave Swanson, 39840 168th St., Frankfort, SD (605)472-2573

No irrigation equipment on-site or evidence of irrigation in June 2003. Swanson purchased land about 4 months ago (January 2003) and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present. I re-visited the site in August and saw no sign of irrigation equipment, but a bean crop appears to have been irrigated as it is a lot greener than the same crops in adjacent fields. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No 1504-3, Donald Mendel, 17909 406th Ave., Doland, SD (605)635-6587

No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and he hasn't needed to irrigate for years. Mr. Mendel also stated that the well is only about 50-feet deep and is not a good producer under drought conditions. He has a stock dam adjacent to the well and if the dam dries up, so does the well. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987 and 1991 to present. This is the Water Right that Harvey Wollman wants to acquire a portion of. This Water Right should be scheduled for cancellation.

Water Right No. 5234-3, Larry Nielson, 18476 385th Ave., Tulare, SD (605)596-4339

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02. This Water Right will not be scheduled for cancellation.

Water Right No. 3045-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator, (605)596-4271)

No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited the sites in August 2003, and both are being irrigated. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. Ken Nowell also advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation.

Water Right No. 3046-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Joshua Nowell Operator, (605)596-4271)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited sites in August 2003 and both are being irrigated. In mid October I spoke with Ken Nowell and he advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation. It still appears that Ken Nowell has the locations for these two Water Rights switched as he stated that his son had just put a new system on this location when in April I had noted that this site had irrigation equipment on it and the # 3045-3 site did not..

Water Right No. 5231-3, Ken Nowell, 38671 187th St., Hitchcock, SD (605)596-4271

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. This Water Right will not be scheduled for cancellation.

Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10th St., Aberdeen, SD (605)226-0344

Center Pivot on-site being and being used in an alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 2514, Willard Wipf, 18371 403rd Ave., Frankfort, SD (605)266-2595

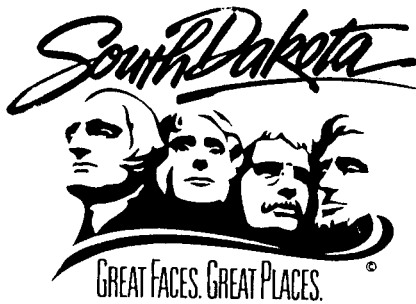
Center pivot on-site. Mr. Wipf stated the system had not been used for several years due to adequate moisture. Wetter years in the 90s had brought up salt from the soil and he had to idle the area. The land should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD (605)472-1269

Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good. This Water Right was cancelled by the Water Management Board at the October 2003 meeting.

In summary, one (1) Water Right has already been cancelled and seven (7) are being scheduled for cancellation before the Water Management Board. Three (3) sites should be re-visited the summer of 2004.

cc: individual files



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2004

3054A-3

Charles Gilbert
38957 186th St
Hitchcock SD 57348

Dear Mr. Gilbert:

Thank you for calling concerning the transfer of your water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner will need to 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.

I have included a copy of the water right for the new owner in the event he needs one. If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 11 2004

WATER RIGHTS
PROGRAM

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

No. 3054A-3

Date: _____

I/We request that Water Right No. 3054A-3

formerly owned by: Charles Gilbert

be transferred to: (name & address) William H. Watson

38824 18th St

Hitchcock, SD 57348

Telephone No. 605-266-2562

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

130 acres - NE 1/4 Section 18, T114N, R63W

I/We understand that the validity of Water Right No. 3054A-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 William H Watson, the new owner, certify that the above information is true and correct.

RECEIVED

FEB 11 2004

WATER RIGHTS
PROGRAM

William H Watson

(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 February 11, 20 04

RECEIVED OF William Watson, 38824 187th St., Hitchcock SD 57348

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	2 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>3054A-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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law):	TOTAL	2.50

No.

001182

By

Darland Erbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2004

3054A-3

William H Watson
38824 187th St
Hitchcock SD 57348

Dear Mr. Watson:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 3054A-3. The transfer has been completed. The water right, formerly listed in the name of Charles Gilbert is now listed in your name. Enclosed is your Receipt No. 001182 in the amount of \$2.50 which you paid for filing the ownership change.

Past irrigation questionnaires submitted for this property reflect no irrigation had taken place from 1993 through 2002. Mr. Gilbert indicated the land was not irrigated due to wet conditions. This past summer, a member of our staff was out doing inspections in the area and found trees growing up around the center pivot. Simply starting up irrigation after a 10 year period of nonuse does not cure potential abandonment and/forfeiture of a water right.

Something to keep in mind is that in order to maintain a water right, it needs to be used at least once every three years. I am enclosing excerpts of our water laws and Water Management Board rules dealing with abandonment or forfeiture and legal excuse for not irrigating.

If you have any questions, please contact me.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: William Watson

ADDRESS: 38824 187th St, Hitchcock SD 57348

DATE: February 13, 2004

RE: Status of Water Right No. 3054A-3

COMMENTS:

William Watson called regarding a letter he received from Genny McMath concerning Water Right No. 3054A-3. Mr. Watson indicated that the letter concerned the history of water use authorized by the water right.

According to Mr. Watson the permit was not used for a number of years due to wet conditions. However, this past year Mr. Watson stated that he had spent \$14,000.00 replacing the well pump and casing and on other improvements. The pivot made five circles last season according to Mr. Watson. It was further noted that the trees that had grown up have been removed.

RECOMMENDED ACTION:

I informed Mr. Watson that I would document our conversation and place the documentation in the file for Water Right No. 3054A-3.



Ron Duvall
Natural Resources Engineer
Water Rights Program

**STATE OF SOUTH DAKOTA
REISSUED
WATER LICENSE NO. 3054A-3**

(1) Charles I Gilbert, Hitchcock SD was issued Water License No. 3054A-3, April 30, 1987 for a water right to divert 1.33 cubic feet of water per second (cfs) from groundwater (one well), Spink County, South Dakota for irrigation purposes. Water License No. 3054A-3, with a priority date of September 14, 1976 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On February 11, 2004, Water Permit No. 3054A-3 was transferred to William H Watson, 38824 187th St Hitchcock SD 57348.

Water License No. 3054A-3 authorized diversion of 1.33 cfs from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18 to irrigate 130 acres located in the NE $\frac{1}{4}$ Section 18; all in T114N-R63W. Water Permit No. 7126-3 transferred 45 of the 130 acres authorized by No. 3054A-3 from the NE $\frac{1}{4}$ Section 18 to the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11-T114N-R63W. The diversion authority to irrigate the 45 acres comes from Water Right No. 6175-3. Water License No. 3054A-3 is being reissued to reflect the reduction in acreage and diversion rate.

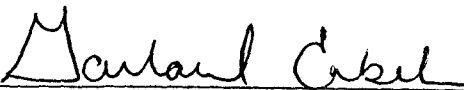
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 3054A-3 is reissued a license, bearing a priority date of September 14, 1976 to appropriate 1.21 cubic feet of water per second from groundwater (one well) to irrigate 85 acres.

The diversion point is located: 860 feet west and 2,400 feet south from the northeast corner of Section 18-T114N-R63W (SE $\frac{1}{4}$ NE $\frac{1}{4}$). The acres authorized for irrigation are as follows:

Section 18-T114N-R63W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.5 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24.5 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.0 acres
	Total	85.0 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 3054A-3 including the following now applicable qualifications:

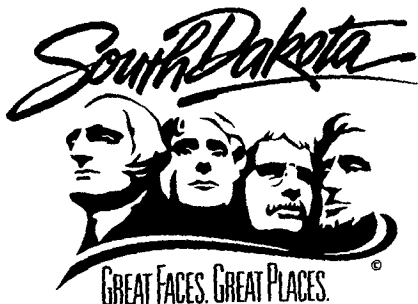
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 26 2010

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 26 2010

William H Watson
38824 187th
Hitchcock SD 57348

Dear Mr. Watson:

Enclosed are Water Permit No. 7126-3 and Reissued Water License No. 3054A-3. Water Permit No. 7126-3 authorizes construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the water permit. Water License No. 3054A-3 is being reissued to reflect the reduction in acreage and diversion rate.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 2011

3054A-3

Gary Marshall
Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Thank you for contacting us regarding the ownership change needed for Water Right No. 3054A-3. I have included a copy of the water right for your records.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

One thing to note is that the water right was reissued in 2010 based on Mr. Watson's transfer of a portion of the acreage to other land. He filed an application to transfer 45 acres of the 130 acres authorized from the NE ¼ Section 18 to the W ½ SE ¼ Section 11. Water License No. 3054A-3 was then reissued for the remaining 85 acres.

If you have any questions concerning the water right, please contact us.

Sincerely,

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

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

enclosures

RECEIVED

JUL 19 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3054A-3

Date: 7-17-11

I/We request that Water Right No. 3054A-3

formerly owned by: William H Watson

be transferred to: (name & address) Marshall Brothers, 19032 388th Ave, Hitchcock SD 57348

Telephone No. (605) 246-2720

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

85 acres – N ½ NE ¼ and SW ¼ NE ¼ Section 18, T114N, R63W

I/We understand that the validity of Water Right No. 3054A-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 Marshall Brothers, the new owner, certify that the above information is true and
by Gary Marshall partner correct.

Marshall Brothers by Gary Marshall partner
(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 7/19, 20 11

RECEIVED OF Marshall Brothers 19032 388th Ave Hitchcock SD 57348

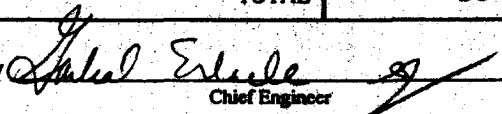
The following amount in fees for services rendered as provided for by law:

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>3054A-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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

05004

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 20, 2011

3054A-3

Gary Marshall
Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

I am writing to acknowledge receipt of the ownership change you filed for Water Right No. 3054A-3.

The ownership change has been completed. The water right formerly held by William H Watson is now listed under the name of Marshall Brothers.

Enclosed for your records is Receipt No. 05004 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

RECEIVED

APR 29 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3054A-3

Date: 4-29-15

I/We request that Water Right No. 3054A-3

formerly owned by: Marshall Brothers

be transferred to: (name & address) Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348

Telephone No. 605 350-1401

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

85 acres – N ½ NE ¼ and SW ¼ NE ¼ Section 18, T114N, R63W

I/We understand that the validity of Water Right No. 3054A-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 Gary Marshall, the new owner, certify that the above information is true and correct.

Gary Marshall
(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 4/29, 20 15

RECEIVED OF Gary Marshall 19032 388th Ave Hitchcock SD 57348

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>3054A-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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07365

By Jeanne J. Anderson
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 7, 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

RE: 7721-3, 7720-3, 7719-3, 7640-3, 7639-3, 7638-3, 7637-3, 7575B-3, 7573-3, 7126A-3,
4794-3, 4723-3A, 3054A-3

Dear Mr. Marshall:

I am writing in follow-up to your office visit last week when you submitted ownership changes to the above listed water permits and water rights.

All of the ownership changes with the exception of Water Permit No. 7575B-3 have been completed. The ownership change submitted for portions of Water Permit No. 7575-3 is being processed separately. This is done in part because the permit will need to be divided and reissued to reflect separate ownership (No. 7575A-3 - Terry Marshall and No. 7575B-3 - Gary Marshall).

The receipts for the filing fees are enclosed. If you have any questions, please let me know.

Sincerely,

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

enclosures – receipts for the filing fees