

Water Right Number 3234-3

1. Considered 1-24, 19 77
2. Name of Applicant JAMES W ADLER
3. Post Office Address MILBANK
4. Amount of water claimed 2.2
5. Source of water supply 70' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 320
7. Water to be diverted and used in GRANT County
about SE Miles of MILBANK
8. Proof of Publication
Received 1-7-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred

10. Remarks:

No. 3234-3Map No. 2496-3 Water Division No. 3 WHETSTONE CREEK (District)
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

942000

To appropriate Water within the State of South Dakota

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

1. Name of Applicant James W. Adler
Postoffice address RR #1, Milbank, State South Dakota 57252
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work James Adler - Unit #1
4. Amount of water claimed (cubic feet per second) 2.2
5. Source of water supply Ground Water
6. Location of point of diversion A POINT IN THE SE⁴ SE⁴ SECTION 12
T120N. R48W
County Grant
7. Annual period or periods during which water is to be used March - November
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 320
List 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.
NE ¹ of 12-120-48	160		
SE ¹ of 12-120-48	160		

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 2 years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication Grant County Review, Milbank, South Dakota
12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
County of Grant) ss.

I, James W. Adler 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 James W. AdlerSubscribed and sworn to before me this 28 day of Oct 1976

Notary Public (or other qualified officer)

COMMISSION EXPIRES
MARCH 4, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3234-3
JAMES W ADLER R.R#1, MILBANK
 (Applicant) (Post Office Address)

Dist 156

SOUTH DAKOTA 57252 With the following modifications:
 (State)

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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application NOVEMBER 8 19 76
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application DECEMBER 1 19 76
 Approved JANUARY 27 19 77, Recorded in Book 17 Page 49

WATER RIGHT PERMIT NO. 3234-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3234-3 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 NOVEMBER 8 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27 19 79
3. The whole of said work is to be completed on or before JANUARY 27 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27 19 84
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 2.2 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-seventh (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 JANUARY 27 19 84; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 6TH day of APRIL 19 77

WATER RIGHTS COMMISSION

By:

John Hales
 Chief Engineer, Executive Officer

Certificate of Construction Issued December 19 19 79

Water License Issued December 19 19 79

"CALLED IN":

12-15-76

CHANGING WELL LOCATION

APPROX. 40 RDS. NORTH:

NO NEED FOR ANOTHER

WATER QUALITY SAMPLE

1 1/2 MILE FROM NEAREST

WELL.

J.W.

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 1

James W. Adler
JOB NAME

SE1 of 12-120-18
LOCATION

10/20/77
DATE

11
RIG NO. Everett Lodner
FOREMAN

HT NO.	DEPTH	TIME	REMARKS	DESCRIPTION	
1	0-10		0-8 Topsoil, Yellow Clay, 8-10 Yellow Sand		
2	10-20		Good Coarse Sand & Gravel		
3	20-30		Good Sand & Some Gravel		
4	30-40		Good Sand, Some Blue Sand, Traces of Coal		
5	40-50		Good Sand, Some Blue Sand, Traces of Coal		
6	50-60		50-52 Good Sand, Blue Sand, Traces of Coal		
			52-60 Good Sand, Coarse Gravel		
7	60-70		Good Coarse Sand & Gravel		
8	70-72		Good Coarse Sand & Gravel		
			ID - 71		#

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

D. Well Information or Estimates

Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. Log will be furnished by driller

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

(Depth to water (ground surface to water level) _____

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

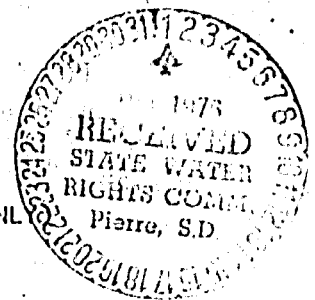
On same owner's property 210 rds. On property owned by others 80 rds.

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.

James Adair
Signature of Applicant

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 James E. Adler
ADDRESS RR #1, Milbank, South Dakota 57252
COUNTY Grant

LEGAL DESCRIPTION

1. WELL LOCATION Southeast Corner NE 1/4 SE 1/4 Lots 4-5-6 except part sold 120-48
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4 SE 1/4 Lots 4-5-6 except pt sold 120-48
NE 1/4 Sec. 12 120-48 Sec. 12

TYPE OF IRRIGATION

3. GRAVITY TOWLINE CENTER PIVOT X GUN
4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 76-1760
6. SALINITY (EC X 10⁶) 70.5 (medium)
7. SODIUM (SAR) 0.14 (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 Grant 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.

James E. Adler
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
28 DAY OF OCT 1976.

John L. Highfill, Secretary
(TITLE OR SEAL)

Approval does not imply that this project can be carried
out successfully in all circumstances. Individual man-
agement is required to determine the relative
success of the project.

John L. Highfill
APPROVED/NOT APPROVED

COMMISSION EXPIRES
MARCH 4, 1981

(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: James Adler
 Address: Rt. 1
Milbank, SD 57252
co: Huron Drilling, Inc.
Huron, SD 57350

Date Rec'd: November 1, 1976
 Sample No. 76-1760
 Identification Well- #1
SE1, Sec. 12, T. 120N, R. 48W

WATER ANALYSIS

Calcium (Ca)	94	ppm*	4.70	me/l**
Magnesium (Mg)	26	ppm	2.13	me/l
Sodium (Na)	6	ppm	0.26	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	110	ppm	2.29	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.23	me/l
Bicarbonate (HCO ₃)	332	ppm	5.44	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)	272	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	705	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.14			
Sodium	3.60	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.96			

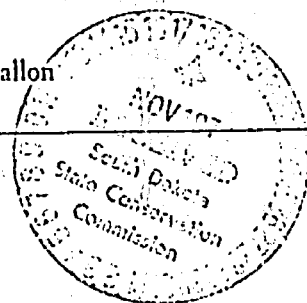
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 7.22 me/l
 Total anions 7.96 me/l



By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1760

Amount Enclosed \$

Signed

November 15, 1976



Mr. James Adler
R.R. #1
Milbank, SD 57252

Dear Mr. Adler:

The enclosed original copy of the report of analysis on your water sample #76-1760 is yours to keep. Also enclosed is a copy of AES pamphlet #13 with the quality of this water for irrigation use plotted approximately in the chart on the outside back cover.

This water is quite well suited to irrigation, being only moderately high in total salt and low in sodium. There should be no chemical difficulty arising from the use of this water on the soils you propose to irrigate. However, the soils themselves may contain considerable salt as they are now, and this salt will rise to the surface if water table rise occurs or if the soil is continuously moist at the surface during the warm part of the year. In those places where there is salt in the subsoil, the evaporation and capillary rise will cause this salt to come to the surface. I suspect this may be the case in soil areas 31, 32, and 46 on your soil map. These areas of questionable soils are scattered around the northwestern part of the tract and there is a considerable area of soil #32, as well as #31 and a smaller area of #46 in the southern portion of the tract. All of these may give you trouble if a sustained water table rise occurs. There is no suggestion on management that I could make that would reduce this problem if you are going to use a center pivot system because it is impossible to change the water management from place to place on a field with so many different kinds of soil as this. At least you could not change it often enough to accommodate all the different soils that are there. Thus, the best suggestion I can make is if you provide artificial drainage somehow or other for the small tracts in the NW corner and somehow avoid irrigating the southern portion or the large areas of 32 and 31, and 46 soils. You might try irrigating them for a few years and see what happens. However, once you have set up the pivot point for a center pivot system, it is a considerable expense to change it, and I hesitate to make such a recommendation.

If you are concerned about salt rise, and if evidence of salinity increase shows up as indicated by poorer performance of crops or by grayish crusts on the soil surface, I suggest you take soil samples and have them analyzed for salinity and act accordingly.

A copy of this letter is accompanying your application materials to the State Conservation Commission for their action.

Mr. Adler
November 15, 1976
Page 2

Sincerely yours,

L.O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

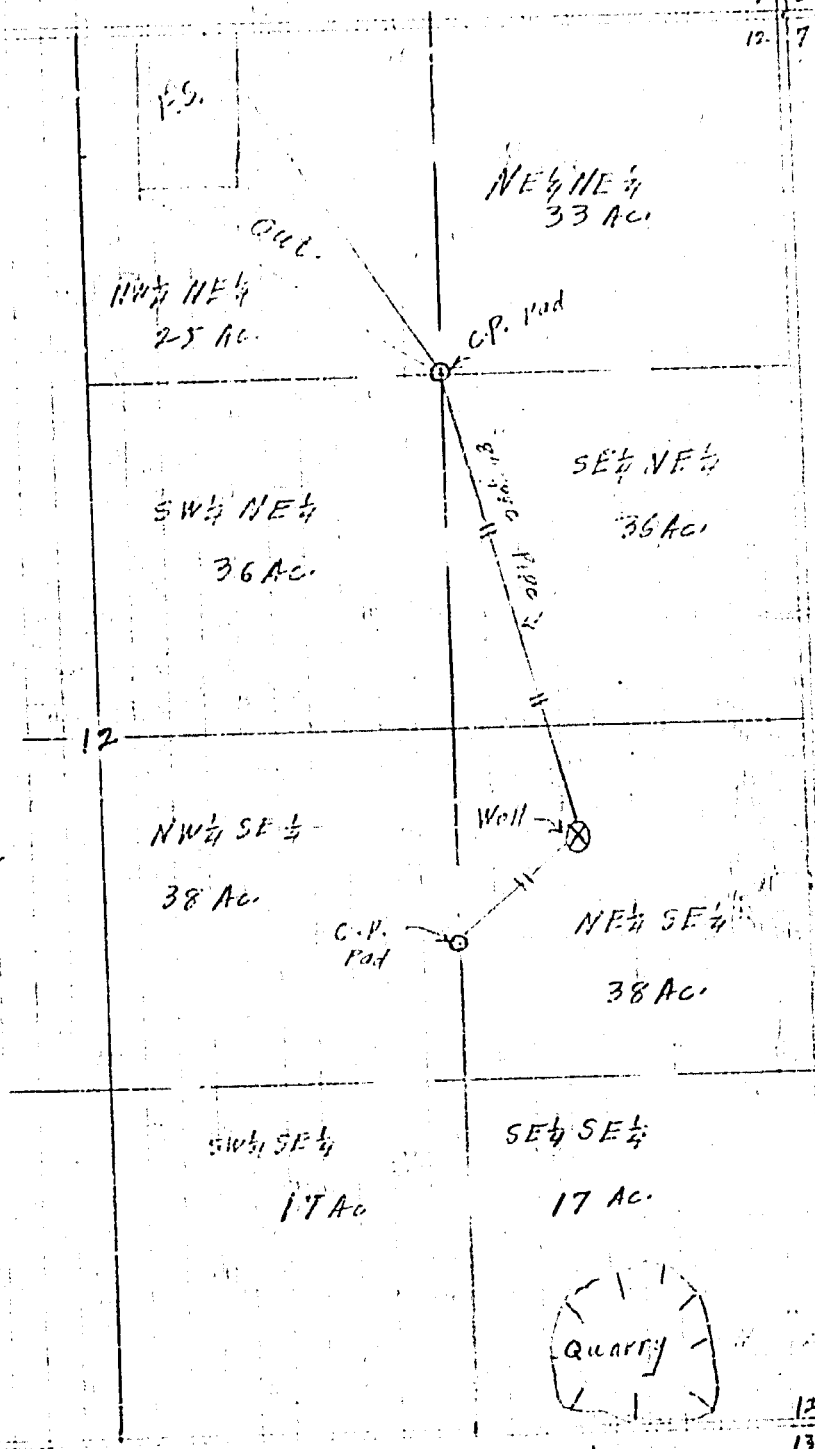
Enclosures

cc: State Conservation Commission



E 1/2 - 12 - T 120N R 48W

1 6
12 7



Scale 1" = 660'
3" = 1 Mile

by J. J. Monaghan
1-24-49

2.220'

870'

James W. Adler
Grant County

Permit # 3234-3

Permit No. 3234-3

Water Diversion No. 3 Whetstone Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James W. Adler

the holder of

Permit No. 3234-3 issued upon Application No. 3234-3, bearing date of priority of

November 8, 1976 authorizing the diversion of 2.2 cu. ft. per second of the waters of

ground water (one well) County of Grant, State of South Dakota at

a point 2220' N and 870' W of the SE corner of Section 12, T120N, R48W

for Irrigation

purpose, has s 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 2.01 cu. ft. per second of water.

Date December 19, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WHD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3234-3

(1) WHEREAS, On the 8th day of November A. D. 19 76
James W. Adler

made Water Right Application No. 3234-3 for a permit to use 2.2 cubic feet per second of the waters
of ground water (one well)

County of Grant, State of South Dakota, for Irrigation

purposes, and
(2) WHEREAS, On the 27th day of January A. D. 19 77
Permit No. 3234-3 with a date of priority of November 8, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 27th day of January A. D. 19 82 and for the
application to begin beneficial use of said water on or before the 27th day of January A. D. 19 84

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,
to irrigate the following land in Section 12, T120N, R40W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 36 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 17 "

TOTAL 240 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 James W. Adler

_____ of Millbank, SD

the holder _____ and owner _____ of said permit No. 3234-3 a water right, dating from November 8, 1976

_____ to use of 2.0 cubic feet per second of the water

of groundwater (one well)

in the County of Grant and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 2220'N and 870'W of the SE corner of

Section 12, T120N, R48W

and conducted to and upon portions of land in Section 12, T120N, R48W more fully described

on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3234-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 19th day of December A. D.

Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch

Chief Engineer

JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

No. 3234-3

Publish first publication, on or before January 12, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 21, 19 76

Notice is hereby given that James W. Adler
whose post office address is Milbank, 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

2.2 cubic feet of water per second of time from the ground water through the
Adler # 1, the point of diversion of which is to be located in the

SE 1/4 SE 1/4

of Section 12, Twp. 120N, Range 10W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4 Section 12, T120N, R10W

This application No. 3234-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of January, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: James W. Adler, R.R.# 1, Milbank, South Dakota 57252

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.

I, Clarence Justice hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Grant County Review

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

City of Millbank

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

December 29, 1976

January 5, 1977

Clarence Justice

(Signature)

foreman

(Title)

1-5-77

(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER
Notice is hereby given That
James W. Adler whose post office
address is Millbank, 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 2.2 cubic feet of
water per second of time from
ground water through the Adler
No. 1, the point of diversion of
which is to be located in the SE 1/4
SE 1/4 of Section 12, T12N, R48W,
Range 48W. Said water to be used
for the purpose of providing
irrigation on portions of the following described land: E 1/2, Section 12, T12N, R48W.
This application No. 3234-3 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 26th day of
January, 1977, at 10:00 a.m. All
interested persons may appear
and be heard.

Water Rights Commission
Burton F. Jones
Water Rights Specialist

Dec. 29

Jan. 4



Permit No. 3234-3Water Division 3 Whetstone Cr. & Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by James W Adler of RR #1, Milbank, South Dakota 57252 holder of Permit No. 3234-3, bearing date of priority of November 8, 1976, authorizing the diversion of 2.2 cu. ft. per second of the waters of One Well for Irrigation purposes, in Grant 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:

Motor G.E. Model 5K6257XM501A. Ser# L M J 117371.
100 H.P., 1765 RPM
Pump. Byron Jackson, Ser# 771 H7106
Pumping 900 gpm

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

2400 ft 8" PVC pipe. Underground.

C. Works used to apply water to beneficial use.

Valley Center Pivot.

The system is in the following condition: Good

The point of diversion is located 2220' North and 870' West of the SE Corner of Section 12, T120N R48W.

The works are capable of diverting and conveying to the place of use 2.01cu. ft. per second of water which is to be used for Irrigation.

Water has been put to beneficial use to the maximum extent as follows:

All in Section 12, T120N R48W. NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 25 AC.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 AC. SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 36 AC. SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 36 AC.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 AC. NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 AC. SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 17 AC.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 17 AC.

comprising a total of 240 acres of land.

Well depth - 82 ft.
Static - 17 ft
Pumping - 900 gpm
Capacity - 2750 to 3000 gpm

Date January 24, 1977
LeRoy J. McNamee
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No. 4 7177

PIERRE, December 19, 1979

RECEIVED OF James W. Adler, RR #1, Box 156, Milbank, SD 57252

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. 3234-3 ----- 50.00

Fee for Inspecting Beneficial Use, and issuing Water License No. 3234-3 -----

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

99

Water Rights Division - DWR

File No. 3234-3

Conversation or File Documentation

NAME OF PERSON OR FILE:

Donald Johnson

ADDRESS:

RR#1, Box 142, Milbank COUNTY Grant

DATE:

May 31, 1983

TELEPHONE

432-4221

RE:

Ownership of land under 3234-3.

COMMENTS:

I talked to Mr. Johnson about whether
should he be rented, operated or now owned.
the land under Permit No. 3234-3 for
James Able.

Mr. Johnson indicated that he cash-
rented the property on a ten year
lease.

Send irrigation questionnaire directly
to Mr. Johnson.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Genie Young

South Dakota
Department of
Water & Natural Resources

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

April 15, 1985

Donald E Johnson
RR 1 Box 142
Milbank SD 57252

NOTICE

Re: Violation of Water Permit No(s) 4735-3, 4856-3, 2722-3, 2722-3A and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 4735-3, 4856-3, 2722-3, 2722-3A. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4735-3, 4856-3, 2722-3, 2722-3A qualification:

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

The hearing will also be to determine if Permit No(s). 3234-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985, in the Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

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

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4735-3, 4856-3, 2722-3, 2722-3A until either the 1984 Questionnaire is submitted or for the period of up to one year;
2. Amend Permits No(s). 3234-3 also held by Donald E Johnson to require the Irrigation Water Use Questionnaire to be submitted each year;

Donald E Johnson

April 15, 1985

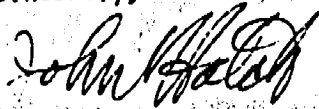
Page 2

3. Postpone any action;

4. 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.

Sincerely,



John Hatch, Chief Engineer

Water Rights Division

Phone: (605) 773-3352

NOTE: If the questionnaire(s) are received in this office before the May 15th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40408KS.wr

Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Donald E. Johnson, renter
RR #1, Box 142
Milbank, SD 57252

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



SUBJECT: Amendment to Water Permit No(s). 3234-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3234-3 to add the following qualification:

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

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

cc: James Adler, owner
RR #1 Box 156
Milbank SD 57252



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 3234-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3234-3 to add the following qualification:

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

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

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

January 29, 1988

DONALD E JOHNSON, RENTER
RR #1 BOX 142
MILBANK, SD 57252

NOTICE

Re: Violation of Water Permit No(s). 3234-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 3234-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 3234-3 qualification:

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

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

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 3234-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

cc: James Adler, RR #1, Box 156, Milbank, SD 57252

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 25, 1988

3234-3

Donald Johnson, rentor
RR 1, Box 142
Milbank SD 57252

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. 3234-3 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

cc: James Adler
RR 1, Box 156
Milbank SD 57252

 **Department of
Water & Natural Resources**

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

February 8, 1989

DONALD E JOHNSON, RENTER
RR #1 BOX 142
MILBANK, SD 57252

NOTICE

RE: Violation of Water Permit No(s). 3234-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3234-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 3234-3 qualification:

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

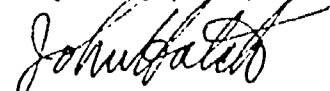
The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD. The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 3234-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

cc: James Adler
RR 1, Box 156
Milbank SD 57252



 **Department of
Water & Natural Resources**

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

#2722-3
#2722-3A
#4735-3
#4856-3
#3234-3

February 21, 1989

Donald Johnson
Granite View Farms
RR 1, Box 142
Milbank, SD 57252

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;



February 21, 1989
Johnson
page 2

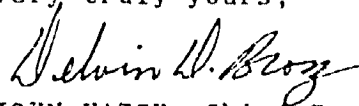
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 23, 1989

2722-3
2722-3A
3234-3
4735-3
4856-3

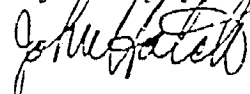
Donald Johnson
Granite View Farms
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 2722-3, 2722-3A, 3234-3, 4735-3 and 4856-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 9, 1990

DONALD E JOHNSON, RENTER
RR #1 BOX 142
MILBANK, SD 57252

NOTICE

RE. Violation of Water Permit No(s). 3234-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 3234-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 3234-3 qualification:

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

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

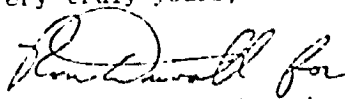
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 3234-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 772-3352



Department of Water & Natural Resources

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

February 23, 1990

2722-3
2722-3A
3234-3
4735-3
4856-3

Donald E Johnson
RR 1, Box 142
Milbank SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2722-3, 2722-3A, 3234-3, 4735-3 and 4856-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall

RON DUVALL
Natural Resources Engineer
Water Rights Division



Department of Water & Natural Resources

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

June 27, 1990

3234-3

Michael D Johnson
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

I am contacting you with regard to the "Notice of Transfer of Ownership" you submitted for Water Right No. 3234-3, currently listed in the name of James Adler. A filing fee of \$2.50 is required before the transfer can be processed.

We received the transfer forms and filing fees for changing ownership on Permit Nos. 2722-3, 2722-3A, 4735-3 and 4856-3. They were completed properly and will be processed as soon as possible. The receipts for the filing fees will be forwarded to you within the next few days along with a letter confirming the ownership changes.

Please remit the filing fee for the transfer of Water Right No. 3234-3 as soon as possible. If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

No. 3234-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: April 26, 1990



I/We request that Water Permit/Right No. 3234-3

formerly owned by: James Adler, Donald E. Johnson, Renter

be transferred to: (name & address) Michael D. Johnson, Rt. 1, Box 142, Milbank, SD 57252

(telephone No.) (605) 432-5600

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

240 acres - E 1/2 Section 12, T120N, R48W

I/We understand that the validity of Water Permit/Right No. 3234-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Sioux)

I/We Michael 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 that I know of my own personal knowledge that the information herein stated is true.

Michael Johnson
(Signed)

Subscribed and sworn to before me this 25 day of June, 1990.

Karen Heath
(Notary Public)
Comm. Expires: 7-31-96

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

412301

Pierre, July 3, 1980

RECEIVED OF Granite View Farms, RR #1 Box 142, Mitchell, SD 57252

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>Water Right No. 3234-3</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

Chief Engineer

John H. H. H.



Department of
Water & Natural Resources

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

3234-3

July 10, 1990

Michael Johnson
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

Enclosed is Receipt No. 412301 in the amount of \$2.50 which you paid for transfer of Water Right No. 3234-3.

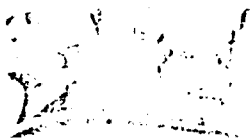
Our records now reflect you as the owner of this Water Right.

Sincerely,

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

3234-3



GREAT FACES. GREAT PLACES.
February 1, 1991

MICHAEL D JOHNSON
RR #1 BOX 142
MILBANK SD 57252

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 3234-3, 4856-3, 4735-3, 2722-3, 2722-3A and 1990
Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3234-3, 4856-3, 4735-3, 2722-3, 2722-3A. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 3234-3, 4856-3, 4735-3, 2722-3, 2722-3A qualification:

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

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

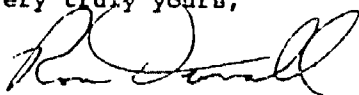
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 3234-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Suspend Permit No(s) 4856-3, 4735-3, 2722-3, 2722-3A until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to two years;
3. Postpone any action or 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 questionnaires are received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

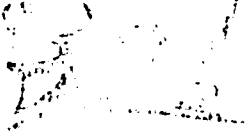
Very truly yours,



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

3234-3

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

MICHAEL D JOHNSON GRANITE VIEW FARM
RR1 BOX 142
MILBANK SD 57252

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 2722-3; 2722-3A;
4856-3; 4735-3; & 3234-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 2722-3; 2722-3A; 4856-3; 4735-3; & 3234-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

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

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2722-3; 2722-3A; 4856-3; 4735-3; & 3234-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



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

GREAT FACES. GREAT PLACES.

3234-3

February 11, 1991

2722-3
2722-3A
(3234-3)
4735-3
4856-3

Michael D Johnson
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application use for Water Permit Nos. 2722-3, 2722-3A, 3234-3, 4735-3 and 4856-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

HURON DRILLING INC.
WELL LOCATION MAP

NAME James W. Adler

DATE 10/28/ 19 76

WELL NO. #1

SE

QUARTER, SECTION 12

TWP. 120

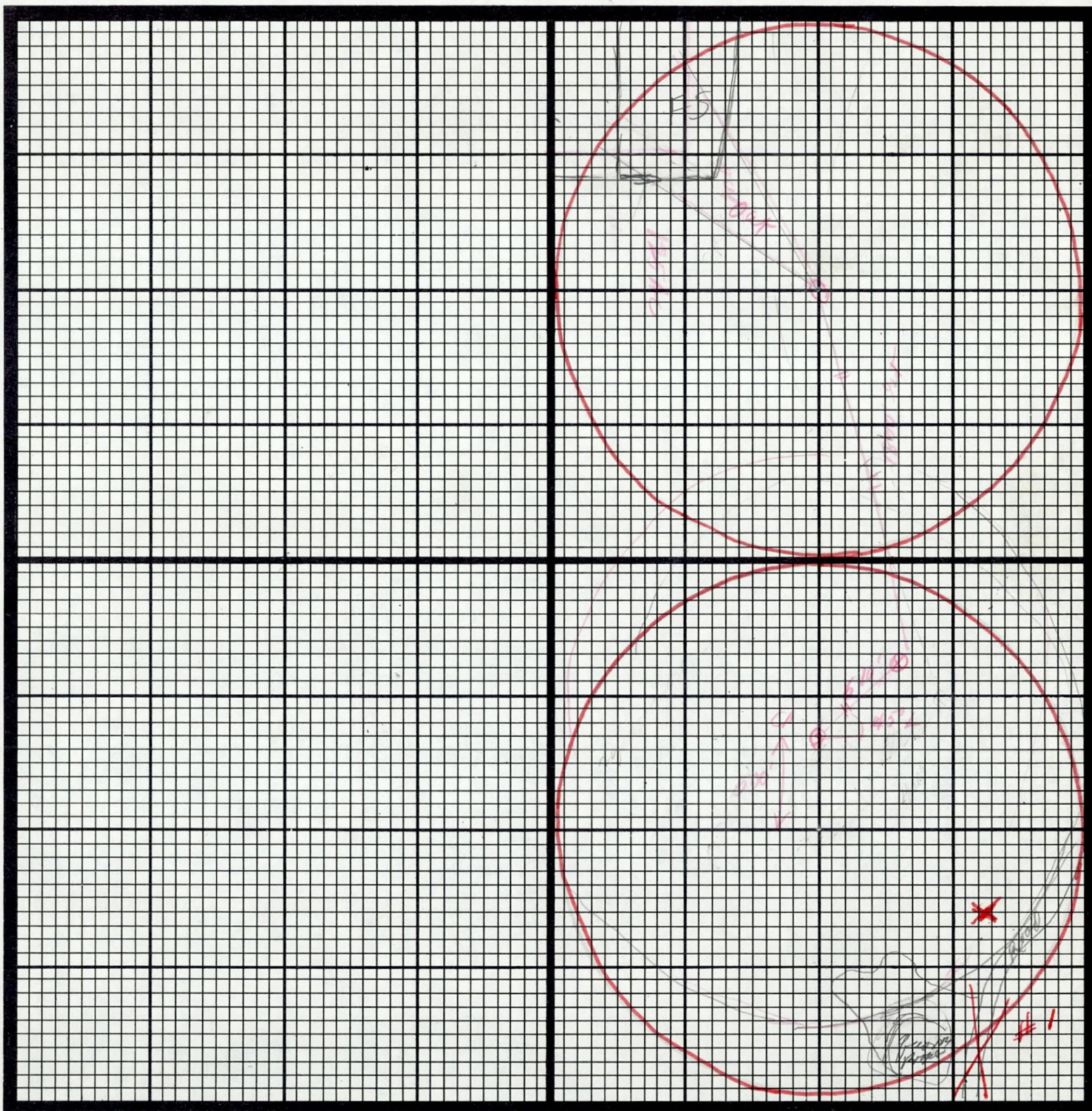
RANGE

48

IN

Grant

COUNTY



*See map and folder for
area involved*

X — PROPOSED LOCATION

Prepared By

Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

*Due to road &
ferry crossing*

MAP No 2496-34
MAP No 3234-31



3234-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3234-3, 4735-3, 4856-3 & 5469-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3234-3, 4735-3, 4856-3 & 5469-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

3234-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 5913

Status: **Delivered**

Your item was delivered at 11:30 AM on January 27, 2007 in MILBANK, SD 57252. The item was signed for by S SITTER.

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SIGNATURE CONFIRMATION NUMBER: ETLS 6660 0000 0799 5913	MICHAEL D JOHNSON 14962 483RD AVE MILBANK SD 57252	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	

CHECK ONE (POSTAL USE ONLY)
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PS Form 158, May 2006



**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 1, 2007

3234-3
4735-3
4856-3
5469-3

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 3234-3, 4735-3, 4856-3 and 5469-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

ATTACHMENT TO WATER RIGHT NO. 3234-3

On January 23, 2008, an ownership change was received for a portion of land described in the water right. The water right authorized diversion of 2.00 cfs from a well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T120N, R48W to irrigate 240 acres in the E $\frac{1}{2}$ of Section 12. Based on the ownership change filed, the water right was divided and reissued as follows:

- **Water Right No. 3234A-3 – Michael Johnson, 14962 483rd Ave, Milbank SD 57252:** authorizing diversion of 2.00 cfs from the well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ to irrigate 116 acres in the SE $\frac{1}{4}$ all in Section 12, T120N, R48W.
- **Water Right No. 3234B-3 – Joel Adler, 48353 149th St., Milbank SD 57252:** authorizing use of the diversion authority and well described in No. 3234A-3 (held by Michael Johnson) to irrigate 120 acres in the NE $\frac{1}{4}$ Section 12, T120N, R48W.

Water Permit No. 6947-3 has been obtained by Joel Adler authorizing diversion authority of 1.71 cfs from a well to be constructed in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T120N, R48W to irrigate the acreage described in No. 3234B-3. Once constructed, the addition of the well and diversion rate authority will allow the center pivots under separate ownership in the E $\frac{1}{2}$ Section 12 to run independently.