



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 24 2000

3234A-3

Michael Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

Enclosed is your Reissued Water License No. 3234A-3. Water Right No. 3234-3 authorizing irrigation of the E ½ Section 12, T120N, R48W has been divided and reissued based on an ownership change filed by Joel Adler.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3234A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 3234A-3
DIVISION OF NO. 3234-3 INTO NOS. 3234A-3 & 3234B-3

(1) James Adler was issued Water License No. 3234-3, December 19, 1979 for a water right to divert 2.00 cubic feet of water per second (cfs) from ground water (one well – Veblen Aquifer), Grant County, South Dakota for irrigation purposes. Water License No. 3234-3, with a priority date of November 8, 1976 was issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed. On June 27, 1990, the water right was transferred to Michael Johnson.

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 is being 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.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

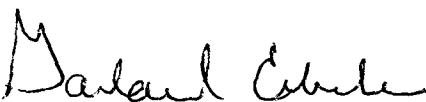
- 2,220 feet north and 870 feet west of the SE corner of Section 12, T120N, 48W (NE $\frac{1}{4}$ SE $\frac{1}{4}$).

The acres authorized for irrigation are as follows:

Section 12-T120N-R48W	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17 acres		
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	17 acres		
Total 116 acres				

(3) Pursuant to South Dakota Water Law 46-5-30.1 Michael Johnson, 14962 483rd Ave, Milbank SD 57252 the holder and/or owner of Water Right No. 3234A-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (one well – Veblen Aquifer) with a priority date of November 8, 1976 from the location specified in (2) of this license for irrigation of the land described above.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3234-3.


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

JUL 24 2008

date





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and NATURAL RESOURCES

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

January 22, 2010

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 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234A-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 3234A-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 **10:00 am, March 10, 2010** 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) 3234A-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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

3234A-3

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2303 2160 0000 0802 9082

MICHAEL D JOHNSON
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MILBANK SD 57252

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

January 28, 2010

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

RE: 2009 irrigation questionnaires for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 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,

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



3234A-3

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and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
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January 21, 2011

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 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234A-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 3234A-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 **10:00 am, March 9, 2011** 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) 3234A-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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0249	
MICHAEL D JOHNSON 14962 483RD AVE MILBANK SD 57252	
Waiver of Signature ☐ YES ☐ NO	
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**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2011

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

RE: Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 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,

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

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