



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 08 2012

3412A-3

Dana Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

Enclosed is your Reissued Water License No. 3412A-3. Based on the "Notice of Transfer of Ownership" you filed on March 24, 2011, Water Right No. 3412-3 was divided and reissued to reflect separate ownership. The diversion rate of 1.33 cfs or approximately 600 gallons per minute was prorated according to the number of acres you own.

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. 3412A-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.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. Enclosed are excerpts of the Water Laws and Water Management Board Rules dealing with this issue.

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, appearing to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 3412A-3
DIVISION OF NO. 3412-3 INTO NOS. 3412A-3 & 3412B-3

(1) Francis Van Lith, Big Stone City, SD was issued Water License No. 3412-3, February 9, 1982 for a water right to divert 1.33 cubic feet of water per second (cfs) from ground water (one well – Veblen Aquifer), Grant County, South Dakota for irrigation purposes. Water License No. 3412-3, with a priority date of December 10, 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.

Water Right No. 3412-3 authorizes irrigation of 149 acres in portions of the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, T121N, R47W from a well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36. On March 24, 2011 and December 29, 2011, ownership changes were filed for land described in the water right. No. 3412-3 is being divided and reissued to reflect separate ownership.

Water License No. 3412A-3, Dana Johnson, 14962 483rd Ave., Milbank SD 57252 authorizes diversion of 0.64 cfs (approximately 288 gallons per minute) from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36 to irrigate 72 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, all in T121N, R47W. ***(The remaining 0.69 cfs diversion authority and 77 acres in the SE $\frac{1}{4}$ Section 36, T121N, R47W is described in No. 3412B-3)***

(2) It is certified that the water right holder 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 0.64 cubic feet of water per second for beneficial use.

The location of the diversion point is a point 660 feet east and 635 feet north of the W $\frac{1}{4}$ corner of Section 36, T121N, R47W (SW $\frac{1}{4}$ NW $\frac{1}{4}$).

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 36, T121N, R47W

SW $\frac{1}{4}$ NW $\frac{1}{4}$	36 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	36 acres
Total	72 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dana Johnson, 14962 483rd Ave., Milbank SD 57252 the holder and/or owner of Reissued Water Right No. 3412A-3 is issued a license to appropriate water, the right to use 0.64 cubic feet of water per second from ground water (one well – Veblen Aquifer) with a priority date of December 10, 1976 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3412-3 and subject to the following qualification:

- 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.


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

MAR 08 2012

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/24, 2011

RECEIVED OF Dana M Johnson 14962 483rd Ave Millbank 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 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>3412-3</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. **04953**

By

Laural Erbele
Chief Engineer

RECEIVED
MAR 24 2011
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3412-3

Date: March 18, 2011

I/We request that Water Right No. 3412-3

formerly owned by: Francis Van Lith, 14771 485th Ave, Big Stone City SD 5716

be transferred to: (name & address) Diana Johnson
14962 483rd Ave, Milbank, SD 57252
Telephone No. 605-467-0299

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

- S 1/2 NW 1/4

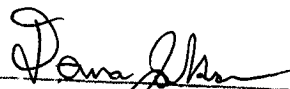
Section 36, T121N, R47W

I/We understand that the validity of Water Right No. 3412-3 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 Diana Johnson, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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



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JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 28, 2011

3412-3

Dana M Johnson
14962 483rd Ave
Milbank SD 57262

Dear Mr. Johnson:

I am writing in reference to the "Notice of Transfer of Ownership" form and filing fee you submitted back in March for a portion of land described in Water Right No. 3412-3. Water Right No. 3412-3, formerly held by Francis Van Lith authorizes irrigation of portions of land in Section 36, T121N, R47W.

I note from the ownership change you submitted that you only purchased a portion of the land described in the water right. Upon receipt of an ownership change from the owner(s) of the remaining portion of the land, the water right will be divided and reissued to reflect separate ownership.

You have done everything you need to do and the ownership change for your portion was effective the date you filed it. 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



3412A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 18, 2013

NOTICE

TO: DANA 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 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 3412A-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3412A-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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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January 23, 2013

3412A-3

Dana Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 3412A-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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Dana Johnson** File No. **3412A-3**
Address: **14962 483rd Ave., Milbank SD 57252** County: **Grant**
Date: **September 14, 2015** Telephone: **605.467.0299**
RE:

Comments:

The landowner was contacted by phone on 9-10-2015.

Purchased in 2010 and plans to put a new system on the land when needed. Has had sufficient moisture since purchasing the land so has not acquired a new center pivot for irrigation. I explained that the irrigation system needs to be constructed and ready to use even though sufficient moisture over the last few years has not required irrigation. The well is in place. The land is located in the S½ NW¼ Section 36-T121N-R47W.

Prior to permit being split and under a different owner, there was equipment failure 2002 – 2010 when the bank took over the land due to business failure. Bank took over in 2009 and auctioned off in 2010. Transfer of ownership to Dana Johnson in March 2011, and water right was split into A and B in March of 2012.

**Irrigation history should be looked at from 2011 to present:
2011 – 2014 cites not constructed.**

Since the well is constructed and the landowner cites sufficient moisture the water right will not be scheduled for cancelation at this time.



Lynn Beck
Natural Resources Engineer