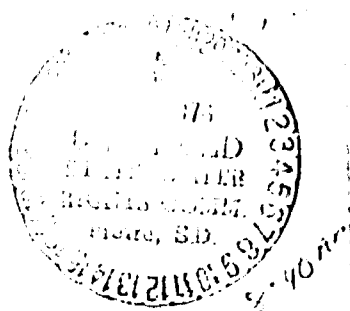


Map No. 2849-3 Water Division No. 3 VERMILLION RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Johnson Bros., Inc.
 Postoffice address Centerville, RR #1 Box 86, State SD
 If a corporation show date and place of incorporation June 1, 1970, Clay County
 2. Method of accomplishing work (contract, employment of others, or by direct labor). contract
 3. Name of diversion work Diversion and Abutment
 4. Amount of water claimed (cubic feet per second) 2.244 cfs
 5. Source of water supply well
 6. Location of point of diversion NW corner SW 1/4 NW 1/4 Sec. 8 T94N R51W
 County Clay
 7. Annual period or periods during which water is to be used May 1 to November 1
 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 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.
NE 1/4 SW 1/4 Sec. 5 T94N R51W	40	NE 1/4 NW 1/4 Sec. 8 T94N R51W	40
NW 1/4 SW 1/4 Sec. 5 T94N R51W	40	NW 1/4 NW 1/4 Sec. 8 T94N R51W	40
SE 1/4 SW 1/4 Sec. 5 T94N R51W	40	SE 1/4 NW 1/4 Sec. 8 T94N R51W	40
SW 1/4 SW 1/4 Sec. 5 T94N R51W	40	SW 1/4 NW 1/4 Sec. 8 T94N R51W	40

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 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Verde Falls Argus Leader
 12. Principal Features of the Proposed Water Supply System.

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

Well

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

Underground pipe

C. Works proposed to apply water to beneficial use.

Center pivotEstimated Total Cost \$120,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Clay) ss.I, Ray E. Hanson, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Ray E. Hanson 23 day of June 1976
Subscribed and sworn to before me this

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3571-3
JOHNSON BROS, INC. CENTERVILLE RR #1 BOX 86
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57014 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 DECEMBER 27, 1976
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application —, 19 —
 Approved FEBRUARY 23, 1977, Recorded in Book 18, Page 169

WATER RIGHT PERMIT NO. 3571-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3571-3 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 DECEMBER 27, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 23, 1979
3. The whole of said work is to be completed on or before FEBRUARY 23, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 23, 1982
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 ~~1.7~~ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before FEBRUARY 23, 1982; said water to be used during the following described annual period: AT MAY 1 - NOVEMBER 1

Witness my hand this 8TH day of JUNE, 1977

WATER RIGHTS COMMISSION

By: John Hated
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 18", Depth 200'(2) Casing, Type Steel, Diameter 14", Thickness 0.25"
(wood, concrete, steel, etc.)

(3) Perforated Screen.

Type Johnson, Diameter 24", Length 0.15'(4) Gravel Pack, Thickness 3", Length of gravel pack 300'

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials 0-47 Clay47-118 Rock118-143 Fine Sand143-200 Medium SandDepth to top of water bearing material 118Depth to bottom of water bearing material 200Thickness of water bearing material 82Depth to water (ground surface to water level) 86

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

On same owner's property 160 rds. On property owned by others 400 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.

J. L. Brown, Jr. by Roy E. Johnson
Signature of Applicant



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

July 9, 1984

Johnson Brothers Inc.
RR 1, Box 86
Centerville, SD 57014



Dear Mr. Johnson:

In reviewing your soil and water compatibility application for the SW1/4 5-94-51, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their July 12, 1984 meeting. The Conditional Approval recommendation is based on the total salt content of the waters and the clay contents of the soils.

This recommendation is based on a review of the file and the results of the soil samples taken from 1981 through 1983.

RESTRICTIONS

1. The drainageway transecting the pivot from the southeast to the northwest shall remain in grass and/or alfalfa to address the trafficability problems and erosion hazards.
2. Adequate internal drainage shall be provided to achieve the necessary leaching of salts and offset the presence of seasonal high water tables. To achieve this necessary drainage may require an artificial drainage system, ie tile drainage.

MANAGEMENT RECOMMENDATION

In irrigating your water management plan will play an important part in preventing salts from accumulating in the root zone. We recommend that the water applications be infrequent and in excess of the crops needs and that water be applied after crop removal. These practices will prevent salts from concentrating at the surface, and enhance the leachings efforts of late fall and spring precipitation.

It is recommended that a soil monitoring program be developed as a part of your overall management plan. This information can be used to monitor salt movement in the soil as well as being used for the modification of changes in your management plan.

We also recommend that a form of conservation tillage be used to prevent erosion.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Stukel".

Jim Stukel
Irrigation Program Administrator

cf

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

NAME Johnson Brothers Incorporated

ADDRESS Centerville, South Dakota

COUNTY Clay

LEGAL DESCRIPTION

1. WELL LOCATION 115 rods and 45° SE of the NW corner of Section 8-94-51

2. LOCATION OF AREA TO BE IRRIGATED W. 1/4 8-94-51

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____

4. CROPS TO BE IRRIGATED corn and beans

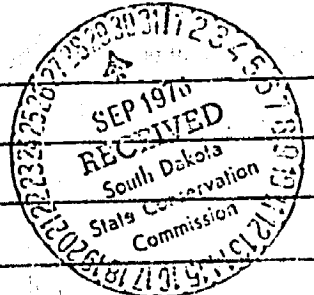
WATER QUALITY

5. SAMPLE NUMBER 76-1279

6. SALINITY (EC X 10⁶) 2109 (high)

7. SODIUM (SAR) 1.14 (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 Clay County Soil Conservation District, County Extension office or Soil Conservation Service.

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

[Signature]
APPLICANT'S SIGNATURE

Approval does not imply that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.

[Signature]
APPROVED/DISAPPROVED

SUBSCRIBED AND SWORN BEFORE ME THIS
19 DAY OF August 19 76

[Signature]
(TITLE OR SEAL)

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

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

Date Rec'd **September 7, 1976**
Sample No. **76-1279**
Identification **Well**
NW 1/4, Sec. 8, T 94N, R 51W

WATER ANALYSIS

Calcium (Ca)	275	ppm*	13.75	mc/l**
Magnesium (Mg)	102	ppm	8.36	mc/l
Sodium (Na)	87	ppm	3.78	mc/l
Potassium (K)	14	ppm	0.36	mc/l
Sulfate (SO ₄)	920	ppm	19.14	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	2	ppm	0.07	mc/l
Bicarbonate (HCO ₃)	454	ppm	7.44	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	372	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2109	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.14			
Sodium	14.49	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	6.89			

Others:

*ppm=parts per million

**mc/l=millequivalents per liter

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

COMMENTS: Total cations 26.25 me/l
Total anions 26.65 me/l

By: **Shirley Kitten**

Service Performed

Amount Due

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1279

Amount Enclosed \$

Signed

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Johnson Bros. Inc. OWNERS ADDRESS: RR 1, Box 36
c/o Roy E. Johnson

Centerville, SD 57014
COUNTY LAND LOCATED IN: Clay PHONE: 253-2591

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

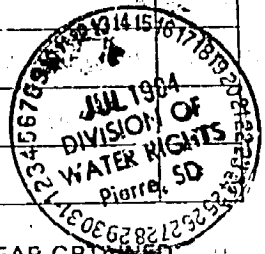
1. WELL LOCATION: NE 1/4, 8-94-51

Depth: _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>SD 8-94-51</u>	<u>120</u>		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT. YEAR OBTAINED: _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: Corn, Beans, Alfalfa, Oats

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: W51-1041 10. ADJUSTED (SAR): 3.72 (2.50)

8. SALINITY (EC X 10⁶): 2700 11. PERCENT SODIUM: 14.03

9. SODIUM (SAR): 1.23 Water sample validated by Harpin
Gestonson - August 21, 1981

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant) I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (43-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

16 DAY OF July, 1984

[Signature]
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

Date

APPROVED
DISAPPROVED
CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Johnson Brothers

LEGAL DESCRIPTION: Sub 5-04 51 & 123 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

1. The drainageway transecting the pivot from the southeast to the northwest shall remain in grass and/or alfalfa to address the trafficability problems and erosion hazards.
2. Adequate internal drainage shall be provided to achieve the necessary leaching of salts and offset the presence of seasonal high water tables. To achieve this necessary drainage may require an artificial drainage system, ie tile drainage.

RECOMMENDED MANAGEMENT:

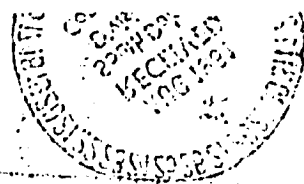
In irrigating your water management plan will play an important part in preventing salts from accumulating in the root zone. We recommend that the water applications be infrequent and in excess of the crops needs and that water be applied after crop removal. These practices will prevent salts from concentrating at the surface, and enhance the leachings efforts of late fall and spring precipitation.

It is recommended that a soil monitoring program be developed as a part of your overall management plan. This information can be used to monitor salt movement in the soil as well as being used for the modification or changes in your management plan. We also recommend that a form of conservation tillage be used to prevent erosion.

Signature
SIGNATURE

7-22-84
DATE

South Dakota State University
Brookings, South Dakota 57007



Name: ROY JOHNSON Date Rec'd AUGUST 21, 1991
Address CENTERVILLE, SD 57014 Sample No. 81-1041
MARTIN GERTONSON Identification WELL
PIERRE, SD 57501 NW 5003 T94 R51

WATER ANALYSIS

Calcium (Ca)	440	ppm*	21.96	me/l**
Magnesium (Mg)	72	ppm	5.92	me/l
Sodium (Na)	106	ppm	4.61	me/l
Potassium (K)	14	ppm	0.36	me/l
Sulfate (SO ₄)	1400	ppm	29.15	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	9	ppm	0.25	me/l
Bicarbonate (HCO ₃)	473	ppm	7.75	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		me/l
Boron (B)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			32.84	me/l
Total Anions			37.16	me/l
Alkalinity (Methyl Orange)	388	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2700	micromhos per cm at 25 C		
Sodium Adsorption Ratio	1.23	Adjusted SAR	3.72	(2.60)
Sodium	14.03	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	6.88			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS

By: Shirley Mittan

Service Performed:

Amount Due:

Irrigation Analysis

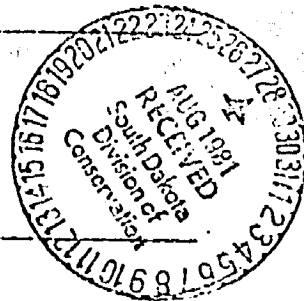
\$28.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 81-1041

Amount Enclosed \$
Signed



SCC meeting 3/10/81

3571-2 Johnson Bros. Centerville, bring permit into compliance with State Law on Soil/water compatibility approval. In writing up The Water License after being inspected, it was found that Johnson Bros permit No. 3571-3 did not have approval from the SCC on water quality. This is on the SW $\frac{1}{4}$, Section 9-94-51. Their other permit No. 3038-3 was approved for a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8 to irrigate the NW $\frac{1}{4}$ Section 8. Then water quality was disapproved from a well in the SW $\frac{1}{4}$ Section 5 to irrigate the SW $\frac{1}{4}$. Then an application came in to irrigate the SW $\frac{1}{4}$ from the well in the NW $\frac{1}{4}$ of Section 8. Approved by the Water Rights Commission. No water quality approval was received from SCC to irrigate the SW $\frac{1}{4}$ Section 5 from a well in NW $\frac{1}{4}$ of Section 8/

SCC took soil samples from 5 different sites. Soils are definately being ruined high sodium content.

Dear Sir:

We just received your letter on testing the water in our well. We are unable to test our water this fall. We have cleaned our well for this fall and have cleaned all our underground pipe. It is all right with you we will test the water but they say it spring.

Yours truly,
John B. Lane
Centerville, South Dakota

57014

/s/ Roy E. Johnson

Water Rights Division - DWR
Telephone Reference Sheet

NAME OF PERSON (Called/Calling): Johnson Bros
ADDRESS: Centerville COUNTY: Clay
DATE: 9/10/81 TELEPHONE: _____
RE: WR

COMMENTS:

WR disappeared by SEC. Johnson Bros
appeared before the SEC. The SEC decided
to defer their decision until after 1982
irrigation season and take soil samples
again to see how the soils are, as they
plan on a little different practice of
watering to see if it will improve their
soil.

BW

File in Permit file when necessary. Use to make a record of conversations and what the
other party was told.

NAME: _____

No. 3571-3 &
3038-3

October 10, 1930

Johnson Bros, Inc.
Centerville,
South Dakota 57014

Dear Sirs:

In writing up the water license on your Water Permit Nos. 3038-3 and 3571-3 it was discovered that you do not have the soil/water compatibility permit approval on Permit No. 3571-3 for the SW $\frac{1}{4}$, Section 5, T94N, R51W from the State Conservation Commission.

On Permit No. 3038-3, the soil/water compatibility permit approval has been received for the NE $\frac{1}{4}$, Section 8, T94N, R51W.

The Water License which will incorporate both permits cannot be issued until the soil/water compatibility approval has been received from the State Conservation Commission.

Your original WI-1 for the SW $\frac{1}{4}$ of Section 5 to irrigate from a well in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, T94N, R51W was disapproved. Since you are now irrigating the SW $\frac{1}{4}$ of Section 5 from the same well in Section 8, as under Permit No. 3038-3 for the NE $\frac{1}{4}$, a water sample will have to be taken in to Brookings with the WI-1. Contact Wynn Sudtelgte, State Conservation Commission, Anderson Building, Pierre SD (Phone 773-3259).

Upon receipt of the soil/water compatibility permit approval for the SW $\frac{1}{4}$, Section 5, T94N, R51W from the State Conservation Commission, your Permits will be in compliance with the South Dakota State Laws and the Water License will be sent to you.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:RW:lw

cc: Wynn Sudtelgte, State Conservation Commission

Permit No. 3571-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JOHNSON
BROS. INC. of CENTERVILLE holder
of Permit No. 3571-3, bearing date of priority of SEPTEMBER 1, 1976 DECEMBER 27, 1976 *
authorizing the diversion of, _____ cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in CLAY County.

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

The Water Use System consists of,

A. Works used to divert the water:

160' DEEP WELL W/ 14" STEEL CASING W/ 45' SS SCREEN
BERKELEY 12" VERTILINE PUMP W/ 1203 HH BOWLS, SERIAL # 7700030
POWERED BY #3406 CATERPILLAR DIESEL MOTOR - 150HP

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

1280' OF 10" BURIED PLASTIC LINE TO CENTER OF S PIVOT
2640' OF 10" BURIED PLASTIC LINE TO CENTER OF N PIVOT

C. Works used to apply water to beneficial use.

2 - VALLEY 7 TOWER CENTER PIVOTS W/ #100 END GUNS

The system is in the following condition: GOOD

The point of diversion is located S 2° E, 80 RODS FROM THE NW CORNER,
SECTION 8, T94N, R51W

The works are capable of diverting and conveying to the place of use 3.54 (800 GPM PER PIVOT) *
(TOTAL 1600 GPM)
cu. 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 T94N, R51W

SECTION 5		SECTION 8	
NW ¹ SW ¹	28 ACRES	NW ¹ NW ¹	34 ACRES
NE ¹ SW ¹	34 ACRES	NE ¹ NW ¹	34 ACRES
SW ¹ SW ¹	34 ACRES	SW ¹ NW ¹	34 ACRES
SE ¹ SW ¹	34 ACRES	SE ¹ NW ¹	34 ACRES

comprising a total of 266 acres of land.

* THE APPLICABLE PORTIONS OF PERMIT N° 3038-3 HAVE BEEN
INCORPORATED INTO THIS WATER LICENSE N° 3571-3, AND
PERMIT N° 3038-3 HAS BEEN CANCELLED

(1.77 CFS FROM SEPT 1, 1976)
(1.77 CFS FROM DEC 27, 1976)

Date MAY 7, 1980

Dustin Jones
(Signature)

SEE PERMIT 3038-S
FOR APPROVED WATER
QUALITY DATA

3038-3 only channel
NW 1/4 of Sec 8

GETTING INDUSTRIES, INC.

4701 N. CLIFF
SIOUX FALLS, S. DAK. 57104

December 23, 1976

TELEPHONE: 605-339-1230
605-339-1771

Burton Jones
South Dakota Water Resources
Pierre, South Dakota

Dear Mr. Burton:

Enclosed is water permit application for Johnson Bros.
Centerville, South Dakota for S. 7 Sec 5 94-51.

The original application for section 5 94-51 was not
processed because of poor quality well. There was a lot
of chalk and rock in that location.

We are now pumping from well in location Section 8 9451
to Section 5. I think Section 8 is approved as a water
permit and perhaps should not be included in the application.
I think this application should be for Section 5 only - if so,
can you process this without getting signatures again?

Please advise --

Sincerely,

Daryle
DARYLE GETTING

DG/mja



Publish first publication, on or before February 13, 1977NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 10, 1977

Notice is hereby given that

Johnson Bros., Inc.
whose post office address is Centerville, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.2 cubic feet of water per second of time from the ground water through the
Johnson Bros. # 1, the point of diversion of which is to be located in theSW 1/4of Section 8, Twp. 44N, Range 51E. Said water to be used for the purpose
of providing irrigation on the following described land:SW 1/4 Section 5, 44N, 51EThis application No. 3571-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of February, 1977, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights SpecialistBFJ/bw
cc:

JOHNSON BROS., Inc., Centerville, SD 57014

No. 3571-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, JOHN K. KOLL hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sioux Falls Arcus-Leader

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 Sioux Falls

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

February 11

February 15

John K. Koll
(Signature)
Controller
(Title)

February 18, 1977
(Date Signed)

No. 3571-3
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 8, 1977
Notice is hereby given that Johnson
Brocs, Inc. whose post office address is
Centerville, South Dakota, has made
an application in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate for
beneficial use 7.2 cubic feet of water
per second of time from ground water
through the Johnson Bros. #1, the point
of diversion of which is to be located in
the SW 1/4 NW 1/4 of Section 8, Twp. 94N,
Range 51W. Said water is to be used for
the purpose of providing irrigation on
portions of the following described
land: SW 1/4, Section 5, T94N, R51W
This application No. 3571-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 23rd day of February, 1977, at
10:00 A.M. All interested persons may
appear and be heard.
WATER RIGHTS
COMMISSION
By: BURTON F. JONES
Water Rights Specialist
Feb. 11, 18, 1977



SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

May 19, 1980

Johnson Bros. Inc.
Centerville, SD 57014

Dear Sirs:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 3571-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

Genny Young

GENNY YOUNG
Staff Assistant

gy

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7536

PIERRE,

June 11, 19 80

RECEIVED OF Milton Johnson, JOHNSON BROS. INC., Centerville, SD 57014
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. <u>3571-3</u>	---	50.00
Fee for Inspecting Beneficial Use, and Issuing Water License No. <u>3571-3</u>		
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 / (bt)

State of South Dakota
Water License No. 3571-3

(1) Johnson Brothers, Inc.
of c/o Gordon R. Johnson, RR#1, Box 89A, Centerville, South Dakota
made Application No. 3571-3, December 27, 1976 for a water permit to appropriate
2.2 cubic feet per second of water from groundwater (one well)
Clay County, South Dakota for irrigation purposes.
Permit No. 3571-3, with a priority date of December 27, 1976
was approved February 23, 1977 at issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before February 23, 1982 and for the application to beneficial use of said
water on or before February 23, 1982.

The applicable portions of Water Permit No. 3038-3 have been incorporated into this
License. A priority date of September 1, 1976 (Permit No. 3038-3) is retained for
1.77 cfs and a priority date of December 27, 1976 (Permit No. 3571-3) is retained
for 1.77 cfs.

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 3.54 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is a point S 20E, 80 rods from the
NW Corner, Section 8, T94N, R51W

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 lands all in T94N, R51W.

Section 5			Section 8		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	28 acres	(CB)	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	(BB)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	34 acres	(CA)	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	(BA)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	34 acres	(CC)	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	(BC)
SE $\frac{1}{4}$ SW $\frac{1}{4}$	34 acres	(CD)	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	(BD)
TOTAL			266 ACRES		

Lands in Section 5: December 27, 1976 priority date

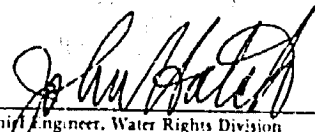
Lands in Section 8: September 1, 1976 priority date

(4) Pursuant to §46-5-30.1 Johnson Brothers, Inc.

of c/o Gordon R. Johnson, RR#1, Box 69A, Centerville, South Dakota

the holder(s) and/or owner(s) of Water Permit No. 3571-3 is issued a license to appropriate water, the right to use 3.54 cubic feet per second of water from groundwater (one well) with a priority date of 1.77 cfs from September 1, 1976 and
1.77 cfs from December 27, 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. 3571-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
DEC 20 1995

JOHN HATCH

Conversation or File Documentation

NAME OF PERSON OR FILE: Gordon R. JohnsonADDRESS: RR #1 Box 89A Centerville COUNTY ClayDATE: October 25, 1985 TELEPHONE 253-2597RE: acres irrigated under Permit

COMMENTS:

called and spoke with Mrs. Johnson to inquire
whether or not the acres irrigated had changed
any from the inspection conducted by our office
in 1980. She stated they had not. They have
been irrigating the same lands.

Mrs. Johnson further indicated that the license
should be issued to Johnson Brothers Inc
to Gordon R. Johnson instead of in-care-of
Ray Johnson. Ray J. is deceased and Gordon
is now President of Johnson Bros. Inc.

send to Johnson Brothers Inc
to Gordon R. Johnson
RR #1 Box 89A
Centerville SD 57014

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.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 20 1985

Johnson Brothers, Inc.
c/o Gordon R. Johnson
RR#1, Box 89A
Centerville, South Dakota 57014

Dear Sir:

Enclosed herewith is, Water License No. 3571-3. 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
JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

Enclosures

NOTE: Applicable portions of Water Permit No. 3038-3 have been incorporated into this License.

WNR-817 3/83
Transmittal of Water License



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 3571-3

March 17, 1987

Roy Johnson Estate
First National Bank in Sioux Falls
100 S. Phillips Avenue
Sioux Falls, South Dakota 57101

Dear Sir:

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

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

Date: 3-20-87

266 Acres - SW $\frac{1}{4}$ Section 5 and NW $\frac{1}{4}$ Section 8, T94N-R51W

has been transferred to Roy Johnson Estate, 1st Nat'l Bank in Sioux Falls, Sioux Falls SD
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by 57101

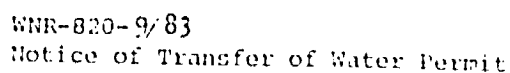
You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

STATE OF SOUTH DAKOTA)
) ss.

1, First Bank of South Dakota
By: Timothy C. Hume!

First Bank of South Dakota
By: Clarence E. Olson
(Signed)

Patricia A. Leach
(Notary Public)



No. 3571-3



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

April 29, 1937

Roy Johnson Estate
First Bank of South Dakota
PO Box 1308
Sioux Falls SD 57117-1308

Dear Sir:

Enclosed is receipt No. 410784 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3571-3.

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

Sincerely,

Karen Schlaak
Senior Secretary

enclosure

RECEIPT

Division of Water Rights South Dakota Department of Water and Natural Resources

410794

Pierre, March 23, 1987, 19__

RECEIVED OF Roy Johnson Estate, First Bank of South Dakota, PO Box 1303, Sioux Falls, SD
the following amount in fees for services rendered as provided for by law: 57117-1303

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 3571-3 _____	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	2	50

By O. A. Ditch

Chief Engineer JOHN HATCH

ms

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

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

January 29, 1988

ROY JOHNSON ESTATE
PO BOX 1308
SIOUX FALLS, SD 57717

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

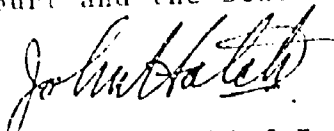
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3571-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 3571-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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



Department of Water & Natural Resources

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

February 10, 1988

3571-3

Roy Johnson Estate
PO Box 1308
Sioux Falls SD 57717

Dear Sir:

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. 3571-3 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



3571-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 8, 1997

3571-3

Gordon & Margaret Johnson
30372 University Rd
Centerville, SD 57014

Dear Mr. & Mrs. Johnson:

Thank you for returning your 1997 irrigation questionnaire. I am assuming by the notation you made on the form, you wish to have the water right transferred from the Estate to your names.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for making this change. Please review the form for accuracy and make any necessary changes. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

May 20, 1998

SECOND NOTICE
Permit No. 3571-3

Gordon & Margaret Johnson
30372 University Rd.
Centerville, SD 57014

Dear Mr. And Ms. Johnson:

On December 8, 1997, notice was sent to you concerning the transfer of Water Right No. 3571-3 in the name of Roy Johnson Estate. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The Water Right can then be transferred to your name. If you are not the present owner of the land covered under this Water Right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Cheryl Frost, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

3571-3

SENDER: ■ Complete items 1, and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: <u>3571-3</u> Gordon & Margaret Johnson 30372 University Rd. Centerville, SD 57014		4a. Article Number <u>2 119 141 531</u>	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
5. Received By: (Print Name) <u>X</u>		7. Date of Delivery <u>77 5-21-98</u>	
6. Signature: (Addressee or Agent) <u>X</u> <u>W. H. H. H.</u>		8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

3571-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Gordon Johnson

ADDRESS: 30372 University Road, Centerville, SD 57014

COUNTY: Clay

DATE: May 22, 1998

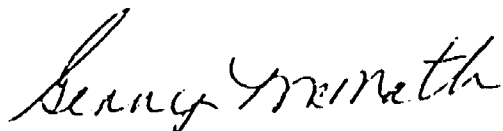
RE: transfer of Water Right No. 3571-3

COMMENTS:

In response to a "second notice" letter he received regarding transfer of ownership, Mr. Johnson called to let us know that the water right should be left under Roy Johnson Estate. He farms the land, but the estate is still being handled through the bank.

A new bank has taken over managing the estate. All correspondence (with the exception of the questionnaire) should be directed to the following:

Roy Johnson Estate
% Dan Kriener
First Star Bank of Iowa
PO Box 3248
Sioux City, IA 51102



Genny McMath
Environmental Scientist

LAND USE MAP
Clay County Conservation District
Owner Roy & Milton Johnson
County Clay State S. Dak.
Approx. scale 8" per mile
Prepared by U.S. Department of Ag.
Soil Conservation Service



MAP NO 2849-3 APR 1955 71-3

NOT

LE

LAND USE MAP

Clay County Conservation District

Owner Roy + Milton Johnson

County Clay State S. Dak.

Approx. scale 8" per mile

Prepared by U.S. Department of Ag.

Soil Conservation Service

Well 80 rods
+ 380 SE of
NW corner of
Sec 8-44-51

(3-300)

BUILDING
REMOVED
MARKED
Pivot
(3-294)

38.4 (3-131)
(3-299)

Well
73/0
10" BURIED PIPING

underground
(3-300)
pipeline from
well and to
center of pivot
in Sec 5-44-51

79.2

(3-84)

8

14.5
(3-214)

57.9

(3-298)

78.4

(3-2)

74.8

(3-298)

45.0

(3-145)

(3-195)

22.1

94-51

4.21

9.6

(3-286)

115.9

10

(3-286)

4.8

13.8

Map No. 2362-3 APP. No. 3080-3



3571-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: TODD JOHNSON, OPERATOR, 30437 UNIVERSITY RD, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 3571-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3571-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: DAN KRIENER, FIRST STAR BANK OF IOWA, PO BOX 3248, SIOUX CITY IA 51102

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.



3571-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

3039-3
3571-3

Todd Johnson
30437 University Rd
Centerville SD 57014

Dear Mr. Johnson:

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

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

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

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

Sincerely,

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