

3665-3, 3665A-3

3665B-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 3665-3

I have this day, November 13, 2023, made a thorough examination of the water use system constructed by William B. Davis Waubay, SD of Permit No. 3665-3, bearing the priority of February 22, 1977 authorizing the diversion of 9.0 cu. ft. per second of the waters of the "not specified in DANR materials" for irrigation purposes, in Day County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 2
- 3) Depth(s) 120 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 14 inches
- 2) Length 100 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 17 feet

Pump:

- 1) Make WEST WELL (TURBINE) EAST WELL (SUBMERSIBLE)
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 each GPM

Motor:

- 1) Make WEST (ELECTRIC MOTOR) EAST (UNKNOWN)
- 2) Model No. Unknown
- 3) Horsepower rating WEST (50) EAST (UNKNOWN) hp

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

- 1) Type Above ground - Aluminum
- 2) Size 8 inches
- 3) Length 20-30 feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make 2 Valleys
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 each GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS
From the SE corner Sec 13 T120N R55W WEST WELL: 1320 ft N & 4000 ft W, Lat 45.19880 Long -
97.38684 (SW ¼ SW ¼) EAST WELL: 1320 ft N & 1320 ft W, Lat 45.19885 Long -97.37676 (SW ¼
SE ¼).

2. The works are capable of diverting and conveying to the place of use 3.56 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:

legal description/acreage

All land in Sec 13 T120N R55W

NW SW – 33 acres

NE SW – 33 acres

SE SW – 33 acres

SW SW – 33 acres

legal description/acreage

NW SE – 33 acres

NE SE – 33 acres

SE SE – 33 acres

SW SE – 33 acres

comprising a total of 264 acres of land and the license should be issued for 3.56 cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software. Only two (2) of the proposed four (4) pivots were constructed.

This is an “old” permit where all available information found in the DANR data base may be out-of-date. I tried to include all available data in this report.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

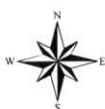
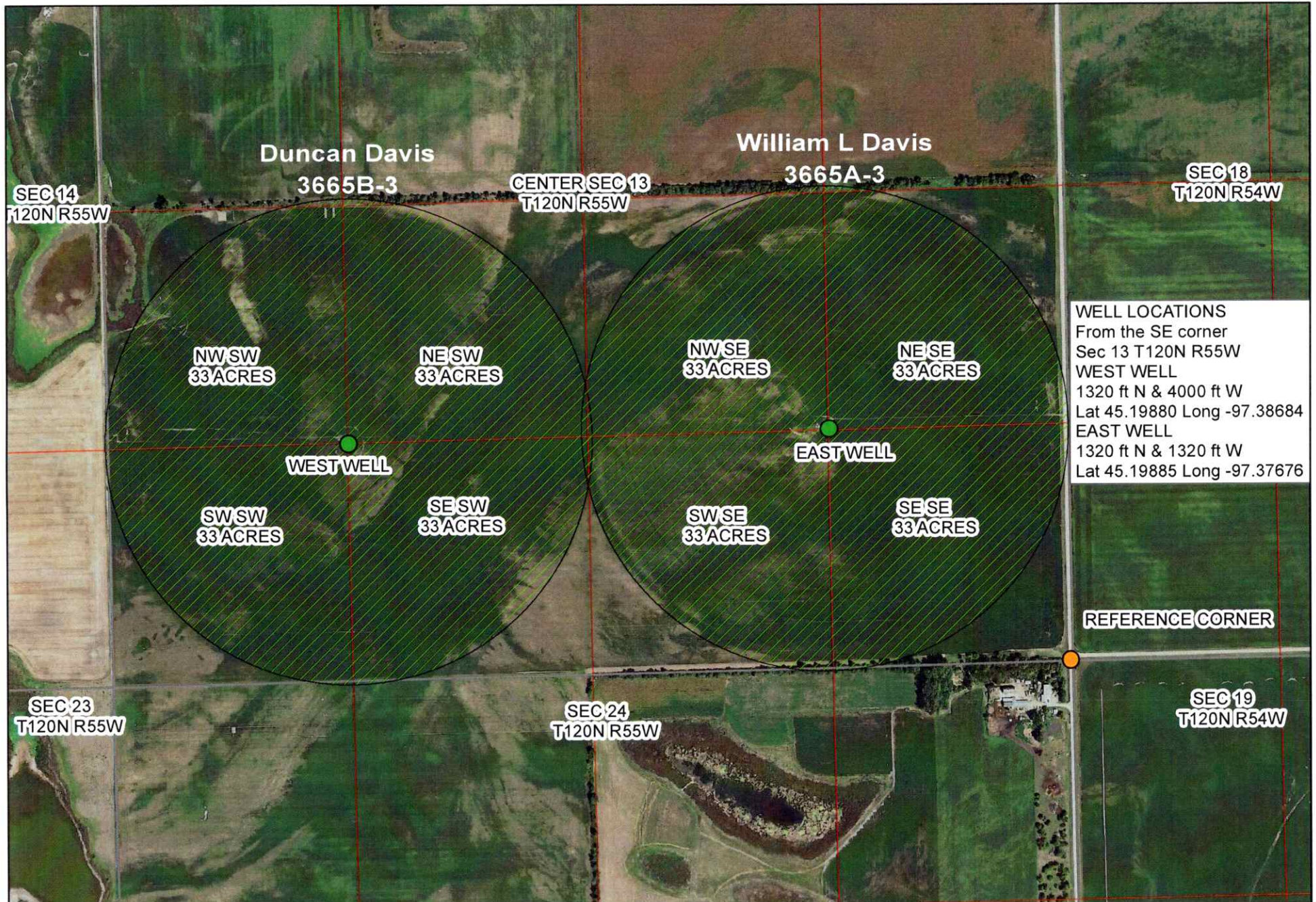
The mailing address and the telephone number (605/881-6004) in the permit materials are current

I talked to Landon (maybe a nephew) during the field inspection visit. I have not talked to Mr. Will L. Davis, Farm Manager.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 21, 2023**



3665-3, 3665A-3
3665B-3

File No. 3665-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: William L Davis, 44236 152nd St, Waubay SD 57273

DATE: 01/05/2024

TELEPHONE: 605.881.6004

RE: Division and licensing of Permit No 3665-3 into 3665A-3 & 3665B-3

COMMENTS:

Dividing and licensing 3665-3 into two equal portions, each WR holder getting their own $\frac{1}{4}$ of S $\frac{1}{2}$ Sec 13, T120N, R55W. Wells operate at the same pump rate (800 gpm) per well and systems run independently.

Spoke w/ Will on the phone 1/5/24 (1:35PM). Will was ok w/ each WR holder having sole ownership of the well located in the center of the quarter section they were operating. SW $\frac{1}{4}$, system, and well would all go to Duncan Davis & SE $\frac{1}{4}$, system, and well would all go to William L Davis.

Spoke w/ Duncan Davis on the phone 1/5/24 (1:55PM). Duncan was also ok w/ each WR holder having sole ownership of their own well in their own quarter section.

Duncan Davis, 616 E 5th Ave, Waubay SD 57273
Phone # 605.268.2420



Amanda Dewell
Water Rights Program

3665B-3

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 11, 2023

RECEIVED OF Davis Farms c/o Duncan Davis 616 E S Ave., Waubay SD 57273

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	\$ _____
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>3665A-3</u>	\$ <u>50.000</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Bronlund
Chief Engineer

Em

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 3665-3

Date: 11-27-23

PAID
DEC 11 2023
Ck# 2866
Rec't# 21123

I/We request that Water Right/Permit No. 3665-3 formerly owned by:

Florence Davis

be transferred to:

New Owner Name:

Duncan Davis

Address:

616 East 5th Ave

mobile: 605-268-2420

City, State, Zip

Wahway S.D. 57278

email:

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

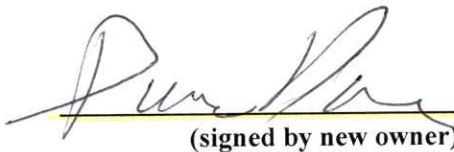
132 acres - SW 1/4 Section 13 - T120N - R55W

☒ I understand that the validity of Water Right/Permit No. 3665-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Duncan Davis, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JAN 08 2024

3665B-3

Duncan Davis
616 E 5th Ave
Waubay SD 57273

Dear Mr. Davis:

Enclosed for your records is Water License No. 3665B-3 and receipts of payment for the transfer of ownership and the back dated licensing fee. Based on the ownership change you filed, Water Permit No. 3665-3 was divided and licensed to reflect separate ownership as follows:

- Water Right No. 3665A-3 authorizing the irrigation of 132 acres within the SE $\frac{1}{4}$ Section 13, T120N, R55W.
- Water Right No. 3665B-3 authorizing the irrigation of 132 acres within the SW $\frac{1}{4}$ Section 13, T120N, R55W.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3665B-3
(DIVISION OF WATER PERMIT NO. 3665-3 INTO 3665A-3 & 3665B-3)

(1) William B Davis; 109 N Oak, Waubay SD 57273, made Application No. 3665-3, February 22, 1977, for a water permit to divert 9.0 cubic feet of water per second (cfs) from groundwater, four wells, Prairie Coteau Aquifer, Day County, South Dakota for irrigation purposes. Permit No. 3665-3, with a priority date of February 22, 1977, was approved March 23, 1977, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 1982, and for the application to beneficial use of water on or before March 23, 1985.

On November 27, 2023, Duncan Davis filed a "Notice of Transfer of Ownership" for a portion of the land described in the water permit. Based on the ownership change, Water Permit No. 3665-3 is being divided and licensed to reflect separate ownership as follows:

- **Water Right No. 3665A-3, William L Davis, 44230 152nd St, Waubay SD 57273** authorizing diversion of 1.78 cfs from one well to irrigate 132 acres within the SE ¼ Section 13, T120N, R55W.
- **Water Right No. 3665B-3, Duncan Davis, 616 E 5th Ave, Waubay SD 57273** authorizing diversion of 1.78 cfs from one well to irrigate 132 acres within the SW ¼ Section 13, T120N, R55W.

(2) It is certified that the permit 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320 ft N & 4,000 ft W of the SE corner of Section 13, T120N, R55W (approx. center SW ¼)
(Latitude 45.19880 & Longitude -97.38684)

(3) The amount of appropriation may not exceed 3 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.

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

Section 13, T120N, R55W			
NE ¼ SW ¼	33 acres	SW ¼ SW ¼	33 acres
NW ¼ SW ¼	33 acres	SE ¼ SW ¼	33 acres
TOTAL: 132 acres			

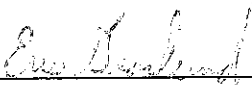
(5) Pursuant to South Dakota Water Law 46-5-30.1 Duncan Davis, the holder and/or owner of Water Right No. 3665B-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with a priority date of February 22, 1977, 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. 3665B-3 and subject to the following qualification:

continued

Qualification

1. The irrigation well approved under this Water Right is located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Water Right, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JAN 08 2024

date

