

Water Right No. 4433-3

To Be Considered 9-27-79

COUNTY UNION about 2.3

miles West of Jefferson

APPLICATION

Name ROGER DAILEY Address JEFFERSON, SD

Date _____

Priority

Received 8-17-79 Application Complete yes X no _____

Date _____

8-17-79

Returned or additional information or fee requested _____

Remarks _____

Date information and/or
fee or corrected Application received _____

Source ONE WELL - G.W.

Use IRR. Acres 160

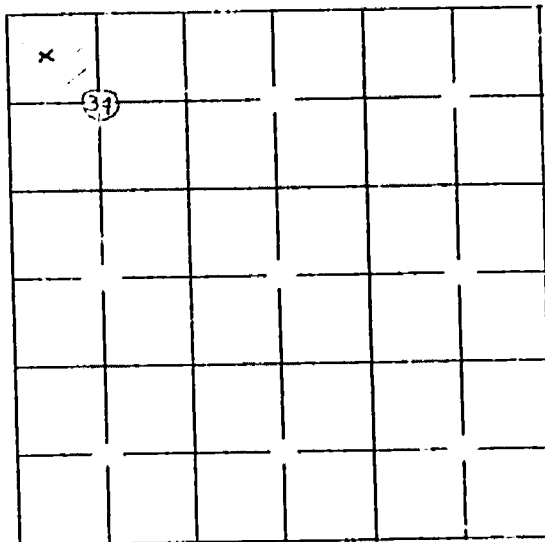
Amount c.f.s. 2.3 Maximum acre
feet allowed 3000 c.f.t.

FEE

Amount 250.00

Diversion Location _____

CENTER NW⁴-34-90N-49W



Land to be
Irrigated _____

NW⁴-34-90N-49W

Period of annual use APRIL - OCTOBER

MAP

Type of Map AERIAL Prepared by CO. EXTEN. AGENT

Map No. 3663-3 Map located in W/R X Map file _____

WELL LOG

Received yes X no _____ Date of request _____

Remarks _____

Date _____

Returned _____

Driller S.P.S. INC. Licensed in SD yes X no _____

Depth and Formation 110' DEEP WELL (Log says 104')

OTHER
INFORMATION
FILED WITH
WATER RIGHT

Water Right No. 4433-3

WATER
QUALITY

Date Received 9-7-79 Approved Conditional (Circle one)
Disapproved
Date _____ Reason _____

Date Disapproved _____
Application returned _____

WI-1 Land
Description - same as Application- yes X no _____ Remarks _____

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on Sept 27, 1979.

B. Westlund
(Signed)

This Application was unable to be completed - Reason _____

PUBLICATION

1st Received X Date Affidavit Received 9-24-79
Paper Leader-Courier

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

STAFF RECOM
MENDATIONS

BOARD
ACTION

Date Approved 9-28-79 Qualifications well informed

Deferred - Date _____ Reason _____

Denied - Date _____ Reason _____

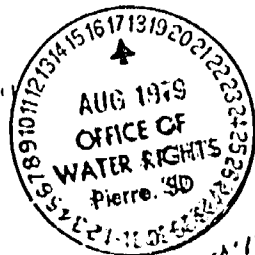
REMARKS

F.F. & C. OF
LAW, FINAL
DECISIONS,
ETC.

Date
Final Decision, including F.F. & C. of Law was adopted _____
Date
Final Decision mailed to parties &/or parties notified that Final Decision was adopted _____

Remarks _____

Map No. 3663-3 Water Division No. 3 Sioux River District 1
 No. 4433-3
 (Blocks 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 Roger Dailey
 Postoffice address R# 1 Box 67 Jefferson State South Dakota 57038
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Roger Dailey No. 0-3
4. Amount of water claimed (cubic feet per second) 2.3 cu. ft.
5. Source of water supply well
6. Location of point of diversion center of the NW $\frac{1}{4}$ of Sec. 34 Twn. 90 North
Range 49 West
 County Union
7. Annual period or periods during which water is to be used April, May, June, July, August, Sept., Oct.
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 160
 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.
NW $\frac{1}{4}$ Sec 34 - 90 - 49	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 Elk Point Leader Courier
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Well and Pump

B. Works proposed to transport water to place of use
Pump and pipe

C. Works proposed to apply water to beneficial use.
Center Pivot System

Estimated Total Cost \$ 40,000.00

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 Jefferson

I, Roger Dailey, 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 Roger DaileySubscribed and sworn to before me this 2nd day of August 1979

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4433-3
ROGER DAILEY RT #1, Box 67, JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57038 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 AUGUST 17 19 79
 Date of return to applicant for correction, amendments or changes required AUGUST 17 19 79
 Date of receipt of corrected application SEPTEMBER 7 19 79
 Approved SEPTEMBER 23 19 79 Recorded in Book 21 Page 65

WATER RIGHT PERMIT NO. 4433-3
 The Water Resources Commission hereby grants and issues this Water Right Permit No. 4433-3 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 AUGUST 17 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 27 19 82
3. The whole of said work is to be completed on or before SEPTEMBER 27 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 27 19 86
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 2.3 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 2 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 SEPTEMBER 27 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 10th day of OCTOBER 19 79

WATER RESOURCES COMMISSION

By John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

4433-3

RECEIVED

AUG 14 1979

South Dakota
Division of Conservation

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Robert D. Dyer OWNERS ADDRESS: 1171 - Box 1-7
COUNTY LAND LOCATED IN: Deuel PHONE: 711-2241 Jefferson, Co. Dak
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)
1. WELL LOCATION OR DIVERSION POINT: NW 1/4 of Sec 34 T12N R10W (Center point, water right)
2. SURFACE WATER SOURCE _____
3. LOCATION OF AREA TO BE IRRIGATED: NW 1/4 of Sec 34
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED Corn Bean Alfalfa Woods
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: Sec 34
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: _____
9. SALINITY (EC X 10⁶) _____
10. SODIUM (SAR) 1.50 ADJUSTED (SAR) 2.65

I hereby certify that I personally obtained or that I personally observed the 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 back) were followed, and that the sample was taken at 11 A.M./P.M., on July 30, 1979, at the following location: NW 1/4 of Sec 34
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.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Soil Map Conservation District, County-Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
25 DAY OF July, 1979.

Keith E. Dyer
(NOTARY PUBLIC)
My Comm. Expires 8/13/81



Robert D. Dyer
APPLICANT'S SIGNATURE
Keith E. Dyer
Director, Division of Conservation

APPROVED

DISAPPROVED
X 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 State Water Rights Commission.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Roger Dalley, Jefferson, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water. Seasonal moisture conditions will determine 1. and 2.
3. (☒) Yes () No Surface drainage suggested on any area that tends to pond
4. () Yes () No Subsurface drainage suggested on water.
5. (☒) Deep tillage (for the purpose of aiding movement of water through dense subsoils.
- COMMENTS: On following soils: Albaton, Onawa and Percival. The best time for shattering effect may be in the fall under drying conditions.
6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application pivot.

GENERAL COMMENTS:

Ac- Albaton Silt Loam requires special management under irrigation because of slow permeability, wetness, and poor surface outlets.

The geological survey shows the quarter section to be extremely level; however a graded water-way type of ditch from the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the south would produce over-all relief of approximately 5 feet in approximately 1320 feet for an average slope of .3 to .4%. This would be adequate for needed surface drainage during wet seasons and/or from irrigation water accumulations.

Copy to applicant
Copy to Water Rights
Copy on File

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: Roger Dailey
Address Rt. 1, Box 67
Jefferson, SD 57038

Date Rec'd July 30, 1979
Sample No. 79-472
Identification Well-
N.A., sec. 34, T

WATER ANALYSIS

Calcium (Ca)	168	ppm*	8.40	me/l**
Magnesium (Mg)	34	ppm	2.76	me/l
Sodium (Na)	72	ppm	3.11	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	215	ppm	4.47	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.04	me/l
Bicarbonate (HCO ₃)	547	ppm	8.96	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)	448	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1052	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.30	Adjusted SAR	3.65	
Sodium	21.30	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.03			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 14.61 me/l
Total anions 13.47 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-472

Amount Enclosed \$

Signed

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 State Water Rights Commission.

0'-8' sandy yellow clay
8'-16' fine yellow sand
16'-38' grey sand (fine)
38'-56' grey clay
56'-(0' grey clay and gravel layers
60'-85' coarse gravel
85'-89' boulders and coarse, medium gravel
89'-96' gravel (coarse)
96'-104' gravel (medium)

Mark S. Sjöberg
Sr. S. Inc.
Orlando, Fla.



WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

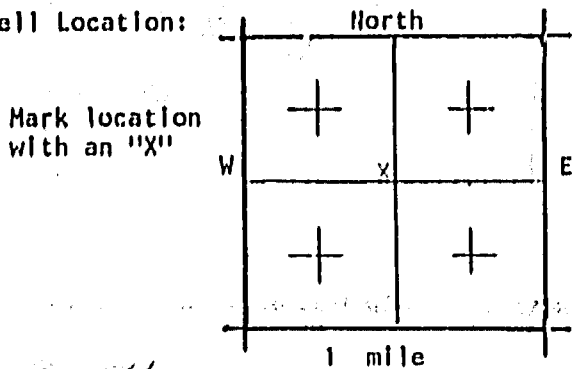
4-78

Well Owner:

Name Roger Dalley

Address Jefferson, So. Dakota 57036

Well Location:



Mark location
with an "X"

County Minon

1 1 1 Sec. 34 Twp. 70 Rg. 49

Proposed Use:

☐ Domestic ☐ Municipal ☐ Test
Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 32"
Depth 100'
Casing ☐ Steel ☐ Concrete
☐ Plastic ☒ Other

If other, specify Transite

Was casing end left open NO
Was a well screen installed YES

Describe Well Screen
Diameter 16" Material Transite
Slot size .0125

Was well gravel packed Yes
Was well grouted None
Was water sample taken No

Remarks:

Water Level Information:

Static water level below land surface
If flowing: closed in pressure PSI
rate of low GPM

Controlled by:

☐ Valve ☐ Reducers ☒ Other

If other; specify

Well Test Data:

☐ Pumped
☐ Bailed Describe:
☐ Other

Pumping Level Below Land Surface

 ft. After Hrs. pumped GPM
 " " " " "
 " " " " "

Well Log:

Formation	Depth	
	From	To
Top Soil	0'	10'
Clay	10	15
Sandy Clay	15	25
Sand	25	40
Clay & Gravel	40	50
Sand	50	55
Clay & Gravel	55	60
Sand & Gravel	60	70
Heavy rock & gravel	70	95
Sand	95	100

(Use Back if Necessary)

Date Completed: March 14, 1980

Driller:

S P S, INC. 165
Driller's or Firm's Name License NO.
Onawa, Iowa 51040
Address

Mark A. SPS 3/20/80
Signed By Date

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30, Depth 110'
- (2) Casing, Type Transite, Diameter 16, Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Sawed Slotted, Diameter 16, Length 32
- (4) Gravel Pack, Thickness 14', Length of gravel pack 50'

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. See attached log

Depth to top of water bearing material 18'

Depth to bottom of water bearing material 110'

Thickness of water bearing material 92

Depth to water (ground surface to water level) 18

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

On same owner's property 120 rds. On property owned by others 120 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.

[Signature]
Signature of Applicant

No. 4433-3

Publish first publication, on or before September 13, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 7, 1979

Notice is hereby given that Roger Dailey whose post office

address is Jefferson, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-11, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.3 cubic feet of water per second of time from groundwater

(one well) through the Roger Dailey #3, the point(s) of diversion of which is ~~xxx~~ to be located in the approximate center of NW 1/4

of Section 34, Twp. 20N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 34-T20N-R49W.

This Application No. 4433-3 will be considered by the Water Management Board at Community Room, City Hall, 222 E. Dakota, Pierre, SD upon the 27th day of September at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

Betty Westlund,
Water Rights Specialist

BW:plh

cc: Roger Dailey
R.R. #1, Box 67
Jefferson, SD 57038

M 6 - Notice of Intent to Appropriate Water
NDWATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Union)

I, Lester E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leader-Courier

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

September 13, 1979

September 20, 1979

Lester E. Emerson
(Signature)

Publisher
(Title)

September 20, 1979

(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

September 7, 1979

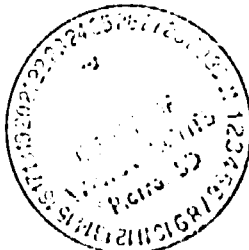
Notice is hereby given that
Roger Dailey whose post office
address is Jefferson, South Da-
kota, has made an application in
accordance with the provisions
of SDCL 46-1-1 thru 46-1-9,
46-1-14; 46-2-9 thru 46-2-11,
46-2-13; 46-5-1 thru 46-5-8; 45-5-
10 thru 46-5-22, 46-5-41; 46-6-3,
46-6-3.1, 46-6-5, 46-6-6.1, 46-6-
10, 46-6-14 and Board Rules
ARSD 52:01:01:01 thru 52:01-
01:18, for a permit to appropriate
for beneficial use 2.3 cubic feet
of water per second of time from
groundwater (one well) through
the Roger Dailey #3, the point of
diversion of which is to be
located in the approximate center
of NW 1/4 of Section 34, Twp.
90N, Range 49W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
NW 1/4, Section 34-T90N-R49W.

This Application No. 4453-3
will be considered by the Water
Management Board at Com-
munity Room, City Hall, 222 E.
Dakota, Pierre, SD upon the
27th day of September at 10
A.M. The Board is authorized to
make a determination on this
application at the hearing. All
interested persons may appear
and be heard. Any person who
may be affected by a Board
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26
may notify the Board in writing
prior to the hearing or orally at
the hearing.

This hearing is an adversary
proceeding. Any person 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 at the hearing. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

Water Management Board
Betty Westlund

Water Rights Specialist
Pub. Sept. 13, 20.



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7000

PIERRE, August 17, 1979

RECEIVED OF Roger Dailey, RR #1, Box 67, Jefferson, SD 57038

the following amount in fees for services rendered as provided for by law:

Fund 1290

Fee for Application for Permit to Appropriate Water No. 4433-3 (examination, processing, recording and filing)	250	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.....		
Fee for Inspecting Beneficial Use, and Issuing Water License No.....		
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	250	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH gy

Permit No. 4433-3
Big Sioux River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, October 19, 1999 made a thorough examination of the water use system constructed by Roger Dailey of 33229 479th Ave., Jefferson, SD 57938 holder of Permit No. 4433-3, bearing the priority of August 17, 1979 authorizing the diversion of 2.3 cu. ft. per second of the waters of Missouri-Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well 100' deep with 75' of 16" transite casing and 25' of slotted transite screen, Golt pump 850 gpm and a U.S. Electric motor 60 hp.

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

16' of 10" steel pipe.

C. Works used to apply water to beneficial use:

Olson center pivot 1320' long with 10 towers and an end gun, high-pressure system that operates at 850 gpm.

The system is in the following condition good. The point of diversion is located at the center of the NW¼ Section 34, T90N, R49W. The works are capable of diverting and conveying to the place of use 1.89 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:

Section 34, T90N, R49W:

<u>NE NW 33 acres</u>	<u>SW NW 33 acres</u>
<u>NW NW 33 acres</u>	<u>SE NW 34 acres</u>

comprising a total of 133 acres of land and the license should be issued for 1.89 cfs.
Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
Lynn Beck

Nov 30, 1999
Date

Natural Resources Engineer Specialist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4433-3

DATE OF INSPECTION: 10-19-99

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Roger Dailey, 33229 479th Ave., Jefferson, SD 57038

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: Center of the NW¼ Section 34, T90N, R49W.

WELL INFORMATION:

- 1) Well Drilling Firm: Sutzing
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 75 feet
- 3) Type transite

Screen:

- 1) Type slotted transite
- 2) Length 25 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Golt
- 2) Model #
- 3) Size #
- 4) Capacity 850 GPM

Motor:

- 1) Make U.S. Electric
- 2) Model No. #
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 10" 3) Length 10 feet

SYSTEM TYPE:**Center Pivot:**

- 1) Make Olson
- 2) Overall length 1320
- 3) Number of towers 10
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 850 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/dennr

December 8, 1999

4433-3

Roger Dailey
33229 479th Ave.
Jefferson, SD 57038

Dear Mr. Dailey:

The investigation of your water use system was conducted on October 19, 1999, by Lynn Beck, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 4433-3. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JFF FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 27, 2000

Permit No. 4433-3

REMINDER NOTICE

TO: Roger Dailey
33229 479th Ave.
Jefferson, SD 57038

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Water License/Investigation Fee Requirement

On December 8, 1999, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 4433-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee; therefore, we can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water license. In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

4433-3

Is your RETURN ADDRESS completed on the reverse side?

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:

Roger Dailey
33229 479th Ave.
Jefferson, SD 57038

4a. Article Number

P 422 707 506

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

4-29-00

5. Received By: (Print Name)

Vera Dailey 4433-3

6. Signature: (Addressee or Agent)

X Vera Dailey

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Roger Dailey, 33229 479th Ave, Jefferson, SD 57038

DATE: May 17, 2000

TELEPHONE:

RE: license fee for No. 4433-3

COMMENTS:

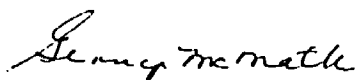
Mr. Dailey called in reference to a reminder notice we had sent to him requesting the \$50.00 investigation and licensing fee. He thought payment of the fee was baloney and stated that he paid the fee 19 years ago when he got the permit.

I explained to him that he paid the application fee 19 years ago but the license fee was not included. If he would submit an application today, he would be charged both fees at one time and then it would be over with.

He said he was told way back when he made the application that he was done with fees as soon as he had his permit. I tried to explain the process to him but he did not feel it made a difference. He wondered why after 19 years we would suddenly decide payment of a fee needed to be done in a hurry. I explained that we do not assess the fee until the investigation has been completed and the license is ready to be issued. He could not understand why it took 19 years for all this to occur. He said his neighbor was permitted back in the 60's and we are just getting to him. I explained that we do investigations on a county-by-county basis and not as they get done with their systems. He said he was told by whoever was out there 3 years ago that we do not play catch up, but rather do the new ones first and worry about the older ones later on.

He questioned how it would prevent him from using his permit just because we wouldn't send him a license until his fee was paid. I told him technically, he still had a permit, however, statutes required us to charge a fee and hold up on the license until the fee was paid.

He said not to send him anymore threatening letters. I have no idea if he will pay the fee or if he will ignore the letters since he feels he has a permit in hand anyway. I spoke with Lynn Beck (who did the investigation), she said he questioned the fee when she was there and she basically told him the same things I had tried to tell him. She told Mr. Dailey that we had the authority to turn the matter over to the AG's office if the fee was not paid. I did not remember to tell him that due to the fact that he was angry and nothing I could say would change his opinion of the situation.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 27, 2000

FINAL NOTICE
Permit No. 4433-3

Roger Dailey
33229 479th Ave
Jefferson, SD 57038

Dear Mr. Dailey:

On December 8, 1999 and April 27, 2000, we advised you that a of \$50.00 fee was due for the completed investigation of Water License No. 4433-3. The fee also covers issuance of the water license which is the final document in obtaining and perfecting a water right. To date, the fee has not been received.

A billing statement is enclosed. If the fee is not paid within 30 days from the date of this letter, the water license will not be issued and the bill will be turned over to a collection agency. Please remit the required fee to the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181. The check or money order for the fee should be made payable to the "Water Rights Program".

If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM BILLING STATEMENT

Name: Roger Dailey
Mailing Address: 33229 479th Ave
City, State, Zip: Jefferson, SD 57038

Fee due by: July 27, 2000

Any account over 30 days old will be charged interest by the department plus any and all costs. A \$20.00 administration fee for the State Collections' cost shall be charged in addition to the interest and department costs.

Type of Fee	Amount Due	Permit Number
License	\$50.00	4433-3

Cut on line below - Keep the top portion for your records

✂-----✂-----✂-----✂-----✂-----✂-----

Please make payments payable to the "Water Rights Program". Return this portion with payment to the Water Rights Program, Department of Environment & Natural Resources, 523 East Capitol, Pierre, SD 57501-3181

Please make any changes to the name & mailing address that are not correct.

Name: Roger Dailey
Mailing Address: 33229 479th Ave
City, State, Zip: Jefferson, SD 57038

Type of Fee	Amount Due	Permit Number
License	\$50.00	4433-3

Signature _____ Date _____

Should you have any questions regarding the above fees, please contact Genny McMath (605) 773-3352
Water Rights Program, Department of Environment & Natural Resources

July 18, 2000

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57501-3181



Dear Mr. Erbele:

I have been contacted by Roger Dailey who resides at rural Jefferson, S.D. about a problem he is having with regard to the issuance of a water license.

Mr. Dailey informs me that he has been irrigating for many years and that in fact he paid the necessary fees to do so many years ago. He further informs me that at the present DENR is attempting to collect from him a fee of \$50.00 for an investigation and for the issuance of a water license.

I have seen some correspondence from your office to Mr. Dailey and I note that in one instance you refer to Water License No. 4433-3 and in other instances you refer to Water Permit No. 4433-3.

Does Mr. Dailey hold a water permit? Is there a difference between a water permit and a water license?

Has something passed into law in recent years or has Mr. Dailey done something to bring on an investigation? How long has the water permit/license No. 4433-3 been in existence? What has occurred that would require Mr. Dailey to pay for a water permit/license after having irrigated these many years.

I hope that you can provide me with some details so that I can pass them on to Mr. Dailey.

Yours truly,

Kenneth D. Albers
Senator - District 16
47766 283rd Street
Canton, S.D. 57013

cc. Roger Dailey



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 26, 2000

Honorable Senator Kenneth D Albers
47766 283rd Street
Canton SD 57013

Dear Senator Albers:

I am writing in response to your letter dated July 18, 2000 regarding licensing of a water permit held by Roger Dailey. I appreciate the opportunity to clarify what we are doing.

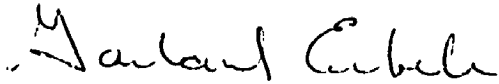
Obtaining a water right is a two step process in South Dakota. The first step involves applying for and obtaining a water permit. This authorizes construction of the water use system and placing of the water to beneficial use. Mr. Dailey successfully completed this step and was issued Water Permit No. 4433-3 on October 10, 1979. A water permit allows an individual a five-year time period to construct their project followed by a four-year period to put all of the water to beneficial use. Following the five-year time frame for construction of the project or upon receipt of notice that the project has been completed, an inspection can be made to license what has been developed. Licensing is the second step in obtaining a water right. A "water license" is a document that is issued for that portion of the project actually developed. Frequently, what is permitted and what is developed are two different things. For example, Mr. Dailey applied for and received a permit to irrigate 160 acres; however, he is actually irrigating approximately 128 acres.

South Dakota Codified Law 46-2-13 establishes a fee for both the permitting and the licensing. The fee for the permit is based on the acre feet of water that is permitted. Mr. Dailey submitted a fee of \$250.00 as a part of his water permit application. A copy of that receipt is attached. SDCL 46-2-13 also establishes a fee of \$50.00 for the inspection and issuance of the water license. This statutory provision was in effect at the time Mr. Dailey applied for his water permit and the fee has remained at the current \$50.00. Our inspection and subsequent efforts to issue a water license are a normal part of the process for obtaining a water right. Mr. Dailey did not do anything to prompt an inspection. We assign various counties to staff members who are doing inspections and contact is attempted with anyone in those counties who have permits that are not licensed. Unfortunately, we have a backlog of several hundred permits that need licensing, however we are working hard at reducing that number.

I can understand why Mr. Dailey may question a fee this many years after obtaining his permit. This fee is not a new provision and applies to everyone who has a water permit that needs licensing. One change we have made to avoid this problem in the future, is to assess the license fee up front when a person first applies for the water permit. This eliminates the confusion as to why another fee is needed following the inspection.

Hopefully this helps clarify the issue. Again, I appreciate the opportunity to respond to your letter. If you have any further questions, please let me know. I can be reached at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
Water Rights Program

Attachment

UJS 044(1/00)
JUDGMENT
DOCKET

IN THE CIRCUIT COURT

UNION COUNTY

CASE NO. SMC.00-0205

JUDGMENT DEBTOR

JUDGMENT CREDITOR

DAILEY, ROGER
33229 479TH AVE.
JEFFERSON, SD 57038-

/STATE OF SOUTH DAKOTA
1429 E. SIOUX
PIERRE, SD 57501-

AMOUNT OF JUDGMENT	AMOUNT OF COSTS	DATE OF JUDGMENT			DATE OF FILING				DATE OF DOCKETING			
		Month	Day	Year	Mo.	Day	Yr.	Hr. Min.	Mo.	Day	Yr.	Hr. Min.
\$ 70.81		Nov	16	2000	Nov	16	'00	9:00 am	Jan	18	'01	2:06pm

COURT WHERE JUDGMENT RENDERED

ATTORNEYS FOR JUDGMENT CREDITOR

PAPERS FOLLOWING ENTRY OF JUDGMENT	ACCRUED COSTS	DATES			PAPERS FOLLOWING ENTRY OF JUDGMENT	ACCRUED COSTS	DATES		
		Mo.	Day	Yr.			Mo.	Day	Yr.



REMARKS:

STATE OF SOUTH DAKOTA)

) SS.

NOTICE OF ENTRY OF JUDGMENT

COUNTY OF Union)

You will take notice that a Judgment in the above entitled action has been rendered and entered, therefore, in favor of /STATE OF SOUTH DAKOTA.

You are further notified that said Judgment was duly granted, filed and docketed in the office of the Clerk of Courts of Union County, South Dakota on the afore-listed dates and times and for the amount listed.

Dated at Elk Point, South Dakota this 16th day of January 2000.

Roberta Goss Chandler
Clerk of Court

Barbara Vanderlinde
Deputy

McMath, Genny

From: Mews, Denise
Sent: Wednesday, November 14, 2001 9:46 AM
To: McMath, Genny
Subject: Bad Debt Payment Notice - Case# 00-6605

We have received \$70.81 from Dailey, Roger.

Specifics are:
Agency: DENR-DENR
Case#: 00-6605
Hearing Date: 01/18/2001
Def. Judgment Dt: / /
Judgment For: PLAINTIFF
Judgment Amt: 70.81
Act. Judgment Dt. 01/18/2001
Dismissed Dt: / /
Satisfied Dt: 11/13/2001
Adjust. Amt: 0.00
Last Payment Amount: 70.81
Last Payment Date: 11/13/2001

-- Payment Distribution --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 50.00
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 50.00

-- Total to Date --

Amount Paid to ORM: 20.81
Other Fees: 0.00
Postage: 3.31
Admin. Fees: 17.50

Amount Paid to Dept: 50.00
Interest: 0.00
NSF: 0.00
Penalty: 0.00
Principal: 50.00

Comments: defendant asked for a change of venue - Judge Myren granted it....Will be heard in Union County..AWARDED TO THE PLAINTIFF----PAID IN FULL



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. ST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

DEC 17 2001

4433-3

Roger Dailey
33229 479th Ave.
Jefferson SD 57038

Dear Mr. Dailey:

Enclosed is Water License No. 4433-3. This is the final water right document completing your process of obtaining a Water Right.

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. 4433-3, 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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4433-3

(1) Roger Dailey, 33229 479th Ave, Jefferson SD 57038 made Application No. 4433-3, August 17, 1979 for a water permit to divert 2.3 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4433-3, with a priority date of August 17, 1979 was approved September 28, 1979 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 27, 1984 and for the application to beneficial use of said water on or before September 27, 1986.

(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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is the center of the NW ¼ Section 34-T90N-R49W.

(3) The permit 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 34-T90N-R49W	
NE ¼ NW ¼	33 acres
NW ¼ NW ¼	33 acres
SW ¼ NW ¼	33 acres
SE ¼ NW ¼	34 acres
Total 133 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger Dailey, 33229 479th Ave, Jefferson SD 57038 the holder and/or owner of Water Right No. 4433-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater (one well) with a priority date of August 17, 1979 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 Right No. 4433-3 and subject to South Dakota State Law.

Garland Erbele

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

DEC 17 2001

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 26, 20 01

RECEIVED OF Roger Dailey

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	46	21
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 _____		
Fee for _____ for C.Y. _____		
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. _____		
Fee collected by court so fee was taken out.		
(Any Other Work Provided by Law)	TOTAL	46.21

No.

000257

By

Darland E. Eble

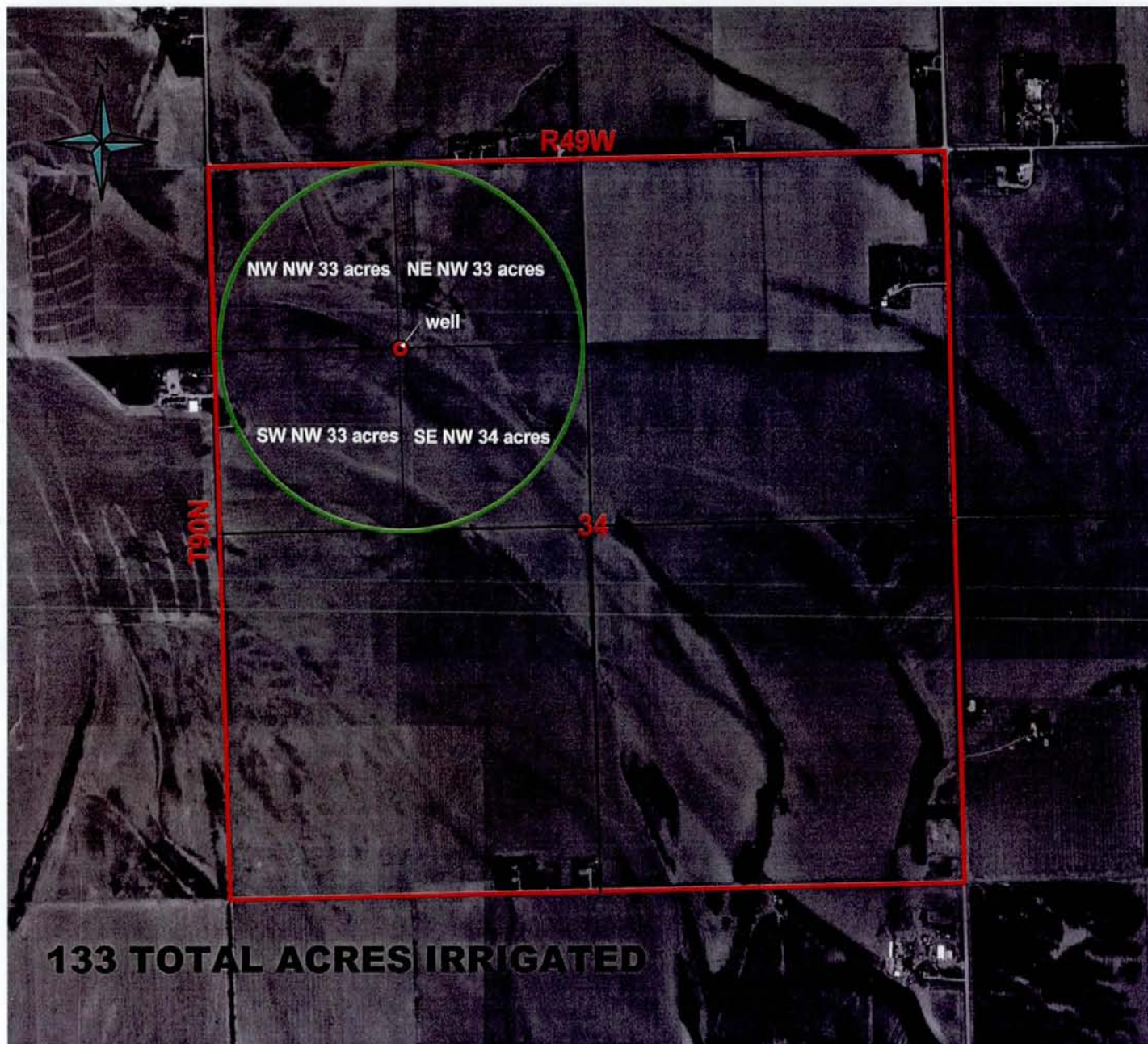
Chief Engineer

gm

Agency Name	Name	File Number	Receipt Number	Deposit Document	Amount	Date Of Deposit	Note
ENVIRONMENT & NATURAL RESOU							
	DAILEY, ROGER	00-6605	7035	C012094	\$50.00	12/03/2001	with R/Ls - 12/03/2001
	SIOUXLAND CATTLE FEE	01-5505	7416	C012008	\$280.00	07/17/2001	See Invoice for - 12/03/2001
SubTotal:					<u>\$330.00</u>		

WATER RIGHT NO. 4433-3

ROGER DAILEY



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
December 10, 2001

Lynn Beck



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

NOT TO SCALE

(5-194)
39.9

(5-21)
78.7

(8-164)
79.4

103 R

(5-113)
74.2

(5-161)
37.8

Well

34

North

(5-112)
155.0

(5-6)
57.0

92.5

Checked by
L. E. De Smit
Union Co Ept apt
Aug 3-1979

90-49

(5-47)
48.2

(5-107)
119.7

103 R

3.6

22.8

(5-169)
66.3

34

~~MAP No. 2366~~

APPL. 4433-3