

1. Considered 1-28 1981
2. Name of Applicant WENDELL H. BISHOP
3. Post Office Address Box 26, ELK POINT, S.D.
4. Amount of Water Claimed 2.28
5. Source of Water Supply 103' WELL
6. Water to be used for IRR
7. Acres to be irrigated 160 maximum
acre feet
8. Water to be diverted and used in UNION County
about 5N, 1 miles EAST of ELK POINT
9. PROOF OF PUBLICATION Received 2-3-81
Not Received
- APPLICATION Approved 1/29/81
Subject to WI-1 R
Not Approved
Action deferred

Priority Date
Received 9-16-80 Application: Complete yes ☒ no ☐ FEE 250.00
Remarks

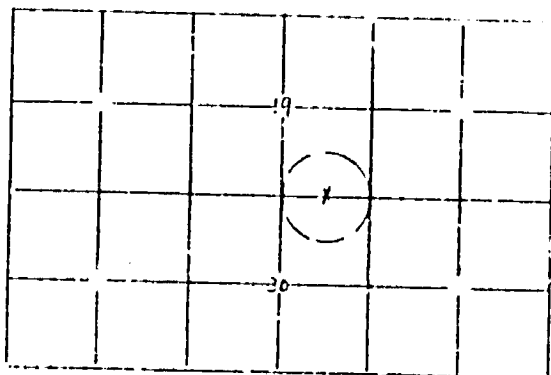
WATER
QUALITY

Date information and/or
fee or corrected Application received
Period of Annual use APRIL THRU OCTOBER
Received yes 1/8/81 no ☐ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes ☒ no ☐ Remarks

Disapproved

Returned

Diversion Point

S $\frac{1}{2}$ SE⁴ 19-92N-R49W

Lands to be irrigated

S $\frac{1}{2}$ SE⁴, SEC. 19 E'N $\frac{1}{2}$ NE⁴, SEC. 30 ALL INT92N-R49WWELL
LOG

Remarks

Driller WETMORE DRILL Licensed ☒ yes ☐ noDepth 103' WELL

Water Right No. _____

MAP Map No. 3838-3 Map located in Water Right X Map file _____
 Type of Map AERIAL Prepared by ASCS - L. De Smet

+++++

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 1-28-81.
Dick Wasth
 (Signed)

+++++

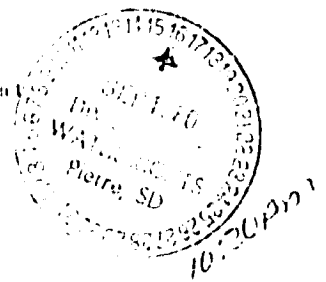
PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F.F. & C Final Decision, including F.F. & C of Law were adopted _____
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC.

Remarks _____

Map No. 3828-3 Water Division No. 3 BIG SIOUX District 10170203
 (Blanks to be Filled by the Engineer for the W. D. 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 Wendell H. Bishop
 Postoffice address P.O. Box 26, Elk Point State South Dakota 57025
 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 Bishop #4
 4. Amount of water claimed (cubic feet per second) 2.28 MAX. AVAILABLE
 5. Source of water supply well
 6. Location of point of diversion S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 19 92N 49W

 _____ County Union

7. Annual period or periods during which water is to be used April thru October
 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.
S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 19			
92 - 49	80		
N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 30			
92-49	80		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 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 Appropriately 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

B. Works proposed to transport water to place of use

Pipe

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 45,000.00

Attachments: Attach Form 2 if diversion from a well or digout, or if storage of water, is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Union

I, Wendell H. Bishop, 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

Subscribed and sworn to before me this 12th day of Sept, 1980

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4611-3

WENDELL BISHOP
(Applicant)

Box 26, Elk Point
(Post Office Address)

SOUTH DAKOTA 57025 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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application SEPTEMBER 16 19 80

Date of return to applicant for correction, amendments or changes required SEPTEMBER 16 19 80

Date of receipt of corrected application WQ JANUARY 8 19 81

Approved JANUARY 29 19 81 Recorded in Book 22 Page 23

WATER RIGHT PERMIT NO. 4611-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4611-3 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 JANUARY 8 19 81

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 29 19 83

3. The whole of said work is to be completed on or before JANUARY 29 19 84

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 29 19 86

5. The water appropriated shall be used for the purpose of IRRIGATION

No

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 2.28 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, and 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 JANUARY 29 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of MARCH 19 81

WATER RESOURCES COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

**P.O. Box 577
Elk Point, South Dakota 57025
Phone [605] 356-3272**

Name Wendell Bishop
Address B 26 Elk Point

Log on test book

Date 2-20, 1950

No.	Description	Amount
	test hole	
	0-2' top soil	
	2-18' clay	
	18'-46' fine sand.	
	46'-103' coarse-sand & gravel	
	Jones	
	Winters	

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Wendell Bishop

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

Heavy fall application of irrigation water will aid in leaching the salts
through the soil profile.

Extra water should be applied for leaching purposes although this may be
difficult to do with a center pivot.

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 120'
- (2) Casing, Type transite Diameter 16" Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type saw slotted, Diameter 18", Length 24'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 30'

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 copy of log

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 120'

Thickness of water bearing material 100'

Depth to water (ground surface to water level) 20'

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

On same owner's property 80 rds. On property owned by others 80 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.

W H Besh
Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Wendell H. Bishop OWNERS ADDRESS: PO Box 26

COUNTY LAND LOCATED IN: Lincoln PHONE: 712-274-1031

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: SE 1/4 Sec 17 T2N R49E
2. SURFACE WATER SOURCE: Well
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 Sec 17 T2N R49E</u>	<u>160.1</u>		
<u>N 1/2 Sec 18 T2N R49E</u>			

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: Corn Beans Alfalfa Small grain
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 80-717 80-1141
8. SALINITY (EC X 10⁶): 3115.8 1712.8
9. SODIUM (SAR): 0.80 1.40
10. ADJUSTED (SAR): 2.05 2.80

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 instruction sheet) were followed, and that the sample was taken at 11 a.m./p.m., on 22nd Aug 1980, at the following location: Laurie Bishop's North farm by W. H. Bishop (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 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

26th DAY OF Aug, 1980

Wendell H. Bishop
(NOTARY PUBLIC)

W. H. Bishop
APPLICANT'S SIGNATURE

Tim M. Stoltz
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 PERMIT must be obtained from the Board of Water Management.





No. 4611-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Custer) ss.

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the 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

town of Elk Point, S. Dak.

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

Thursday, January 15
Thursday, January 22

Lester E. Emerson
(Signature)

Editor/Publisher
(Title)

January 23, 1981
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

January 9, 1981

Notice is hereby given that
Wendell H. Bishop whose post
office address is Elk Point,
South Dakota, has made an ap-
plication 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, 46-6-5.1,
46-6-10, 46-6-14 and Board Rules
ARSD 52:01:01:01 thru 52:01:
01:13, for a permit to appro-
priate for beneficial use 2.28 cu-
bic feet of water per second of
time from ground water (one
well) through the Bishop 74, the
point of diversion of which is to
be located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of
Section 19, Twp. 92N, Range
49W. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land: S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec-
tion 19 and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30
all in T92N, R49W.

This Application No. 4611-3
will be considered by the Water
Management Board at Meeting
Room #1, Kneip Building,
Church & Illinois, Pierre, S. D.
upon the 28th day of January,
1981 at 10 A.M. The Board is
authorized to make a determina-
tion 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-exa-
mine 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 re-
presented by a lawyer. These
and other due process rights will
be forfeited if they are not exer-
cised at the hearing. Decisions
of the Board may be appealed to
the Courts as provided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Divi-
sion, DWNK, Joe Foss Building,
Pierre, S. D., prior to the hear-
ing date for assistance to assure
access to the hearing.

Water Management Board
Betty Westlund
Water Rights Specialist
Pub. Jan. 15, 22.

No. 4611-3

Publish first publication, on or before January 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 9, 1981

Notice is hereby given that Wendell H Bishop whose post office

address is Elk Point, 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, 46-6-14 and Board Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water

(one well) through the Bishop #1, the point ~~(xx)~~ of diversion of which is ~~(xxx)~~ to be located in the S $\frac{1}{2}$ SE $\frac{1}{4}$

of Section 19, Twp. 92N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 19 and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30 all in T92N, R49W

This Application No. 4611-3 will be considered by the Water Management Board at Meeting Room #1, Kneif Building upon the 23th day of January, 1981
Church & Illinois, Pierre, SD

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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Wendell H Bishop
Box 26, Elk Point, SD 57025

BETTY HESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7720

PIERRE, October 1, 19 80

RECEIVED OF W. H. Biehn, 4241 Lincoln Way, Sioux City, Iowa 51106

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

Fee for Application for Permit to Appropriate Water No. 4611-3 (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 *W. H. Biehn*
Chief Engineer, Executive Officer
JUL 11 1980

6760

Remarks:

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

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

January 29, 1988

WENDELL H BISHOP
PO BOX 26
ELK POINT, SD 57025

NOTICE

Re: Violation of Water Permit No(s) 4611-3, 4564-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4611-3, 4564-3. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4611-3, 4564-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

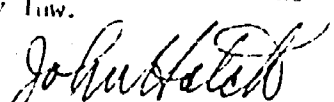
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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 1-25.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4611-3, 4564-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

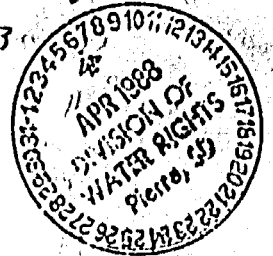
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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


JOHN HATCH, Chief Engineer
Water Rights Division
635 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

4/1/88

RE. Water permit suspension:
4611-3 + 4564-3



John Batek:

On or about Feb 25th 1988, I sent a letter to your office advising you that I could not make the 3/1/88 deadline to submit ^{the} water usage form for year 1987.

I went to Arizona on 12/17/87 and somehow forgot to take the required form with me. I received your letter about 2/25/88 requesting they be sent immediately. I could not get home to get them so I advised your office I would get them out when I got home, which was Friday March 11th 1988. I sent them to your office about 2 days after I got home.

I request that you lift their suspension because of the circumstances. I never intentionally meant to delinquent them. The farming business is tough enough, believe me.

Respectfully
W. H. Batek

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

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: WENDELL H BISHOP
PO BOX 26
ELK POINT, SD 57025

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352 *John Hatch*

SUBJECT: One Year Suspension Of Water Permit No(s). 4611-3,
4564-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4611-3, 4564-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

South Dakota
Department of
Water & Natural Resources

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

April 14, 1988

NOTICE

TO: Wendell H Bishop, 4241 Lincoln Way, Sioux City, IA 51100

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit Nos. 4564-3
and 4611-3

The hearing on your April 1, 1988 request to the Water Management Board to reconsider suspension of Water Permit Nos. 4564-3 and 4611-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-7. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permits, defer action or taken no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Harold Deering, Assistant Attorney General

Wendell Bishop
Water Permit Nos. 4564-3 and 4611-3

GENERAL

Water Permit No. 4564-3 submitted by: Wendell H Bishop
Box 26
Elk Point, SD 57025

Permit Approved: November 19, 1980

Permit was approved with the "irrigation questionnaire" qualification.

Water Permit No. 4611-3 submitted by: Wendell H Bishop
PO Box 26
Elk Point, SD 57025

Permit Approved: January 29, 1981

Permit was approved with the "irrigation questionnaire" qualification.

Water Permit Nos. 2344-3 and 3659-3 are also listed in the above name. (They were amended March 2, 1987 to include the Irrigation Questionnaire Qualification for violation of the requirement to submit 1987 questionnaires)

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1983	November, 1983	December 1, 1983	none
1984	October, 1984	November 19, 1984	none
1985	November, 1985	January 28, 1986	none
1986	November, 1986	December 30, 1986	none
1987	October, 1987	March 2, 1988	March 2, 1988

Letters in the file indicate two different addresses:
4241 Lincoln Way, Sioux City, IA 51105
PO Box 26, Elk Point, SD 57025

In 1983 questionnaires were mailed to the Elk Point address; in 1984, the address was changed and the questionnaires were mailed to Sioux City; in 1986, the address was changed back to PO Box 26, Elk Point. In each case, Mr. Bishop did receive the questionnaires.

PAST VIOLATIONS

Mr. Bishop has had no prior irrigation questionnaire violations.

1 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Bishop was given notice of permit violation for non-return of his 1987 irrigation questionnaires and of the hearings scheduled before the Water Management Board to be held March 2, 1988.

February 25, 1988, a letter was received from Mr. Bishop stating he was in *Arizona for the past two months and the questionnaires were at his Sioux City address. He indicated he would mail them upon returning home March 2, 1988.

*(letter was mailed from 1517 Riverside Drive, Bullhead City, Arizona)

March 2, 1988, The Water Management Board suspended Water Permit Nos. 4564-3 and 4611-3 until December 31, 1988.

March 14, 1988, Mr. Bishop was notified of the Board action suspending his permits. (This notice was sent by certified mail to PO Box 26, Elk Point, SD - Mr. Bishop signed the return-receipt card)

March 24, 1988, the 1987 irrigation questionnaires were received from Mr. Bishop (from his address of 4241 Lincoln Way, Sioux City, IA)

March 30, 1988, Mr. Bishop was given notice that his questionnaires were received but that receipt of the forms did not change the Board's decision to suspend his permits. He would have to petition the Board to rescind the suspensions by submitting a letter to the office requesting time on the May 11, 1988 Board Meeting agenda.

April 6, 1988, a letter was received from Mr. Bishop requesting time on the May 11, 1988 Board Meeting agenda for reconsideration of the suspension of Water Permit Nos. 4564-3 and 4611-3. (letter received from him at 4241 Lincoln Way, Sioux City, IA, address)

April 14, 1988, Mr. Bishop was sent a Notice of Hearing to Consider Request for Reconsideration of Suspended Permit Nos. 4564-3 and 4611-3. (Notice was sent First Class Mail with the mailing certified, to his Sioux City address)



Department of Water & Natural Resources

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

4611-3

May 13, 1988

NOTICE

TO: Wendell Bishop
4241 Lincoln Way
Sioux City IA 51106

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4560-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsingher); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board





4611-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2003

2344-3
3659-3
4564-3
4611-3

Wendell H Bishop
PO Box 2342
Sioux City IA 51106-0342

Dear Mr. Bishop:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to 4241 Lincoln Wy, Sioux City IA. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOT TO SCALE

Biology 4611



WENDEL BISHOP
NOT TO SCALE



NOT TO SCALE

History 4/6/11



Permit No. 4611-3
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, September 27, 2007, made a thorough ^{IA (S)} examination of the water use system constructed by Wendell H. Bishop of 4822 Brookshire Place, Sioux City SD 51109 holder of Permit No. 4611-3, bearing the priority of January 8, 1981 authorizing the diversion of 2.28 cu. ft. per second of the waters of Missouri: Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Wendell Bishop – owner (712) 274-1030**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 132 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length _____ feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length _____ feet
- 3) Static water level 22 feet

Pump:

- 1) Make Western Landroller
- 2) Model 2 12G HC
- 3) Size
- 4) Capacity 800 GPM

Motor:

- 1) Make General Electric
- 2) Model No. 5K6252XM5038
- 3) Horsepower rating 50 hp

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

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length 10 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320' feet
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: 1320' E of the SE corner Section 19-T92N-R49W; 42.765374, -96.669909. The works are capable of diverting and conveying to the place of use 1.78 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 19-T92N-R49W:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres

Section 30-T92N-R49W:

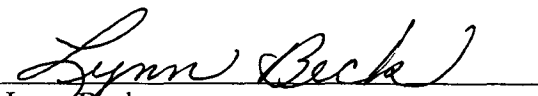
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres

comprising a total of 128 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map yes

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


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

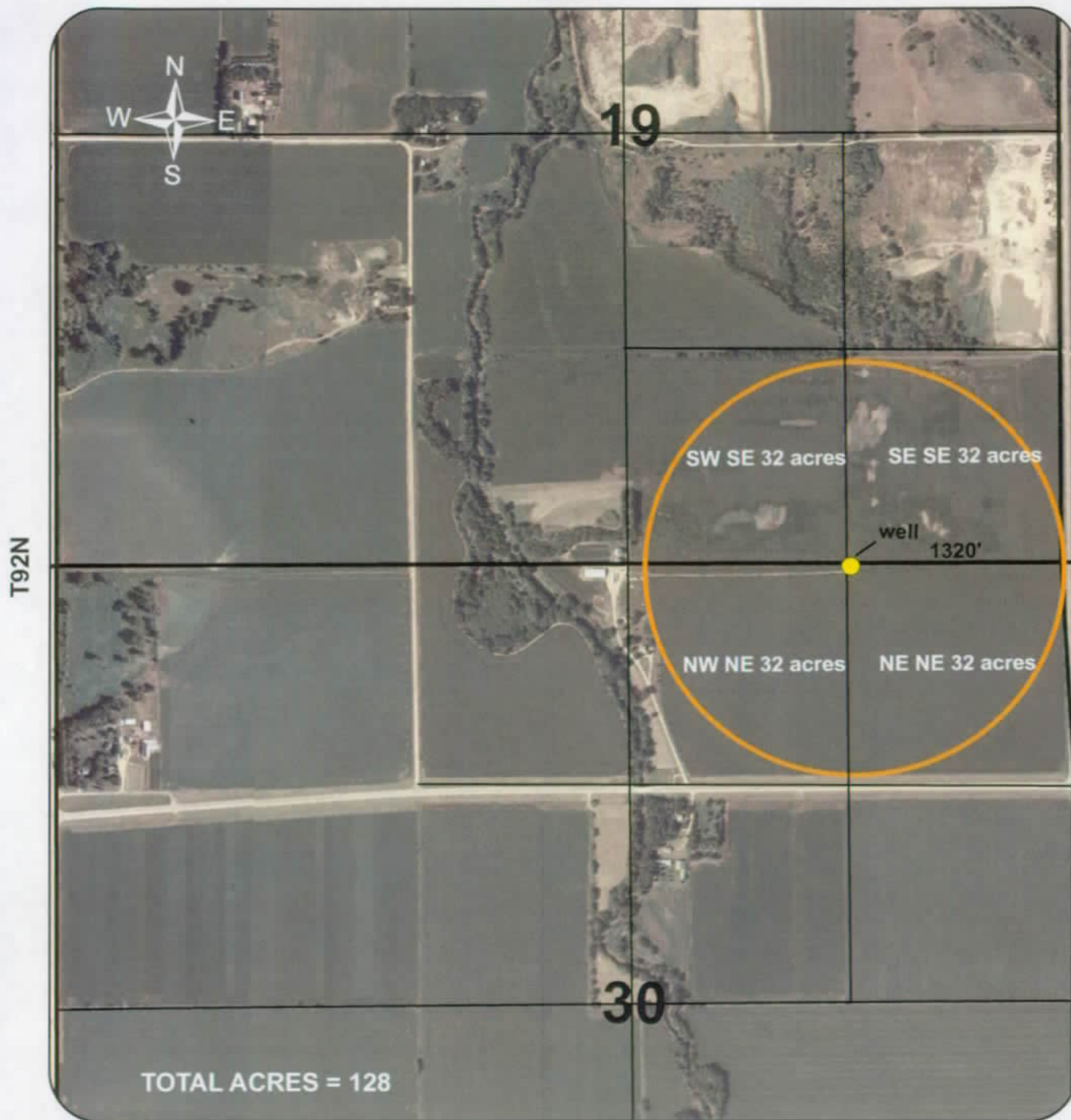
Date report completed: November 2, 2007

WATER RIGHT NO. 4611-3

Wendell H. Bishop

November 2, 2007

R49W



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

November 6, 2007

4564-3
4611-3

Wendell H Bishop
4822 Brookshire Place
Sioux City IA 51106

Dear Mr. Bishop:

On September 27, 2007 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 4564-3 and 4611-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license. Upon receipt of the \$100.00 fee from you, we will complete processing the water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water rights will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permits, investigation of your water use systems or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/21, 20 07

RECEIVED OF Tim W Bishop 310 Dakota Dunes Blvd # 304 Dakota Dunes SD 57049

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4611-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) _____	TOTAL	50 00

No.

03282

By

Paul Erbe
Chief Engineer

J



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2000

4564-3
4611-3

Wendell Bishop
4822 Brookshire Place
Sioux City IA 51106

Dear Mr. Bishop:

Enclosed are Water License Nos. 4564-3 and 4611-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your licenses are maps prepared by the staff engineer who conducted the investigations and receipts for payment of license fees.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 4564-3 and 4611-3, 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 Licenses, 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

Note: The applicable portions of No. 2344-3 are incorporated into Water License No. 4564-3.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4611-3

(1) Wendell Bishop, 4822 Brookshire Place, Sioux City IA 51106 made Application No. 4611-3, September 16, 1980 for a water permit to divert 2.28 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4611-3, with a priority date of January 8, 1981 was approved January 29, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 29, 1984 and for the application to beneficial use of water on or before January 29, 1986.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4611-3 is issued a license, bearing a priority date of January 8, 1981 to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 128 acres.

The diversion point is located: 1,320 feet east of the southeast corner of Section 19-T92N-R49W. The acres authorized for irrigation are as follows:

Section 19-T92N-R49W		Section 30-T92N-R49W	
SW ¼ SE ¼	32 acres	NE ¼ NE ¼	32 acres
SE ¼ SE ¼	32 acres	NW ¼ NE ¼	32 acres
Total 128 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4611-3 including the following now applicable qualifications:

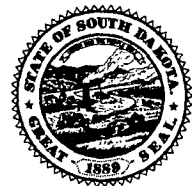
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

JUL 28 2008

date





4611-3
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 23, 2020

NOTICE

TO: WENDELL H BISHOP, 4822 BROOKSHIRE PLACE, SIOUX CITY, IA 51106 4009

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4564-3 & 4611-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4564-3 & 4611-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4564-3 & 4611-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: FCMTAP**

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.

4611-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 3, 2020

4564-3
4611-3

Wendell H Bishop
4822 Brookshire Pl
Sioux City IA 51106 4009

Dear Mr. Bishop:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 4564-3 & 4611-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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