

1. Considered 3/25 19 81
2. Name of Applicant Wallace E. Johnson
3. Post Office Address Rt. 3 Box 22
Geddes, 57342
4. Amount of Water Claimed 2.14
5. Source of Water Supply Missouri River
6. Water to be used for Irrig.
7. Acres to be irrigated 113 maximum
acre feet
8. Water to be diverted and used in Charles Mix County
about 6 1/2 miles of Pedder
9. PROOF OF PUBLICATION Received 3-19-81
Not Received

APPLICATION

Approved Mr. R. Porten 3/25/81

Subject to

Not Approved Imm - Deferred until May 1

Action deferred

Range wrong call's
Paper 351-2571
3/13/81 will correct.

Priority

Date

2/23/81

Received 2/23/81 Application Complete yes ☒ no ☐ FEE 150.00

Remarks

Date information and/or

fee or corrected Application received

Period of Annual use May - October (April to fill dam)

WATER
QUALITY

Received yes 3/1/81 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no ☐ Remarks

Disapproved

Returned

Diversion Point

SW 1/4 NW 1-96-67

Lands to be Irrigated

NE 1/4 6-96-67

x					
y					

Remarks

Driller

Licensed yes ☐ no ☐

Depth

~~WELL
LOG~~

MAP Map No. 3857-3 Map located in Water Right X Map file _____
 Type of Map aerial Prepared by HSCS

+++++

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 3/25/81.
BTJ - Bgw
 (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 _____

No. 4642-3Map No. 3857-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10146101

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☒Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Wallace E. Johnson Phone No. 337-2496
 Post Office Address Rt. 2, Box 22 Geddes State South Dakota 57342
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor3. Name of diversion work Johnson #34. Amount of water claimed (cubic feet per second) 2.116 1.61 MAX ALLOWANCE5. Source of water supply Missouri River & RE-USE PIT

6. Location of point of diversion SW 1/4 of NW 1/4 Sec 1-96-67 - RIVER
REUSE PIT LOCATED IN THE SE 1/4 SE 1/4 NW 1/4, SECTION 6, T96N, R66W

County Charles Mix7. Annual period or periods during which water is to be used May, Oct., Pump in April to fill dam8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 113

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.
NW 1/4 NE 1/4 SEC. 6-96-66	37
NE 1/4 NE 1/4 "	16
S 1/4 NE 1/4 "	40
SE 1/4 NE 1/4 "	20

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Chas. Mix County News

12. Principal Features of the Proposed Water Supply System.

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

Centrifugal Pump

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

Buried FVC Pipe

C. Works proposed to apply water to beneficial use.

Gated Pipe

THIS APPLICATION PROPOSES
 TO PUMP FROM THE MISSOURI
 RIVER INTO THE DAM
 APPROVED UNDER PERMIT NO.
 1944-3, AND TO CATCH PUNDER
 WATER & SOME GROUNDWATER
 IN A RE-USE DUGOUT TO
 IRRIGATE THE ABOVE DESCRIBED
 LANDS

Pipe Cost \$11,000
 Estimated Total Cost \$ 11,000

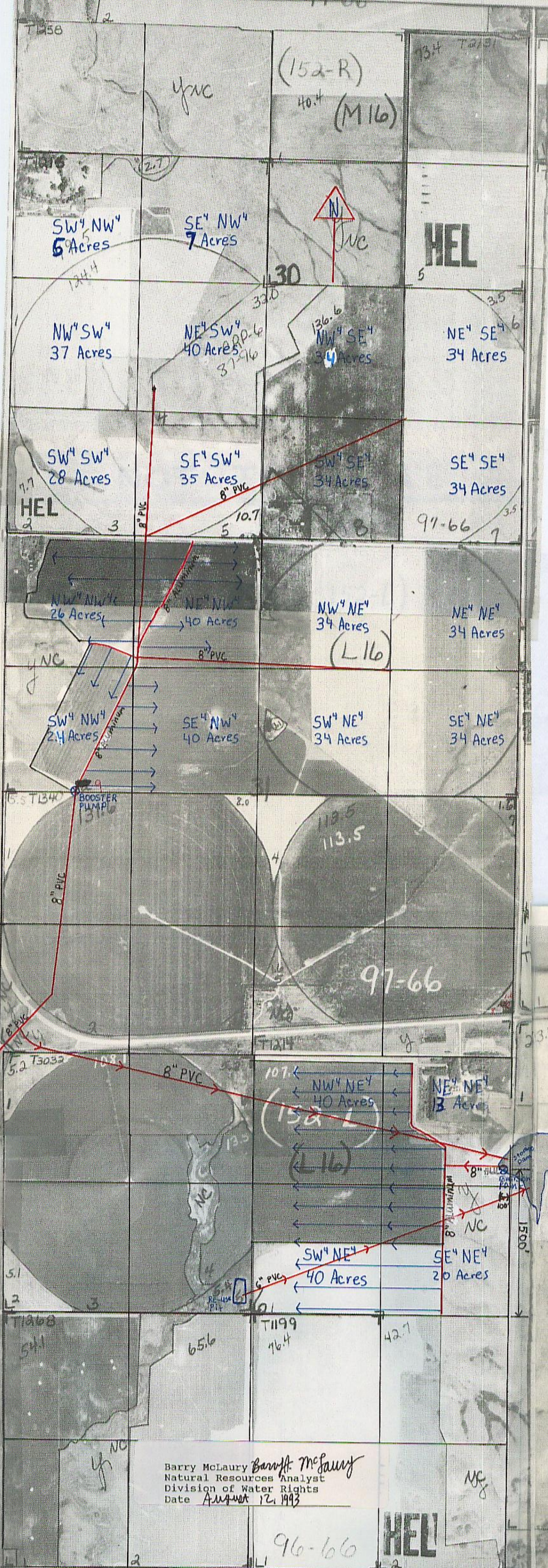
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
 County of Charles Mix) ss.

I, Wallace E. Johnson 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:

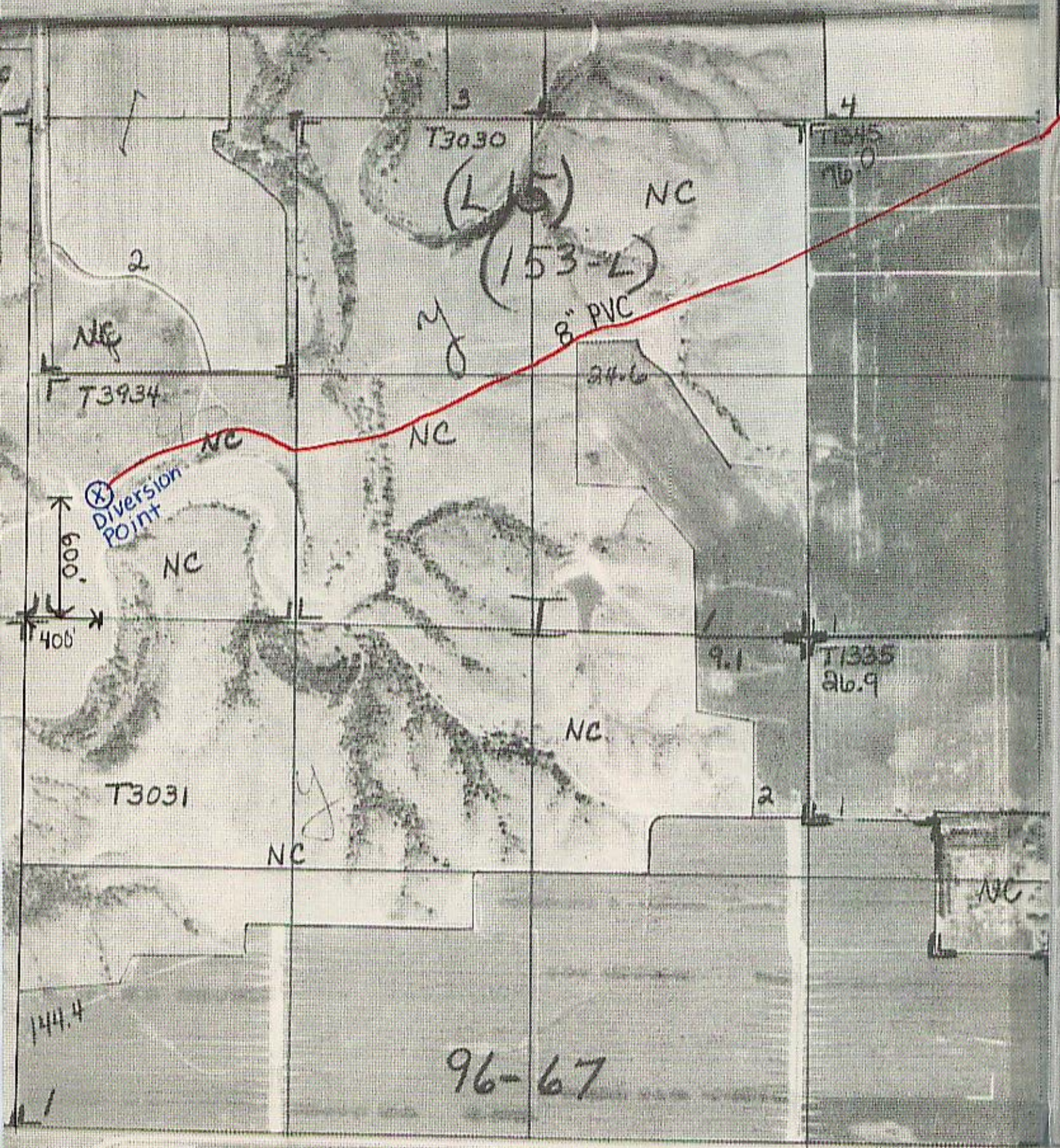
Signed: Wallace E. Johnson
 Subscribed and sworn to before me this 20 day of Feb., 1956
Notary Public
 Notary Public (or other qualified officer)

NOT TO SCALE

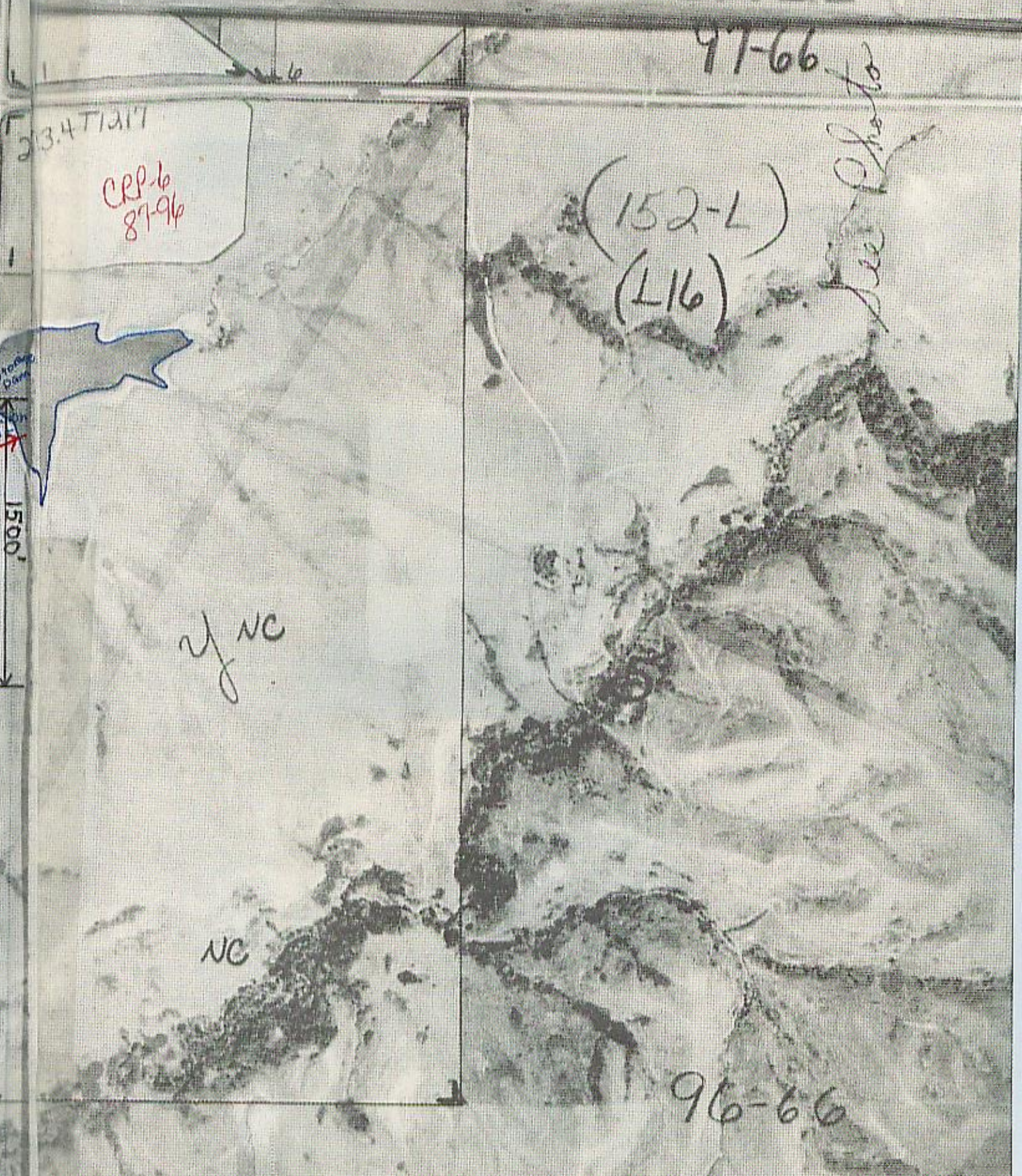


Barry McLaury *Barry McLaury*
Natural Resources Analyst
Division of Water Rights
Date August 12, 1993

NOT TO SCALE



NOT TO SCALE



WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4642-3

WALLACE E. JOHNSON

(Applicant)

RT 2, Box 22, GEDDES

(Post Office Address)

SOUTH DAKOTA 57342

(State)

With the following qualifications.

"Approval of this permit requires the bypass of flows until the dam authorized by Water Right No. 1444-3 has been filled. Pumping after June 1 each calendar year is authorized without the dam being filled provided natural runoff flows from above the Bridges property are bypassed".

Date of first receipt of application FEBRUARY 23, 1981

Date of return to applicant for correction, amendments or changes required FEBRUARY 23, 1981

Date of receipt of corrected application MARCH 5, 1981

Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4642-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4642-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 23, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1984
3. The whole of said work is to be completed on or before APRIL 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 1987
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 661 ~~214~~ 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 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 APRIL 7, 1987; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By:

John Klatka
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, 40' x 100', Depth 9'

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

(1) Water Bearing Materials. (Attach a copy of test well log)

- Depth to top of water bearing material 4'
- Depth to bottom of water bearing material 6'
- Depth to water (ground surface to water level) 1'

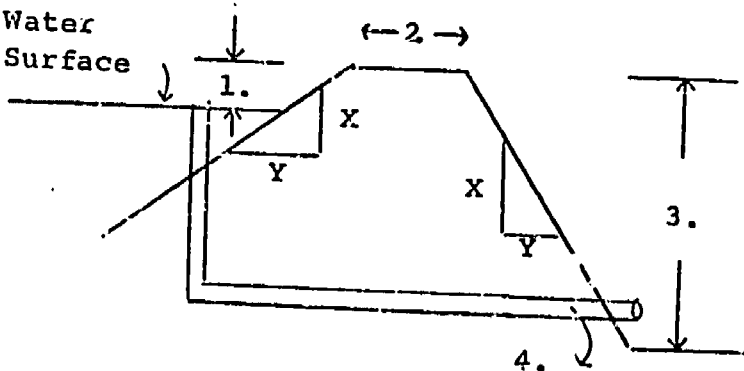
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 8 rds.
- On property owned by others _____ 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam, _____

William E. Smith
Signature of Applicant

Approved

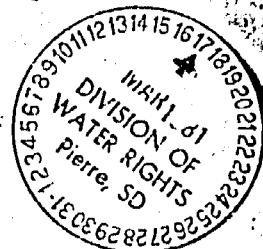
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

4642/3

NAME OF APPLICANT Wallace E. Johnson

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application
is gravity.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Wallace E. Johnson OWNERS ADDRESS: Rt. 2, Box 22
Geddes, S.D. 57312

COUNTY LAND LOCATED IN: Charles Mix PHONE: 337-2496

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: SW 1/4 NW 1/4 Sec 1-96-67 SE 1/4 NW 1/4 SEC 196-66
2. SURFACE WATER SOURCE: Missouri River - REUSE PIT chg. 3/6/81
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST called SCC
ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NE 1/4 6-96-66</u>	<u>37</u>		
<u>NE 1/4 NE 1/4 6-96-66</u>	<u>16</u>		
<u>SW 1/4 NE 1/4 6-96-66</u>	<u>40</u>		
<u>SE 1/4 NE 1/4 6-96-66</u>	<u>20</u>		

4. TYPE OF IRRIGATION: GRAVITY: x TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn, wheat, alfalfa, beans
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 72
LEGAL DESCRIPTION: Same
IN WHAT NAME: Wallace E. Johnson

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

7. WATER SAMPLE NUMBER: Missouri River
8. SALINITY (EC X 10⁶): 529
9. SODIUM (SAR): 1.4
10. ADJUSTED (SAR): 2.6

RECEIVED

FEB 23 1981

South Dakota
Division of Conservation

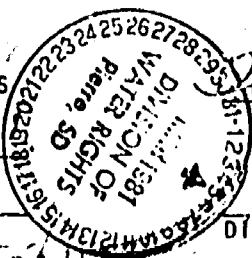
I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 3:00 a.m./p.m., on 2-19, 1981, at the following location: pre-sampled Missouri River water - REUSE PIT 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 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

20 DAY OF Feb., 1981

[Signature]
(NOTARY PUBLIC)



[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

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.

X APPROVED
____ DISAPPROVED
____ CONDITIONALLY APPROVED

No. 4642-3

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given Wallace Johnson whose post office

address is Geddes, 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.61 cubic feet of

water per second of time from the Missouri River and a re-use pit through the Johnson #3, the point ~~X~~ of diversion of which is ~~to be~~ to be located in the SW 1/4 NW 1/4

of Section 1, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

BW NE 1/4, Section 6, T96N, R67W. The application also proposes to pump into the re-use pit from the Missouri River and irrigate the lands under Permit No. ^{1944-3.} ~~1994-3~~

This Application No. 4642-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota upon the 25th day of March 1981

at 1:00 P.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, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Wallace Johnson
Rt. 2, Box 22
Geddes, SD 57342

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 4642-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Harold J. Jarger hereby

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

Water was taken from the Charles Mix County News

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 Geddes

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

March 12 - 1981

5 19 - 1981

Harold J. Jarger
(Signature)

Owner & Publisher
(Title)

March 15, 1981
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given
Wallace Johnson whose post
office address is Geddes, South
Dakota, has made an
application in accordance with
the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-14; 46-2-1 thru
46-2-11, 46-2-13; 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-22,
46-5-41; and Board Rules ARSD
52:01:01:01 thru 52:01:01:15,
for a permit to appropriate for
beneficial use 1.61 cubic feet of
water per second of time from
the Missouri River and a
re-use pit through the Johnson
No. 3, the point of diversion of
which is to be located in the
SW 1/4 NW 1/4 of Section 1, Twp.
96N, Range 67W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described
land:

NE 1/4, Section 4, T96N, R66W.
The application also proposes
to pump into the re-use pit
from the Missouri River and
irrigate the lands under
Permit No. 1944-3.

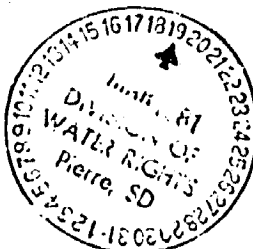
This Application No. 4642-3
will be considered by the
Water Management Board at
the Holiday Inn, Sandy Shore
Room, Watertown, South
Dakota upon the 25th day of
March 1981 at 1:00 P.M. The
Board is authorized to make a
determination on this applica-
tion at the hearing. All
interested persons may appear
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

in contact the Water Right
Division, DWNR, Joe For-
giving, Pierre, SD, prior
to the hearing date for assistance
to assure access to the
hearing.

WATER MANAGEMENT
BOARD
- Betty Westlund
BETTY WESTLUND
Water Rights Specialist
Pub. March 12 &



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

Nº 4 8005

PIERRE, February 23, 1981

RECEIVED OF Wallace E. Johnson, Rt.2, Box 22, Geddes, SD 57342

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

Fee for Application for Permit to appropriate Water No. 4642-3 (examination, processing, recording and filing) -----	150	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	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / C.E.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

March 24, 1982

NOTICE

TO : Persons Interested in Deferred Applications No. 4638-3 Elvern
Varilek and No. 4624-3, Wallace E. Johnson, Charles Mix County

FROM : John Hatch, Chief Engineer, Water Right Division *John Hatch*

SUBJECT : Reconsideration of Applications No. 4638-3 & 4642-3

The Water Management Board will reconsider deferred Water Permit Applications No. 4624-3
No. 4638-3 at 3:00 p.m. April 7, 1982, at Meeting Room #1, Knelp Building at
Church & Illinois, Pierre, SD.

This reconsideration hearing will be conducted in accordance with the
provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-14, 46-2-9
through 46-2-11, 46-2-13, 46-5-1 through 46-5-8, 46-5-10 through 46-5-22,
46-5-25, 46-5-41, 46-6-3 through 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14
and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

These applications were previously deferred by the Board pending staff
investigation. A report on the deferred applications has been prepared by
the Water Rights Staff and is available upon request.

After reconsideration of the deferred applications the Board can approve,
conditionally approve, defer, or deny all or part of the Applications.

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, DWNR, Joe Foss Building, Pierre, South Dakota, prior to the
hearing date for assistance to assure access to the hearing.

S503.wr

c32403ks.wr

Report of Investigation on Applications No.
4638-3 Elvern Varilek and 4642-3 Wallace E. Johnson

March 22, 1982

Applications No. 4638-3 (priority date February 20, 1981) and 4642-3 (priority date February 23, 1981) were deferred at the May 1, 1981 meeting of the Water Management Board for a period of one year to allow experimental pumping. The Varilek application provides for pumping from an existing dam (Water Right No. 1444-3, priority date September 18, 1967) for irrigation purposes. This dam has a storage capacity of 35.4 acre feet with a drainage area of approximately 2200 acres. The Johnson application provides for diverting water from the Missouri River and from a dugout located in a dry draw channel to an existing dam (Water Right No. 1944-3) for irrigation purposes. The purpose of the dugout is to collect irrigation return flows and underground percolation water. See map for locations.

Discussion:

Mr. Varilek has the senior priority for water to fill his dam. The runoff from snowmelt normally fills his dam, however in 1981 when there was essentially no runoff, the dam did not fill. With a 2200 acre drainage area, 0.20 inches of runoff would completely fill the dam. Without considering snowmelt, a two year frequency 24 hour rainstorm would yield 0.43 inches of runoff, a 1.25 year frequency 24 hour rainstorm would yield 0.16 inch of runoff. This year, 1982, the dam filled the first week of March from snowmelt.

Mr. Johnson plans on using the dugout located on land owned by Maynard Bridges to intercept irrigation return flows and ground water. Mr. Bridges has a problem with the drainage of the land in the NW 1/4 of Section 6. During the irrigation season, the return flows and underground percolation of water drains to Mr. Bridges field creating high water levels in the field and causing salt problems. By cutting down the channel of the draw and allowing it to drain into the dugout, Mr. Bridges believes the water table can be lowered with Mr. Johnson diverting the water.

Reuse of Irrigation Return Flow Discussion:

In regard to return flows from irrigation, if the drainage area consists of less than 160 acres, the flows can be impounded in a dugout or dam and returned through the system for reuse without applying for a storage right. This is consistent with SDCL 46-4-1 which allows the construction of storage without a permit for irrigation if the drainage is less than 160 acres.

In Mr. Johnson's case, it is necessary to obtain approval for the diversion and reuse of the return flow waters because the drainage area for the dugout is considerably more than 160 acres. SDCL 46-5-14 does allow waters to be reclaimed, subject to existing rights.

The dugout from which Mr. Johnson pumps was constructed during the Fall, 1979. The 600 gpm pump was not installed until 1980. During 1980, Mr. Johnson pumped 350 hours at 600 gpm from the dugout for a total of 38.67 acre feet. The method of operation was manual turn on with shutoff by a pressure

switch. There was no pumping from November, 1980 until May 1, 1981. After May 1, 1981 until the end of September, 1981, Mr. Johnson pumped 502 hours (average of 7.17 hours per day) or a total of 55.46 acre feet from the dugout. The method of operation part of the time was automatic turn on and off.

Conclusions and Recommendations

Both applications can be approved; however, the senior priority status of the Varilek Right No. 1444-3 must not be jeopardized. Usually the Varilek dam will be filled once each year by spring runoff. During spring runoff years, the Johnson dugout could be pumped as soon as the Varilek dam had filled. During a no spring run off year when the Varilek Dam does not fill, pumping from the dugout will have to be restricted. Any upstream runoff that will flow through the Bridges property will need to be by-passed.

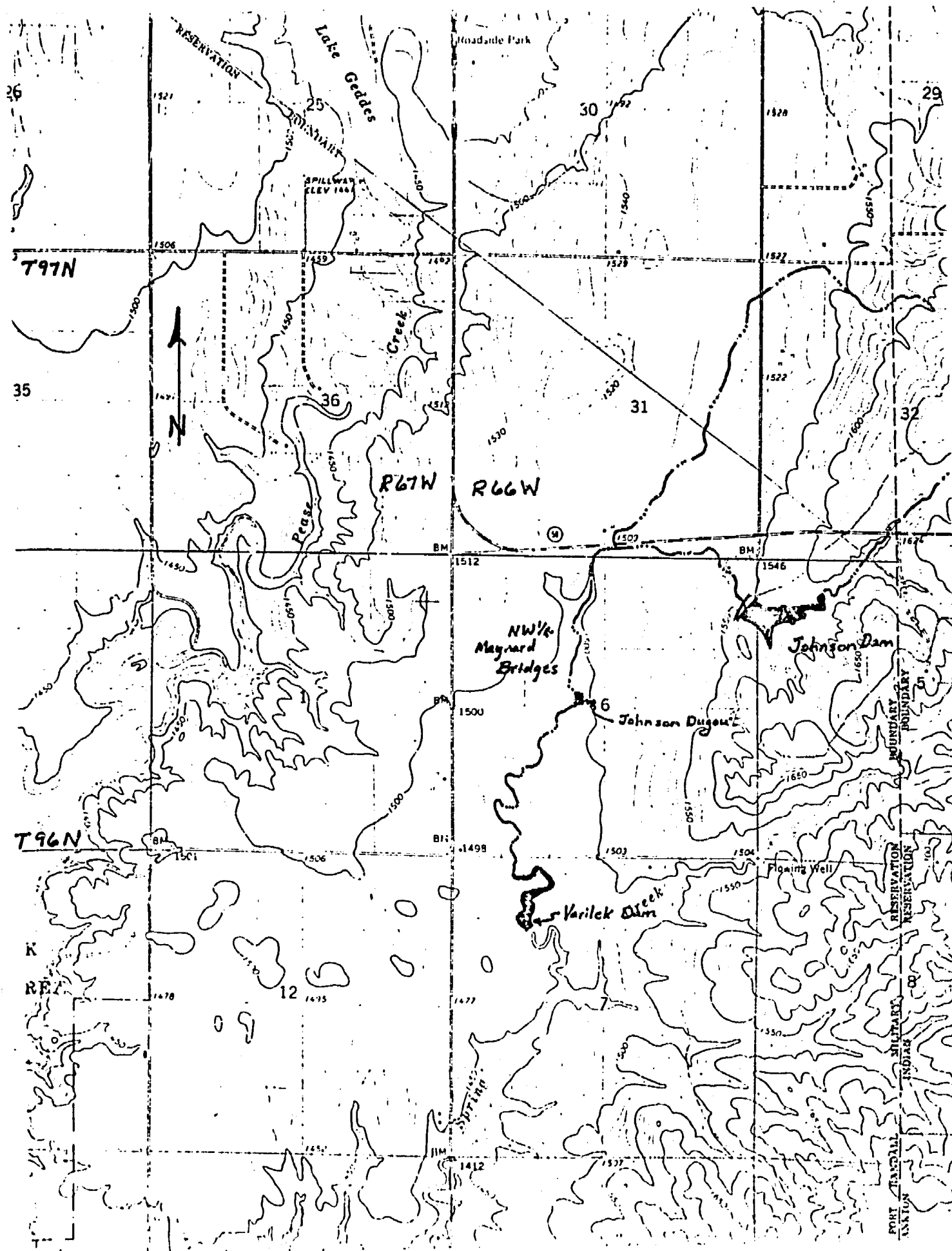
How much, if any, water should be by-passed from irrigation return flows since such flows do enter the draw and dugout is the main question. The purpose of the dugout is to allow Mr. Johnson to remove return flow irrigation water from Bridges land that interferes with Bridges land use and can cause flooding problems on two neighbors' land. The practice also allows Johnson to conserve water and to pump any ground water that enters the dugout. There is a balance point at which even if Johnson did not pump, the Varilek Dam would not receive enough flow, if any, to be of beneficial use to Mr. Varilek. It is doubtful that a permanent flow bypass figure could be established, above which Mr. Johnson must by-pass and below which he can pump. A permanent flow bypass should not be established because (1) the nature of the drainage is that of a dry draw which flows only during periods of snowmelt, high intensity rainstorms, and possibly from irrigation return flows; (2) the Varilek Dam will be filled in most years from spring runoff; and (3) when only irrigation return flow water is available, the benefits to the Varilek Dam will be negligible, due to losses incurred in the channel.

Rather than set a flow by-pass requirement, a time requirement of no pumping by Johnson until after June 1 could be established for the infrequent no spring runoff occurrence and to require natural runoff from the drainage above Bridges property to be by-passed unless the Varilek dam has already been filled from runoff.

The staff recommends approval of applications No. 4638-3 and 4642-3 with the following qualifications:

Application No. 4638-3, Eivern Varilek, "Approval of this permit authorizes storage of 35.4 acre of feet of water annually".

Application No. 4642-3, Wallace E. Johnson, "Approval of this permit requires the bypass of flows until the dam authorized by Water Right No. 1444-3 has been filled. Pumping after June 1 each calendar year is authorized without the dam being filled provided natural runoff flows from above the Bridges property are bypassed".



James Winterton
Water Resources Engineer

John Hatch
Chief Engineer

c32504Jw.wr



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4601-3 4642-3
Wallace E. Johnson
RR#2, Box 22
Geddes, SD 57342

Dear Sir:

Water Permit No. 4601-3 & 4642-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

Permit No. 4642-3
Missouri River - Water District

Report Of Examination Of Work And/OR Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Wallace E. Johnson of RR2, Box 22, Geddes, SD 57342 holder of Water License No. 1944-3 and Permit Nos. 2655-3, 4601-3, 4642-3, bearing priority dates of June 5, 1972; March 19, 1976; December 11, 1980; & February 23, 1981 (respectively) authorizing the diversion of 2.14; 3.50; 5.14; & 1.61 (respectively) cu. ft. of water per second from a dry draw dam and the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Motor: (at the river)

Marathon Electric
 Frame No. 365 TCZ
 Model No. WC 365TTD57311ETW
 100 HP

Cornell Pump
 Serial No. 65832
 Model No. 4YB100-2
 900 GPM

(at the storage dam)

Marathon Electric
 Frame No. 215TC
 Serial No. 1172772
 71/2 HP

Berkeley Pump
 Model No. 5WP
 61/2" impeller
 800 GPM

(at the re-use pit)

General Electric
 15 HP

Berkeley Pump
 300 GPM

**** NOTE:**

The re-use pit catches the tail waters from the flood irrigation system in the NE $\frac{1}{4}$ of Section 6. The water is then pumped back into the holding pond in Section 5 to be re-used again for flood irrigation.

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

DISTRIBUTION LINES:

Type <u>PVC</u>	Size <u>8</u> inches	Length <u>22,000</u> feet
Type <u>Aluminum</u>	Size <u>8</u> inches	Length <u>6,300</u> feet
Type <u>PVC</u>	Size <u>6</u> inches	Length <u>3,200</u> feet

BOOSTER PUMP: (Section 31 T97N-R66W SW $\frac{1}{4}$ NW $\frac{1}{4}$)

Baldor Electric
 Frame No. 256 JP
 Serial No. 6/870
 20 HP

Cornell Pump
 Model No. 4R320-4
 Serial No. 55374
 900 GPM

C. Works used to apply water to beneficial use:

Center pivots: (3)

30-97-66 (SW1/4)

Valley

8 tower

Low pressure w/ endgun

900 GPM

30-97-66 (SE1/4)

Zimmatic

7 tower

Low pressure w/ endgun

900 GPM

31-97-66 (NE1/4)

Valley

7 tower

Low pressure w/ endgun

900 GPM

Flood irrigation system:

5,900 feet of pipe

8" aluminum

30" spaced gates

30' length joints

The system is in the following condition Excellent. The points of diversion are located River: 600 feet N and 400 feet E from the W1/4 corner of Section 1 T96N-R67W (SW1/4 NW1/4); Storage Dam: 1060 feet S and 50 feet W of the NE corner of Section 6 T96N-R66W (NE1/4 NE1/4). The works are capable of diverting and conveying to the place of use 3.78 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T97N-R66W

SECTION 30

SW1/4 NW1/4 5 acres

SE1/4 NW1/4 7 acres

NW1/4 SW1/4 37 acres

NE1/4 SW1/4 40 acres

SW1/4 SW1/4 20 acres

SE1/4 SW1/4 35 acres

NW1/4 SE1/4 34 acres

NE1/4 SE1/4 34 acres

SW1/4 SE1/4 34 acres

SE1/4 SE1/4 34 acres

SECTION 31

NW1/4 NW1/4 26 acres

NE1/4 NW1/4 40 acres

SW1/4 NW1/4 24 acres

SE1/4 NW1/4 40 acres

NW1/4 NE1/4 34 acres

NE1/4 NE1/4 34 acres

SW1/4 NE1/4 34 acres

SE1/4 NE1/4 34 acres

T96N-R66W

SECTION 6

NW1/4 NE1/4 40 acres

NE1/4 NE1/4 13 acres

SW1/4 NE1/4 40 acres

SE1/4 NE1/4 20 acres

comprising a total of 667 acres of land and the license should be issued for **3.78 CFS.

Applicable permit qualifications have been complied with: Yes X No

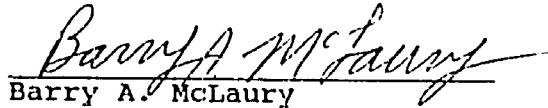
Exceptions to compliance are: None Date: June 8, 1993

**** NOTE:**

Water is diverted from the river at a rate of 2.00 CFS, and from the dam at 1.78 CFS. Both pumps may be run at once with a total diversion rate of 3.78

CFS.

The storage dam in Section 5 and the 113 irrigated acres in Section 6-T96N-R66W are licensed under Water Right No. 1944-3 and will be incorporated with this Water Permit No. 4642-3. Water Permit Nos. 2655-3, & 4601-3 will also be incorporated with this Water Permit No. 4642-3 upon licensing.

A handwritten signature in cursive script, reading "Barry A. McLaury". The signature is written in dark ink and is positioned above a horizontal line.

Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4542-3

DATE: June 8, 1993

Other permit(s) associated with the project: 1944-3; 2655-3 & 4601-3

DIVERSION POINT LEGAL LOCATION: 600 feet N and 400 feet E from the W1/4 corner of Section 1 T96N-R67W (SW1/4 NW1/4).

Motor: (at the river)

Marathon Electric
Frame No. 365 TCZ
Model No. WC 365TTD57311ETW
100 HP

Cornell Pump
Serial No. 65832
Model No. 4YB100-2
900 GPM

(at the storage dam)

Marathon Electric
Frame No. 215TC
Serial No. 1172772
7 1/2 HP

Berkeley Pump
Model No. 5WP
61/2" impeller
800 GPM

(at the re-use pit)

General Electric
15 HP

Berkeley Pump
300 GPM

**** Note:**

The re-use pit catches the tail waters from the flood irrigation system in the NE 1/4 of Section 6. Water is then pumped back to the holding pond.

BOOSTER: (Section 31 T97N-R66W SW 1/4 NW 1/4)

Baldor Electric
Frame No. 256 JP
Serial No. 6/870
20 HP

Cornell Pump
Model No. 4R320-4
Serial No. 55374
900 GPM

DISTRIBUTION LINES:

1) Type <u>PVC</u>	2) Size <u>8</u> inches	Length <u>22,000</u> feet
1) Type <u>Aluminum</u>	2) Size <u>8</u> inches	Length <u>6,300</u> feet
1) Type <u>PVC</u>	2) Size <u>6</u> inches	Length <u>3,200</u> feet

SYSTEM TYPE:

Center pivots: (3)

30-97-66 (SW1/4)

Valley
8 tower
Low pressure with endgun
900 GPM

30-97-66 (SE1/4)

Zimmatic
7 tower
Low pressure with endgun
900 GPM

31-97-66 (NE1/4)

Valley
7 tower
Low pressure with endgun
900 GPM

Flood Irrigation system:

5,900 feet pipe
8" aluminum
30" spaced gates

DAM INFORMATION:

- 1) Height to crest 20 feet
- 2) Approx. storage 170 ac-ft
- 3) Surface acres 17 acres
- 4) Category of Dam III
- 5) Inspection Sheet Completed N

****NOTE:** At the time of inspection, the crest, upstream & downstream slopes, abutment contacts, spillway, and all visible parts within, appeared to be in excellent condition. There was an adequate amount of grass cover to keep erosion at a minimum. Water is diverted from the river at a rate of 2.00 CFS to fill the dam in Section 5 T96N-R66W. This dam is licensed under Water Right No. 1944-3. A final inspection was made September 18, 1979 by staff engineer Leroy Mernaugh.

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type Electrical
- 7) Injection pump type not at site
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 11) Comments : Nice chemigation set up. Chemigation is only used in the 3 center pivots.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

**** NOTE:**

The storage dam in Section 5 and the 113 irrigated acres in Section 6 of T96N-R66W are Licensed under Water Right No. 1944-3 and will be incorporated into this Water Permit No.4642-3. Water Permit Nos. 2655-3, & 4601-3 will also be incorporated with 4642-3 upon licensing.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 1994

Ordean Eddy
Farm Credit Services
PO Box 1248
Mitchell, SD 57301-1248

Dear Mr. Eddy:

Enclosed, as you requested, are copies of Water Right No. 1944-3, Water Permit Nos. 2655-3, 4601-3 and 4642-3. The water right and permits are currently listed in the name of Wallace Johnson.

I have included a "draft" copy of the inspection report for Water Permit Nos. 2655-3, 4601-3 and 4642-3. The information contained in the report is a result of an inspection conducted by Barry McLaury, with our office. The report is marked "draft", because the inspection has been done, however a water license has not yet been issued.

If you have any questions concerning the enclosed copies, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 21, 1994

Permit No. 4642-3

Wallace E. Johnson
RR 2, Box 22
Geddes, SD 57342

Dear Mr. Wallace:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water License No. 1944-3 and Water Permit Nos. 2655, 4601-3 and 4642-3 has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water License No. 1944-3 and Water Permit Nos. 2655-3 and 4601-3 will be incorporated into 4642-3.

Statutes require that we charge a \$50.00 fee for the inspection 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 Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

414230

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

Pierre, _____ August 2, 1994

RECEIVED OF Wallace E Johnson, Rte 2 Box 22, Geddes, SD 57542

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. <u>1642-5</u>	50	00
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Fee for Filing Transfer Form _____		
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Fee for Filing Extension Request _____		
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Fee for _____		
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(Any Other Work Provided by Law)		
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Total	50	00
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By *John H. Hatch*
Chf. Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4642-3

(1) Wallace E. Johnson, of Rt 2, Box 22, Geddes SD 57342 made Application No. 4642-3, February 23, 1981 for a water permit to appropriate 1.61 cubic feet of water per second from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 4642-3, with a priority date of February 23, 1981 was approved April 7, 1982 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The applicable portions of Water License No. 1944-3 and Water Permit Nos. 2655-3 and 4601-3 have been incorporated into this Water License No. 4642-3. The works constructed under each of the permits operate using a common distribution system and the same Missouri River diversion point. A priority date of June 5, 1972 (established under No. 1944-3) is retained for irrigation of 113 acres in the NE 1/4 Section 6-T96N-R66W (storage dam diversion point). A priority date of March 19, 1976 (established under No. 2655-3) is retained for irrigation of 204 acres in the S 1/2 SW 1/4, Section 30 and the NW 1/4, SW 1/4 NE 1/4 Section 31; all in T97N-R66W. A priority date of December 11, 1980 (established under No. 4601-3) is retained for irrigation of 360 acres in the S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 Section 30 and the NE 1/4 Section 31; all in T97N-R66W. The 113 acres in the NE 1/4 Section 6-T96N-R66W (established under No. 4642-3) also retain a priority date of February 23, 1981 (Missouri River diversion point).

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.78 cubic feet of water per second for beneficial use. The location of the diversion points are: Missouri River - 600 feet N and 400 feet E from the W 1/4 corner of Section 1-T96N-R67W (SW 1/4 NW 1/4), storage dam (with storage capacity of 170 acre-feet) - 1060 feet S and 50 feet W of the NE corner Section 6-T96N-R66W (NE 1/4 NE 1/4), re-use pit - SE 1/4 NW 1/4 Section 6-T96N-R66W.

Water is diverted from the river at a rate of 2.00 cfs and from the dam at a rate of 1.78 cfs. Both pumps may be run at once with a total diversion rate of 3.78 cfs.

The re-use pit catches the tail waters from the flood irrigation system in the NE 1/4 Section 6. Water is then pumped back to the storage dam.

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

T97N-R66W	Section 30	SW 1/4 NW 1/4	6 acres
		SE 1/4 NW 1/4	9 acres
		NW 1/4 SW 1/4	37 acres
		NE 1/4 SW 1/4	40 acres
		SW 1/4 SW 1/4	28 acres
		SE 1/4 SW 1/4	35 acres

(continued)

T97N-R66W	Section 30	NW 1/4 SE 1/4	36 acres
		NE 1/4 SE 1/4	34 acres
		SW 1/4 SE 1/4	34 acres
		SE 1/4 SE 1/4	34 acres
T97N-R66W	Section 31	NW 1/4 NW 1/4	26 acres
		NE 1/4 NW 1/4	40 acres
		SW 1/4 NW 1/4	25 acres
		SE 1/4 NW 1/4	40 acres
		NW 1/4 NE 1/4	34 acres
		NE 1/4 NE 1/4	34 acres
		SW 1/4 NE 1/4	34 acres
		SE 1/4 NE 1/4	34 acres
T96N-R66W	Section 6	NW 1/4 NE 1/4	40 acres
		NE 1/4 NE 1/4	13 acres
		SE 1/4 NE 1/4	20 acres
		SW 1/4 NE 1/4	40 acres
Total			667 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wallace E Johnson of RR 2, Box 22, Geddes SD 57342 the holder and/or owner of Water Permit No. 4642-3 is issued a license to appropriate water, the right to use 3.78 cubic feet of water per second from the Missouri River and a storage dam (170 acre-feet storage capacity) with priority dates of June 5, 1972, March 19, 1976, December 11, 1980 and February 23, 1931 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4642-3 and subject to South Dakota State Law.

NOV 16 1994


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

date



4642-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 16 1994

4642-3

Wallace E. Johnson
RR 2, Box 22
Geddes, SD 57342

Dear Mr. Johnson:

Enclosed is Water License No. 4642-3 and Receipt No. 414236 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4642-3 is the final document which completes the process of obtaining a water right.

As 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.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water License No. 1944-3 and Water Permit Nos. 2655-3 and 4601-3 have been incorporated into this Water License No. 4642-3.



4642-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3192
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: WALLACE E JOHNSON, 37489 SD HWY 50, GEDDES, SD 57342

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 1534-3, 1607-3 & 4642-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 1534-3, 1607-3 & 4642-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2001

1534-3

1607-3

4642-3

Wallace E Johnson
37489 SD Hwy 50
Geddes, SD 57342

Dear Mr. Johnson:

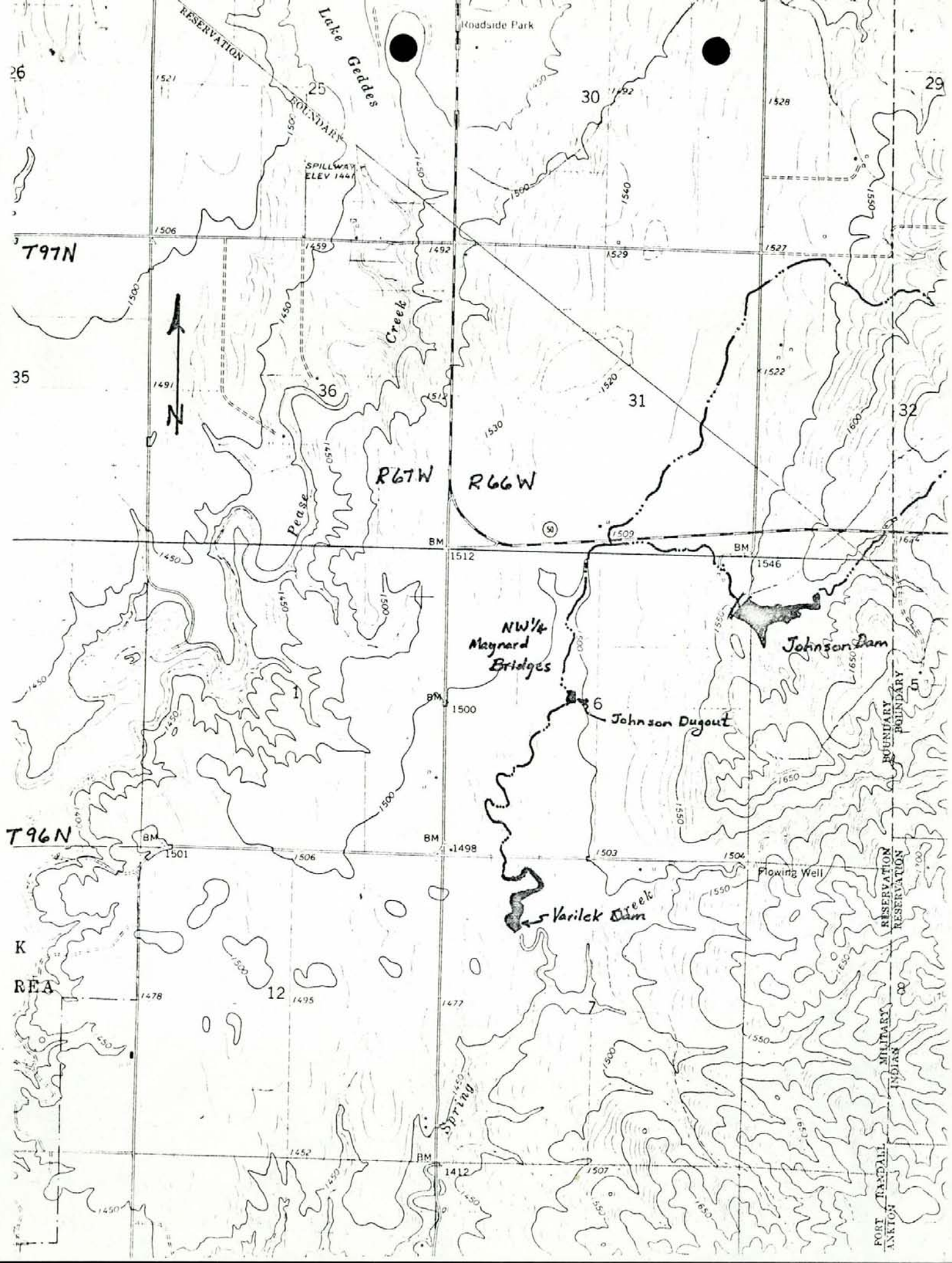
I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 1534-3, 1607-3 and 4642-3.

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.

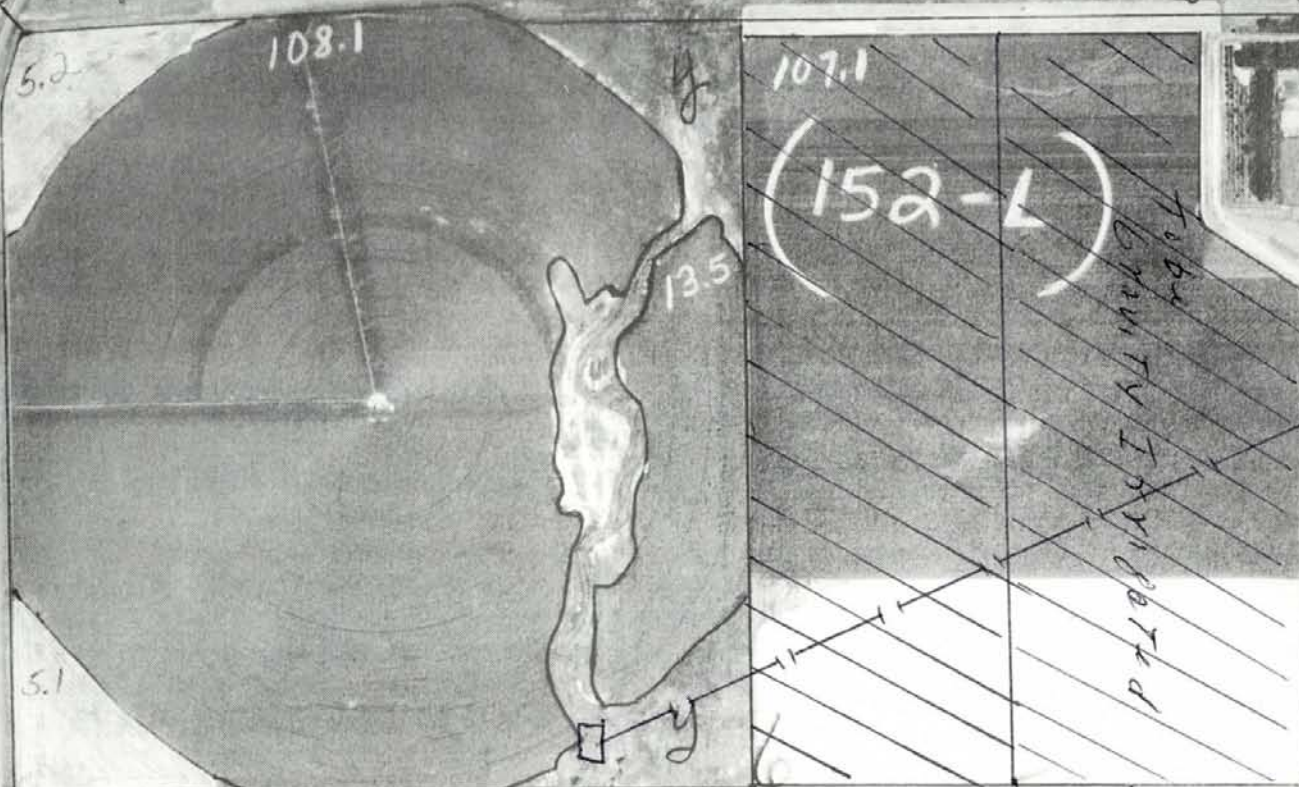
Sincerely,

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



NOT TO SCALE

4642-3



MAP NO. 8857-3 APP. NO. 4642-3

Lys M. Lys