

W6

Water Right No. 4735-3

1. Considered MAY 27 1981
2. Name of Applicant DONALD E. JOHNSON
3. Post Office Address MILBANK 57252
4. Amount of Water Claimed 1.14
5. Source of Water Supply 73' WELL
6. Water to be used for IRR
7. Acres to be irrigated 88.8 maximum acre feet
8. Water to be diverted and used in GRANT County about SE. 1 mile SOUTH of MILBANK
9. PROOF OF PUBLICATION Received RE 5-21-81

Not Received _____

APPLICATION

Approved 5/27/81

Subject to WI-1 Q

Not Approved _____

Action deferred _____

Priority

Date

Received 4-2-81 Application Complete yes _____ no _____ FEE 225.00

Remarks _____

Date information and/or

fee or corrected Application received 4-15-81

Period of Annual use APRIL - OCTOBER

WATER
QUALITY

Received yes 5/8/81 no _____ APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application yes yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point

NW⁴ SW⁴ 7-120-47

Lands to be irrigated

N¹/₂ SW⁴ N¹/₂ S¹/₂ SW⁴ 7-120-47

WELL
LOG

Remarks _____

Driller North Star Dril Licensed yes no _____

Depth 73' well

MAP Map No. 3946-3 Map located in Water Right ✓ Map file _____

Type of Map AERIAL Prepared by De Boer DC

+++++

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 May 8, 1981

Betty M. M. M.
(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. 4735-3Map No. 3946-3 Water Division No. 3 MINNESOTA RIVER District
Above for Office Use

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 DONALD E. JOHNSON Phone No. 432-4221
 Post Office Address RR #1, Box 142, MILBANK State SD 57252
 (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) CONTRACT3. Name of diversion work DELAND IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 2.28 CFS ~~1.27~~5. Source of water supply GROUND WATER6. Location of point of diversion 1350' N 4° E OF SW CORNER OF
SEC 7, T120N, R47WCounty GRANT7. Annual period or periods during which water is to be used APRIL - OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, 80.86 acres Total number of acres to be irrigated 80.86 acres

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.
<u>SW 1/4, NW 1/4, SEC 7, T120N, R47W</u>	<u>40</u>	<u>N 1/2 SW 1/4 7-120-47</u>	<u>8.8</u>
<u>SE 1/4</u>	<u>40</u>		
<u>NE 1/4 SW 1/4</u>	<u>40</u>		
<u>NW 1/4</u>	<u>40</u>		

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 4 years.11. Choice of county newspaper for publication of Notice of Intent to appropriate Water GRANT COUNTY

12. Principal Features of the Proposed Water Supply System.

REVIEW

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

TURBINE PUMP

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

BURIED PLASTIC PIPE LINE

C. Works proposed to apply water to beneficial use.

CENTER PONDEstimated Total Cost \$ 50,000

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 BROOKINGSI, DONALD 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 Donald E. JohnsonSubscribed and sworn to before me this 19 day of MARCH 1981Orville W. Peterson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4735-3
DONALD E. JOHNSON (Applicant) RT #1, Box 142, MILBANK (Post Office Address)
SOUTH DAKOTA 57252 (State) With the following qualifications.

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 APRIL 2, 1981
 Date of return to applicant for correction, amendments or changes required APRIL 3, 1981
 Date of receipt of corrected application MAY 8, 1981
 Approved MAY 27, 1981, Recorded in Book 22 Page 191

WATER RIGHT PERMIT NO. 4735-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4735-3 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 APRIL 2, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 27, 1983
3. The whole of said work is to be completed on or before MAY 27, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 27, 1986
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 1.14 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 MAY 27, 1986; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 1 ST day of JUNE, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D Well Information

- (1) Drill Hole, Diameter 18", Depth 73'
- (2) Casing, Type STEEL, Diameter 12", Thickness 3/8"
(wood, concrete, steel, etc.)
- (3) Screen, Type JOHNSON, Diameter 12", Length 25'
STAINLESS
- (4) Gravel Pack, Thickness 3", Length of gravel pack 25'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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 17'

Depth to bottom of water bearing material 73'

Depth to water (ground surface to water level) 10'

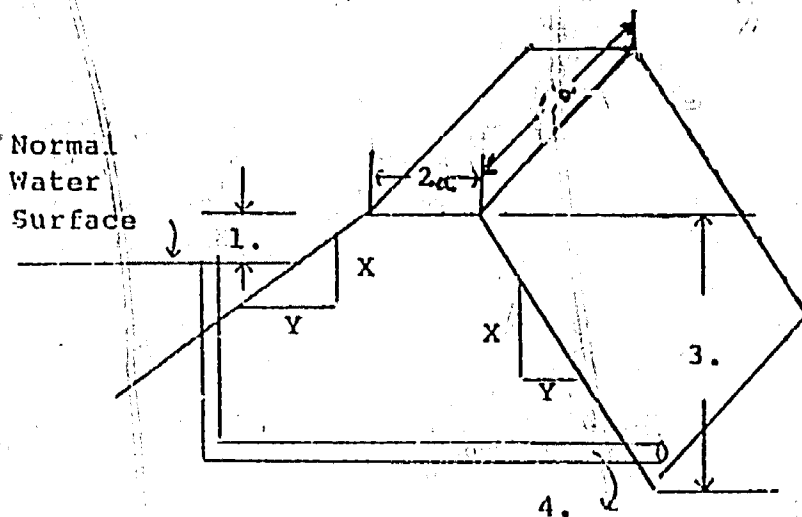
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others 1350 FT rds.

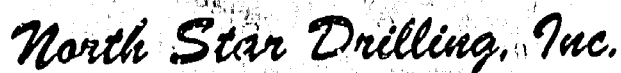
G Water Storage Dams

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.



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

Donald E. Johnson
Signature of Applicant



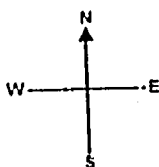
TEST HOLE FORM

CUSTOMERS NAME Don Johnson DATE 4-6-81 (Drilling 2-20-81)
ADDRESS _____ DRILLER Melvin Backowski
CITY AND STATE Milbank, SD 57252 LEGAL DESC. _____
PHONE 605-432-4221 Delano Granite
NORTH WELL

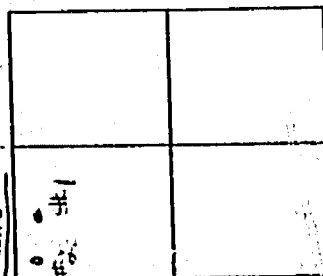
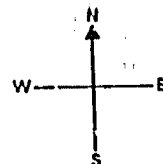
[illegible]

ROAD MAP

(HIGHWAYS, CITIES, ETC.)



SECTION MAP



Anders

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: DONALD E. JOHNSON OWNERS ADDRESS: RR#1 Box 142
17711 BANK SD
COUNTY LAND LOCATED IN: GRANT PHONE: 432-4221 57252
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____
2840-6T

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)

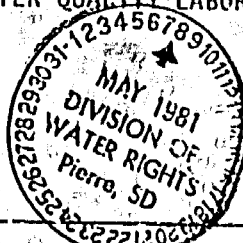
1. WELL LOCATION OR DIVERSION POINT: SW 1/4, NW 1/4, SW 1/4, SEC 7, T120N, R47W
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4, NW 1/4, SEC 7, T120N, R47W</u>	<u>80</u>		
<u>N 1/2, SW 1/4, SEC 7, T120N, R47W</u>	<u>80</u>		
<u>N 1/2, S 1/2, SW 1/4, SEC 7, T120N, R47W</u>	<u>8.8</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: CORN
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: 81-236
8. SALINITY (EC X 10⁶): 960
9. SODIUM (SAR): 10.18
10. ADJUSTED (SAR): 0.47 (0.33)



RECEIVED

APR 13 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 _____ a.m./p.m., on MARCH 18, 1981, at the following location: SEE ITEM #1 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

19th DAY OF MARCH, 1981.

Harold W. R. Brown
(NOTARY PUBLIC)

Donald E. Johnson
APPLICANT'S SIGNATURE

Jack M. Riehl
Director, Division of Conservation

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.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

Conditional

Dec 7

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Donald Johnson

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:
Va - Vallery loam; ScD - Bisseton-Heimdal loams.

The Vallers loam soils should not be irrigated unless they are drained or left in permanent vegetation due to poor drainage.

The Haimal loans should be kept in permanent vegetation due to steepness of slope.

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

No. 4735-3

Publish first publication, on or before May 13, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that Donald E Johnson whose post office address is Milbank, 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 ARS 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.27 cubic feet of water per second of time from ground water (one well) through the Delano Irrigation Project #1, the point (x) of diversion of which is (x) to be located in the NW 1/4 SW 1/4

of Section 7, Twp. 120N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/2 SW 1/4 & N 1/2 S 1/2 SW 1/4, Section 7, T120N, R47W

This Application No. 4735-3 will be considered by the Water Management Board Meeting Room #1, Knelp Building Church & Illinois, Pierre, SD upon the 27th day of May, 1981

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: Donald E Johnson
RR #1, Box 142, Milbank, SD 57252

~~XXXXXXXXXX~~ BURTON F JONES
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 4735-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.

I, Clarence Justice hereby

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

Water was taken from the Grant County Review

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 Milbank

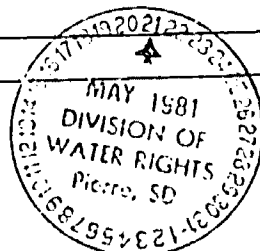
County of Grant and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 13 & 20, 1981

Clarence Justice
(Signature)
foreman
(Title)
5-20-81
(Date Signed)

Cost of Printing: _____

WNR-808-7/79
Proof of Publication



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501

May 8, 1981
Notice is hereby given that
Donald E. Johnson whose post
office address is Milbank, South
Dakota, has made an applica-
tion in accordance with the pro-
visions 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; 46-5-13
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 52:01:01:13, for
a permit to appropriate for
beneficial use 1.27 cubic feet of
water per second of time from
ground water (one well) through
the Delano Irrigation Project
No. 1, the point of diversion of
which is to be located in the
NW 1/4 SW 1/4 of Section 7, Twp.
120N, Range 47W. Said water to
be used for the purpose of pro-
viding irrigation on portions of
the following described land:
N 1/4 SW 1/4 & N 1/4 SW 1/4, Section 7,
T120N, R47W.

This Application No. 4735-3
will be considered by the Water
Management Board at Meeting
Room No. 1, Kneip Building,
Church & Illinois, Pierre, SD
upon the 27th day of May, 1981
at 10 a.m. The Board is auth-
orized to make a determination
on this application at the hear-
ing. 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-ex-
amine 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. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

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

Water Management Board
Burton F. Jones
Water Rights Specialist

May 13 May 20

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8159

PIERRE, April 15, 1981

RECEIVED OF Donald E. Johnson, Granite View Farms, RR 1, Box 142, Hillbank, SD 57262
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4735-3 (examination, processing, recording and filing)	22.00
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	22.00

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / *(JH)*

4735



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 29, 1984

4856-3, 4735-3

Donald E. Johnson
RR#1, Box 142
Milbank, South Dakota 57252

Dear Mr. Johnson:

This will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaire. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 4856-3 and 4735-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions please contact us.

Very truly yours,

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

d32810ks.wr

Equal Opportunity Employer



Department of Water & Natural Resources

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

April 15, 1985

Donald E Johnson
RR 1 Box 142
Wilsbach SD 57252

NOTICE

Re: Violation of Water Permit No(s) 4735-3, 4856-3, 2722-3, 2722-3A and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 4735-3, 4856-3, 2722-3, 2722-3A. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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). 4735-3, 4856-3, 2722-3, 2722-3A qualification:

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

The hearing will also be to determine if Permit No(s). 3234-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985, in the Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

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 1-26.

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

1. Suspend Permit No(s). 4735-3, 4856-3, 2722-3, 2722-3A until either the 1984 Questionnaire is submitted or for the period of up to one year;
2. Amend Permits No(s). 3234-3 also held by Donald E Johnson to require the Irrigation Water Use Questionnaire to be submitted each year;

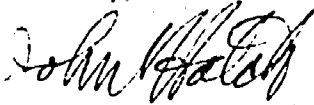
Donald E Johnson
April 15, 1985
Page 2

3. Postpone any action;

4. 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.

Sincerely,



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

NOTE: If the questionnaire(s) are received in this office before the May 15th 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.

A40408KS.wr



Department of Water & Natural Resources

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

May 17, 1985

Notice of One Year Suspension of Water Permit

To: Donald E. Johnson
RR 1, Box 142
Milbank, SD 57252

James Alder, owner
RR 1, Box 156
Milbank, SD 57252

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: One Year Suspension Of Water Permit No(S). 4856-3, 4735-3, 2722-3, If
The 1984 Irrigation Questionnaire Is Not Received By June 1, 1985.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board ordered:

That Water Permit No(s). 4856-3, 4735-3, 2722-3 be suspended until December 31, 1985, unless the required 1984 Irrigation Water Use Questionnaire is received by June 1, 1985.

Suspension of a permit means water may not be pumped during the 1985 Irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

**Department of
Water & Natural Resources**

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

January 29, 1988

DONALD E JOHNSON
RR #1 BOX 142
MILBANK, SD 57252

NOTICE

Re: Violation of Water Permit No(s). 4856-3, 4735-3, 2722-3A

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4856-3, 4735-3, 2722-3A. 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 hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4856-3, 4735-3, 2722-3A qualification:

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

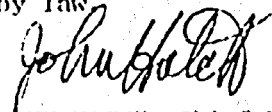
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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 1-26.

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

1. Suspend Permit No(s). 4856-3, 4735-3, 2722-3A 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
605 773-3352

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.



Department of Water & Natural Resources

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

February 25, 1988

2722-3
2722-3A
4735-3
4856-3

Donald Johnson
RR 1, Box 142
Milbank SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2722-3, 2722-3A, 4735-3, 4856-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

 **Department of
Water & Natural Resources**

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

February 8, 1989

DONALD E JOHNSON
RR #1 BOX 142
MILBANK, SD 57252

NOTICE

RE: Violation of Water Permit No(s). 2722-3A, 4735-3, 4856-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2722-3A, 4735-3, 4856-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2722-3A, 4735-3, 4856-3 qualification:

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

The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

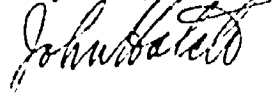
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing the Water Management Board can:

1. Suspend Permit No(s). 2722-3A, 4735-3, 4856-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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





Department of Water & Natural Resources

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

#2722-3
#2722-3A
#4735-3
#4856-3
#3234-3

February 21, 1989

Donald Johnson
Granite View Farms
RR 1, Box 142
Milbank, SD 57252

Dear Mr. Johnson:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



February 21, 1989
Johnson
page 2

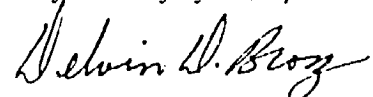
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified.

If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

February 23, 1989

2722-3
2722-3A
3234-3)
(4735-3
4856-3

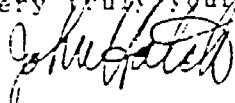
Donald Johnson
Granite View Farms
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 2722-3, 2722-3A, 3234-3, 4735-3 and 4856-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division





Department of Water & Natural Resources

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

February 9, 1990

DONALD E JOHNSON
RR #1 BOX 142
MILBANK, SD 57252

NOTICE

RE: Violation of Water Permit No(s). 4856-3, 4735-3, 2722-3A

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4856-3, 4735-3, 2722-3A. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4856-3, 4735-3, 2722-3A qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

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

1. Suspend Permit No(s). 4856-3, 4735-3, 2722-3A until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

cc: James Adler, RR 1, Box 156, Milbank SD 57252

 **Department of
Water & Natural Resources**

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

February 23, 1990

2722-3
2722-3A
3234-3
4735-3
4856-3

Donald E Johnson
RR 1, Box 142
Milbank SD 57252

Dear Mr. Johnson:

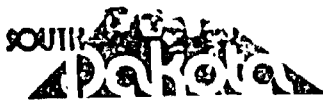
I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2722-3, 2722-3A, 3234-3, 4735-3 and 4856-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall

RON DUVALL
Natural Resources Engineer
Water Rights Division



Department of Water & Natural Resources

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

May 4, 1990

4735-3
4856-3

Donald E Johnson
RR 1, Box 142
Milbank SD 57252

Dear Mr. Johnson:

The inspection of your water use systems and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4735-3 and 4856-3 have been completed. Your final water right documents, the Water License, can now be issued.

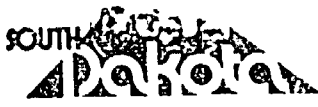
Statutes require that we charge a \$50.00 fee for each inspection and issuance of the Water Licenses. Upon receipt of \$100.00 from you, we will begin processing your two Water Licenses.

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



Department of Water & Natural Resources

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

May 30, 1990

4856-3
4735-3
2722-3A
2722-3

Michael Johnson
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

Enclosed are the transfer forms you submitted for use in filing ownership changes on Water Permit Nos. 4856-3, 4735-3, 2722-3A and 2722-3. The forms need to be signed by you, as the new owner, instead of by Donald Johnson.

I have included a partially completed set of transfer forms for your signature. Please sign them in the presence of a notary and return them to our office. Additional filing fees will not be necessary.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 4735-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I/We request that Water Permit/Right No. 4735-3formerly owned by: Donald E Johnsonbe transferred to: (name & address) Michael D Johnson, RR #1 Box 142, Milbank, SD 57252(telephone No.) (605) 432-5600

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

88.8 acres - N1 SW1, S1 SW1 Section 7, T120N, R47W

I/We understand that the validity of Water Permit/Right No. 4735-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Grant)

I/We Michael Johnson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Michael D Johnson
(Signed)

Subscribed and sworn to before me this 25th day of June, 1990.

Karen Heath
(Notary Public)
Comm. Expires 7-31-96

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ May 10, 1990

RECEIVED OF Michael Johnson, Granite View Farms, RR 1, Box 142, Milbank SD 57252
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ for Water Permit No. 4758-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John H. Holsen
Chief Engineer



Department of Water & Natural Resources

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

June 27, 1990

4856-3
4735-3
2722-3A
2722-3

Michael Johnson
RR 1, Box 142
Milbank SD 57252

Dear Mr. Johnson

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of the above listed Water Permits.

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 11, 1926

RECEIVED OF Grand View Farm, Box 142, Mitchell, S.D. 57353

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Right No. 4755-</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John H. Hirsch
Chief Engineer

WATER RIGHTS DIVISION
FILE DOCUMENTATION

Water Permit Holder: Michael D Johnson
RR #1 Box 142
Milbank, SD 57252

Permit No. 4735-3

Date: July 12, 1990

Comments:

A review of the water permit, for licensing purposes, found an error in the advertisement notice. The original application was for irrigation of the following:

N 1/2 SW 1/4 and N 1/2 S 1/2 SW 1/4 Section 7, T. 20N, R47W

The advertisement notice, published on May 13 & 20, 1981 listed the land as follows:

N 1/2 SW 1/4 and N 1/2 SW 1/4 Section 7, T120N, R47W

The land in the S 1/2 SW 1/4 was not advertised. The permit holder does irrigate 9 acres in the S 1/2 SW 1/4.

Conclusion:

The water permit will need to be readvertised to correct this error. The Division of Water Rights should pay for the cost of advertising. Upon approval of the readvertisement by the Water Management Board, Water Permit No. 4735-3 can be licensed.

Glenn Brown
Water Rights Division

Report on
Water Permit Application No. 4735-3
Michael Johnson
July 27, 1990

Water Permit No. 4735-3 appropriates 1.14 cubic feet of water per second from one well 65 feet deep located in the NW1/4 SW1/4 of Section 7-T120N-R47W to irrigate 88.8 acres. The legal location of the acres irrigated was in error in the notice of hearing published on May 13 and 20, 1981. Readvertisement with the correct legal description of the irrigated acreage is necessary. The original advertised legal location is N1/2 SW1/4, N1/2 SW1/4 Section 7-T120N-R47W, the corrected legal description of the irrigated acreage is N1/2 SW1/4, N1/2 S1/2 SW1/4 Section 7-T120N-R47W. This system has been used for several years with no reported controversy.

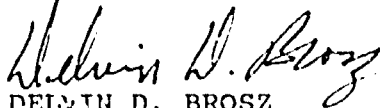
Conclusions

1. This is a readvertisement of NOTICE OF HEARING on Application No. 4735-3.
2. This readvertisement is necessary to correct the legal description of the acres irrigated.
3. The corrected legal description of the irrigated acreage is the N1/2 SW1/4, N1/2 S1/2 SW1/4 Section 7-T120N-R47W.



MARK D. RATH
Natural Resources Engineer II

Approved by:



DELVIN D. BROSZ
Natural Resources Engineer IV

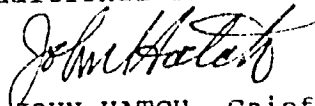
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER
PERMIT APPLICATION NO. 4735-3, Michael Johnson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning readvertised Water Permit Application No. 4735-3, Micheal Johnson, RR #1 Box 142, Milbank SD.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 4735-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 22, 1990



Department of Water & Natural Resources

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

August 24, 1990

Michael Johnson
RR #1 Box 142
Milbank SD 57252

Dear Mr. Johnson:

The original notice of hearing for Water Permit No. 4735-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

August 24, 1990

Grant Co. Review
Box 390
Milbank SD 57252

ATTN: Legal Publications

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4735-3 to be published twice. Please publish the first notice on or before September 5, 1990 with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO:

Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____
Hearing to Appropriate Water by Permit No. _____
of _____.

enclosing Readvertisement of Notice of
which was first published in our issue
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before September 5, 1990 with 2nd publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 4735-3 to Appropriate Water

Notice is given that Michael Johnson, RR #1 Box 142, Milbank SD 57252 filed an application for a water permit on April 3, 1981. Water Permit No. 4735-3 appropriates 1.14 cubic feet of water per second from one well 65 feet deep located in the NW1/4 SW1/4 Section 7 T120N-R47W to irrigate 88.8 acres. Readvertisement of the notice of hearing published on May 13 and 20, 1981 is read to correct the legal description of the irrigated acreage. The corrected legal description of the irrigated acreage is the N1/2 SW1/4, N1/2 S1/2 SW1/4 Section 7 T120N-R47W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Pursuant to SDCL 45-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4735-3 because: 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

SEP 1990
DIVISION OF
WATER RIGHTS
Pierre, SD

This application is made pursuant to

Water Rights Division - DWR

File No. _____

Conversation or File Documentation

NAME OF PERSON OR FILE: Mrs Michael Johnson
ADDRESS: R1 Box 142 Millbrook SD COUNTY Grant
DATE: 11/2/90 TELEPHONE 605-132-5600
RE: INSTALLATION OF CHEMIGATION EQUIPMENT

COMMENTS:

I CALLED Mrs JOHNSON, AND ASKED IF THE
CHEMIGATION EQUIPMENT WHICH THEY HAD PURCHASED
HAD BEEN INSTALLED SHE SAID THAT IT HAD
BEEN INSTALLED.

File in Perm's or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Wendy R. Riff

465

Water Level Information:
 Static water level 11' below land surface
 If flooding, closed in pressure _____ PSI
 rate of flow _____ GPM
 Controlled by:
☒ Valve ☐ Reducer ☐ Other _____
 If other, specify _____

March

	March	
M	+	+
	+	+

Well Test Data:

☒ Paid-up _____
☐ dated _____ subscriber _____
☐ Other _____

Pumping level below Land Surface
29.10 ft. After 8 Hrs. pumped 200 GPM
 _____ " " _____ " " _____ " "
 _____ " " _____ " " _____ " "

6W: 1 Sec. 9 Twp. 26N Rq. 49W

Proposed Use:

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

Method of Drilling.

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

Well Construction:

Diameter of Hole 1 1/2"
Depth 6.5'
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open	<u>no</u>
Was a well screen installed	<u>yes</u>
Describe Well Screen	<u>slotted</u>
Diameter <u>12"</u> Material	<u>steel</u>
Slot size	<u>1/8"</u>
Was well gravel packed	<u>yes</u>
Was well grouted	<u>no</u>
Was water sample taken	<u>no</u>

Remarks:

MEYER 2007

Depth

[illegible]

(Use Back if Necessary)

Date Completed: 6-8-82

Driller: North Star Drilling 424
Driller's or Firm's Name License No.
Box 355, Little Falls, MD. 54-349
Address
214 C. St. E. 15-14-5
Signed By Date

Permit No. 4735-3MINNESOTA RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by DONALD E. JOHNSON
 of MILBARK, SOUTH DAKOTA holder of
 Permit No. 4735-3, bearing the priority of APRIL 2 19 81 authorizing
 the diversion of 1.14 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in GRANT County

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

- A. Works used to divert the water: A 10 INCH 4 STAGE PUMP WITH A 450 GALLON PER MINUTE CAPACITY.
- B. Works used to transport water to place of use: 600 FEET OF 6 INCH PVC PIPE
- C. Works used to apply water to beneficial use: A 1284 FOOT CENTER PIVOT WITH END GUNS

The system is in the following condition GOODThe point of diversion is located FROM THE SW CORNER OF SECTION 7-T120N-R47W
1350 FEET NORTH AND 100 FEET EAST.The works are capable of diverting and conveying to the place of use 1.0
 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use, to the maximum extent as follows: ALL LANDS LOCATED IN
SECTION 7-T120N-R47W NW 1/4 SW 1/4 - 32 ac
NE 1/4 SW 1/4 - 33 ac
SE 1/4 SW 1/4 - 8.0 ac
SW 1/4 SW 1/4 - 1.0 ac

comprising a total of 74 acres of land and the license should be issued for 1.0 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: NA Date 4/19/90Mark D. Ketch

LICENSE FOR PERMIT NUMBER 4735-3

1. Legal location of well: FROM THE SW CORNER OF SECTION 7
T120N-R47W, 1350 FEET NORTH AND 100 FEET EAST.
dam & structures: _____

2. Well Information: Well Drilling Firm NORTH STAR DRILLING INC

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 65'
Casing a) diameter 16" Screen a) type STAINLESS STEEL
b) length 35' b) length 15
c) type STEEL Static Water Level 5'
Pump a) make AURORE VERT PUMP Motor a) make US ELECTRICAL
b) model 38270041 b) model No. 284TPH AH LUP1
c) size 10" c) horsepower rating 25
d) capacity 450 gpm
e) turbine pump - no. of stages 4
f) operating PSI 45

3. Distribution lines or canals

a) size 6"
b) type PVC
c) length 600'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make ZIMMATIC
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1284'
- 5) end gun (Y/N) Y
- 6) high or low pressure HIGH
- 7) make & size of nozzles RAINBIRD, NELSON
- 8) capacity (GPM) 450

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes

No

Check Items

X

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?

X

2. Special qualifications to permit being abided by?

X

3. All structures, wells and lands on map?

X

4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?

X

5. Is chemigation used?

X

6. If yes, does equipment comply with chemigation rules?

REMARKS:

MR JOHNSON HAS THE PROPER EQUIPMENT BUT AS OF THE TIME OF THE INSPECTION HAD NOT INSTALLED IT. I INFORMED HIM THAT HE COULD NOT CHEMIGATE WITHOUT THE EQUIPMENT IN PLACE. I SENT HIM A COPY OF THE CHEMIGATION REGULATIONS ON APRIL 24, 1990.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4735-3

(1) Donald E. Johnson of RR 1 Box 142, Milbank, SD 57252 made Application No. 4735-3, April 2, 1981 for a water permit to appropriate 1.14 cubic feet of water per second from groundwater (one well), Grant County, South Dakota for irrigation purposes. Permit No. 4735-3 with a priority date of April 2, 1981 was approved May 27, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 27, 1986 and for the application to beneficial use of said water on or before May 27, 1986.

On June 27, 1990, Water Permit No. 4735-3 was transferred to Michael D. Johnson.

Water Permit No. 4735-3 was readvertised September 5 and 12, 1990, to correct a legal description error contained in the original notice, published May 13 and 20, 1981. This readvertisement was approved by the Water Management Board October 3, 1990.

(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 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is: 1350 feet north and 100 feet east of the SW corner of Section 7, T120N, R47W (NW1/4SW1/4).

(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:

T120N, R47W, Section 7	NW1/4SW1/4	32	acres
	NE1/4SW1/4	33	"
	SE1/4SW1/4	8	"
	SW1/4SW1/4	1	"

Total 74 acres

(4) Pursuant to Section 46-5-30.1 Michael D. Johnson of RR 1 Box 142, Milbank, SD 57252 the holder(s) and/or owner(s) of Water Permit No. 4735-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from groundwater (one well) with a priority date of April 2, 1981 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for

the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4735-3 and subject to South Dakota State Law.



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

DEC 19 1930



Department of Water & Natural Resources

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

DEC 19 1990

4735-3

Michael Johnson
RR 1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

Enclosed is Water License No. 4735-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412310 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

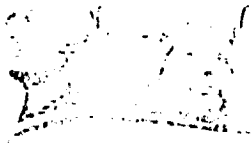
For your information SDC 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4735-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is 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.

Very truly yours,

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

enclosures

GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

MICHAEL D JOHNSON GRANITE VIEW FARM
RR1 BOX 142
MILBANK SD 57252

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 2722-3; 2722-3A;
4856-3; 4735-3; & 3234-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 2722-3; 2722-3A; 4856-3; 4735-3; & 3234-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of 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 South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

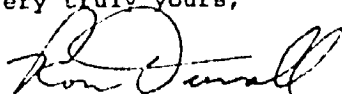
The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 2722-3; 2722-3A; 4856-3; 4735-3; & 3234-3 until either the 1990 chemigation report(s) 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.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is received in this office before the February 27th 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.

South Dakota

GREAT FACES. GREAT PLACES.
February 1, 1991

MICHAEL D JOHNSON
RR #1 BOX 142
MILBANK SD 57252

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

4735-3

NOTICE

RE: Violation of Water Permit No(s) 3234-3, 4856-3, 4735-3; 2722-3, 2722-3A and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3234-3, 4856-3, 4735-3, 2722-3, 2722-3A. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 3234-3, 4856-3, 4735-3, 2722-3, 2722-3A qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

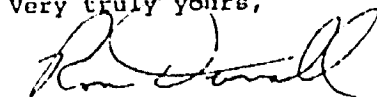
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 3234-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Suspend Permit No(s) 4856-3, 4735-3, 2722-3, 2722-3A until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to two years;
3. Postpone any action or 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 before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

4735 3

February 11, 1991

2722-3
2722-3A
3234-3
4735-3
4856-3

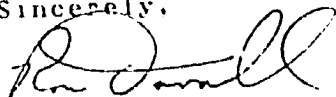
Michael D Johnson
RR #1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application use for Water Permit Nos. 2722-3, 2722-3A, 3234-3, 4735-3 and 4856-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division



4735-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2004

Mike Johnson
14962 486rd Ave
Milbank SD 57252

Dear Mr. Johnson:

I am writing in regard to a well driller's report filed by Pullman Well Drilling Inc. The report shows a new well was completed for irrigation July 25, 2003. A review of our files indicates you have several water rights in the area but not for a well located in Section 17-T120N-R47W.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Johnson, is this a replacement well, an additional well for the existing irrigation or a new well to irrigate new acreage? If this is a replacement well or additional well, we will need to know if the well exceeds the peak diversion rate authorized by the permit.

Enclosed are application forms and an instruction sheet to be completed if this is a new irrigation project. If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

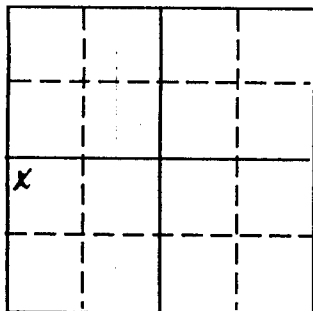
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

 Location N/W 1/4 5/4 1/4 Sec 27 Twp 120 Rg 47

 County Grant 7 KS North

Please mark well location with an "X"



Well Completion Date

7/25/2003

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

 ? _____ ft. from Pasture (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00 IN	0.0 FT	47.0 FT	24" IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	20.0 Ft
Cement				
Col Clay			20.0 Ft	45.0 Ft

 Describe grouting procedure
 Line

SCREEN:

☐ Perforated pipe ☒ Manufactured

 Diameter 16.00 Inches Length 20.0 Feet
Material PVC
 Slot Size .057 Set From 47.0 Feet to 67.0 Feet

Other information _____

 WAS A PACKER OR SEAL USED? = ☒ Yes ☐ No
If so, what material? Gravel Packed

Describe packer(s) and location

gravel packed 47 to 67

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? pellets
☐ No, Why Not?

 Lab sample sent to for
 water quality analysis
Well Owner: Mike Johnson

Business Name: _____

Address: 14962 486rd AveCity, State, Zip: Milbank SD 57252

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	15
Gravel / rocks	15	27
Blue Clay	27	30
Coarse Sand	30	40
Blue Clay	40	41
Gravel / rocks	41	67
Granite	67	

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____

through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ PumpedDescribe: w/Air☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After _____

Hrs. pumped _____

GPM

Ft. After _____

Hrs. pumped _____

GPM

If pump installed, pump rate: _____

GPM

REMARKS

4009 PM w/Air

This well was drilled under license # _____

440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

JAN 14 2003

WATER RIGHTS
PROGRAM

Date: _____

Water Rights Program - File Documentation

NAME: Nancy Johnson

ADDRESS: Milbank SD

DATE: 1-29-04 **COUNTY:** GT **TELEPHONE:**

RE: Well Completion Report

COMMENTS:

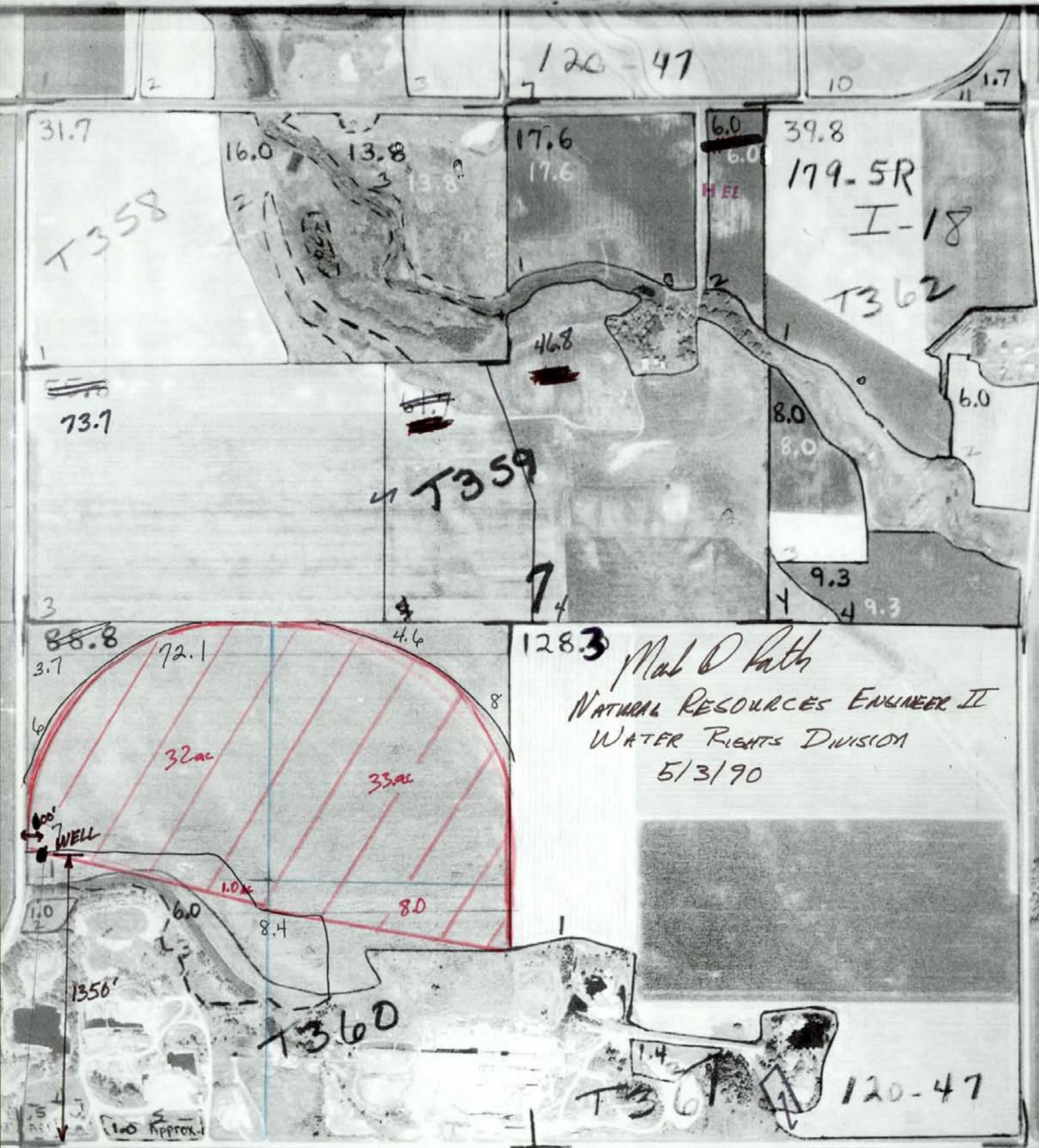
Nancy Johnson called regarding my letter dated 1-28-04. Mrs. Johnson stated the well they had drilled this past summer was located in SW ¼ Section 7-T120N-R47N and was a replacement well for the well authorized by No. 4735-3. The old well collapsed and has been plugged. The replacement well was drilled near the old well and they do not use any additional water.

I told Mrs. Johnson that I would change the location on the well completion report.



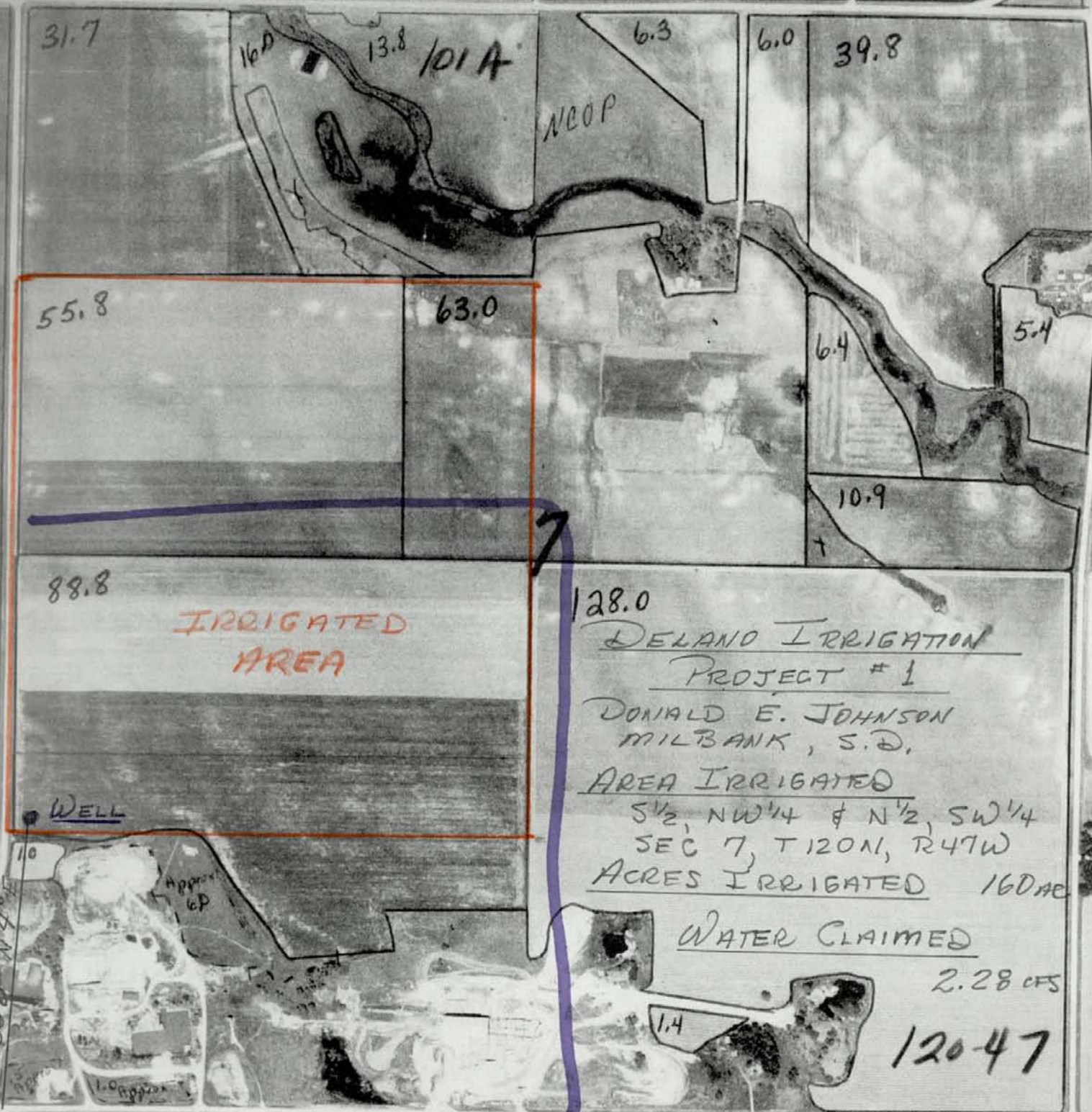
Karen Schlaak
Environmental Scientist

NOT TO SCALE



128.3 Mal D Rath
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
5/3/90

NOT TO SCALE



Clarell W. DeBor
March 28, 1981

Appl# 4735-3 Map# 3946-3



4735-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 3234-3, 4735-3, 4856-3 & 5469-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 3234-3, 4735-3, 4856-3 & 5469-3 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 on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V5-IQ.pdf>

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**

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

February 1, 2007

3234-3
4735-3
4856-3
5469-3

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 3234-3, 4735-3, 4856-3 and 5469-3.

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



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 22, 2010

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234A-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 3234A-3, 4735-3, 4856-3 & 5469-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 3234A-3, 4735-3, 4856-3 & 5469-3 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 on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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.aspx>

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

January 28, 2010

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

RE: 2009 irrigation questionnaires for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3.

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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



4735-3
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 21, 2011

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234A-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 3234A-3, 4735-3, 4856-3 & 5469-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 3234A-3, 4735-3, 4856-3 & 5469-3 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 on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

January 24, 2011

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

RE: Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



4735-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 22, 2018

Dakota Granite Company
David Buri
14964 484th Ave
Milbank SD 57252

Dear Mr. Buri:

A well driller's report filed by Wieber Well Drilling shows that they completed a well for Dakota Granite Company, June 15, 2017. The report indicates the well water will be used for irrigation.

A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of less than 25,920 gallons per day with a maximum rate not to exceed 25 gallons per minute. Irrigation of more than one acre requires obtaining a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to the "Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

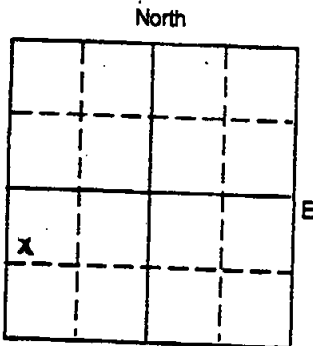
enclosure

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SW 1/4 Sec 7 Twp 120 N Rg 47 W

County Grant



Please mark well location with an "X"

Well completion Date

6/15/17

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 1/2 ft. from 1/2 Field (Identify source)

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
200 LB/FT	12 IN	0 FT	50 FT	18 1/2 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Wyo-Ben	12	10 Lb/gal	0 FT	40 FT
		Lb/gal	FT	FT

Describe grouting procedure Full hole grouting
from 12' to 40'

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 15 Feet

Material SS Johnson

Slot Size .055 Set From 50 Feet to 65 Feet

Other information

WAS A PACKER OR SEAL USED?

- ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

- ☐ Yes, How?
☒ No, Why Not?

Lab sample sent to for water quality analysis

Irrigation

Well Owner: Dakota Granite Co

Business Name:

Address 1: 48391 150th St

Address 2: Box 1351

City, State, Zip: Milbank, SD 57252

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
clay	2	20
hard clay	20	41
sand	41	47
good coarse sand	47	62

STATIC WATER LEVEL

20 FEET

If flowing: closed in pressure

PSI

GPM flow

through inch pipe

Controlled by

- ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

yes

WELL TEST DATA:

☐ Pumped Describe:

Air line

☐ Bailed

☒ Other

Pumping Level Below Land Surface

50 Ft. After 24 Hrs. pumped 400 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

Veblen AM

This well was drilled under license #

480

And this report is true and accurate.

Drilling firm: Wieber Well Drilling

Signature of License Representative:

Jerry Wieber

Signature of Well Owner or Equitable Property Holder:

RECEIVED

JAN 29 2018

Date:

6/15/17

WATER RIGHTS PROGRAM

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights

Water Rights Program - File Documentation

NAME: Rick Biltz, Dakota Granite Company

ADDRESS: Milbank

DATE: 2-28-18 **COUNTY:** Grant **TELEPHONE:**

RE: Well Completion Report

COMMENTS:

I wrote Dakota Granite Company regarding a well completion report we received from Wieber Well Drilling for a well located in the SW 1/4 Sec 7-T120N-R47W for irrigation. Mr. Biltz stated this is a replacement well for the well authorized by Water Right No. 4735-3, Michael D Johnson. The Johnsons lease the land from Dakota Granite Company. The well is in the same location, same aquifer and no additional water is being used.

Karen Schlaak

Karen Schlaak
Water Rights Program