

1. Considered JULY 29 1981
2. Name of Applicant JOHN L. BOURK
3. Post Office Address Box 198, BLUNT 57522
4. Amount of Water Claimed No ADD'L
5. Source of Water Supply 61' WELL EXISTING ON 2043-3
6. Water to be used for IRR
7. Acres to be irrigated 31.2 maximum acre feet
8. Water to be diverted and used in HUGHES County  
about W. EDGE miles of BLUNT
9. PROOF OF PUBLICATION Received 8-6-81  
Not Received \_\_\_\_\_
- APPLICATION Approved 7-29-81  
Subject to WT-IR  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

Priority \_\_\_\_\_ Date Received 5-28-81 Application Complete yes ☒ no \_\_\_\_\_ FEE 150.00

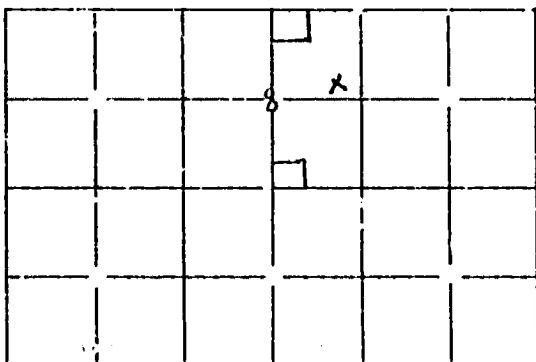
Remarks \_\_\_\_\_

WATER  
QUALITY

Date information and/or fee or corrected Application received \_\_\_\_\_  
Period of Annual use APRIL THRU OCTOBER  
Received yes 8/11/81 no \_\_\_\_\_ APPROVED CONDITIONAL (Circle one)  
WI-1 Description same as application yes ☒ no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_

Returned \_\_\_\_\_



Diversion Point SE<sup>4</sup> NE<sup>4</sup> 8-112N-76W

Lands to be irrigated NW<sup>4</sup> NE<sup>4</sup> & SW<sup>4</sup> SE<sup>4</sup>  
8-112N-76W, add  
additional lands on existing  
Permit

WELL  
LOG

Remarks No Log well 61' deep and has been inspected by S. Ray  
Merritt of this office. Driller \_\_\_\_\_ Licensed yes \_\_\_\_\_ no \_\_\_\_\_  
Depth \_\_\_\_\_

MAP Map No. 3972-3  
1449-3 Map located in Water Right ✓ Map file \_\_\_\_\_  
 Type of Map Aerial Prepared by S.C.S.

+++++

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 7-5-81.

Betty Westland  
 (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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Received

5-28-81

2:30 p.m.

see 1449-3  
 Map No. 3978-3 Water Division No. 3 MISSOURI RIVER District  
 Above for Office Use 10140103

**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 ☒ # 2043-3

1. Name of Applicant John L Bourk Phone No. 962-6479  
 Post Office Address Blunt Pick 1014 State SD 57522  
 (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) \_\_\_\_\_

3. Name of diversion work Bourk Addition4. Amount of water claimed (cubic feet per second) no add'l5. Source of water supply groundwater - 61' deep well - existing6. Location of point of diversion well located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 8, T112N, R76WCounty Hughes7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 31.2

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 $\frac{1}{4}$ NE $\frac{1}{4}$ | 18.0           |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 13.2           |
|                                   |                |
|                                   |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water CAPITOL JOURNAL12. Principal Features of the Proposed Water Supply System. Pierre SD

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

well pump & motor

existing well under Permit No.  
 2043-3. This application proposes  
 irrigating an additional 31.2 acres.

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

mainline

C. Works proposed to apply water to beneficial use.

flood or sprinkler

Estimated Total Cost \$ \_\_\_\_\_

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 )  
 ) ss.  
 County of Hughes )

I, John L Bourk 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 John L. Bourk  
29th day of May, 19 81

Subscribed and sworn to before me this \_\_\_\_\_  
Dawn Wernsmann  
 Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4767-3

JOHN L. BOURK Box 198, BLUNT  
(Applicant) (Post Office Address)  
SOUTH DAKOTA 57522 With the following qualifications:  
(State)

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

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

Date of first receipt of application MAY 28, 1981  
 Date of return to applicant for correction, amendments or changes required MAY 29, 1981  
 Date of receipt of corrected application JUNE 11, 1981  
 Approved JULY 29, 1981, Recorded in Book 22 Page 276

WATER RIGHT PERMIT NO. 4767-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4767-3 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 MAY 28, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 29, 1983
3. The whole of said work is to be completed on or before JULY 29, 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 29, 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 No ADD'L 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 JULY 29, 1987; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 6<sup>th</sup> day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch  
Chief Engineer, Water Rights

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_

Water License Issued \_\_\_\_\_, 19\_\_\_\_

SEE 2043-3 ROR  
WELL DATA

HAS DATA IN TO THE  
CONS COMM.

COPY

2043-3

B.W.

## D Well Information

- (1) Drill Hole, Diameter 30", Depth 60'
- (2) Casing, Type STEEL, Diameter 16", Thickness STD  
(wood, concrete, steel, etc.)
- (3) Screen, Type SLOTTED, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 60'

## 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)

Sands &amp; Gravel

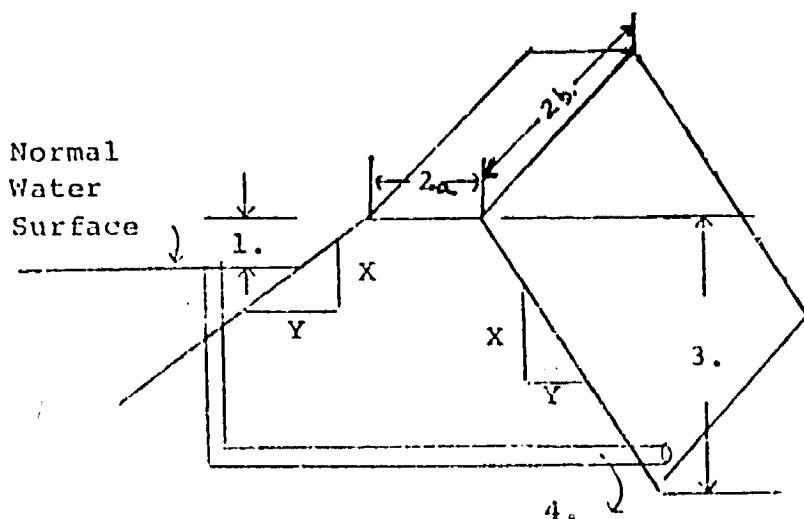
- Depth to top of water bearing material 17'
- Depth to bottom of water bearing material 60'
- Depth to water (ground surface to water level) 17'

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

- On same owner's property 40 rds.
- On property owned by others 50 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 \_\_\_\_\_

S/John Bourk

Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: John L. Borch OWNERS ADDRESS: Box 128 Bismarck

COUNTY LAND LOCATED IN: Hughes PHONE: 962 6479

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

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

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

1. WELL LOCATION OR DIVERSION POINT: SE 1/4 NE 1/4 Sec 8, 112.76 N 1 R 7 (NW)
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 |
|-----------------------------|-------|-------------------|-------|
| NW 1/4 NE 1/4 Sec 8, 112.76 | 18    |                   |       |
| SW 1/4 SE 1/4 Sec 8, 112.76 | 13    |                   |       |
|                             |       |                   |       |
|                             |       |                   |       |

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN: ☒ OTHER: \_\_\_\_\_ (Specify) \_\_\_\_\_
5. CROPS TO BE IRRIGATED: Alfalfa 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: 74-058
8. SALINITY (EC X 10<sup>6</sup>): 1259
9. SODIUM (SAR): 12.10
10. ADJUSTED (SAR): 5.46

RECEIVED

MAY 28 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 \_\_\_\_\_, 19\_\_\_\_, at the following location: NA 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

28 DAY OF May, 1981

Wynne A. Seltzer

(NOTARY PUBLIC)

Program Director

APPLICANT'S SIGNATURE

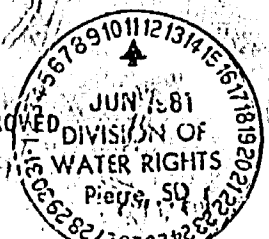
John L. Borch  
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.



No. 4767-3

Publish first publication, on or before June 19, 1981

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 12, 1981

Notice is hereby given that John L Bourk whose post office address is Blunt, SD, 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, 46-3-13, 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, 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 no add'l cubic feet of water per second of time from ground water

(one well-existing) through the Bourk Addition, the point~~xx~~ of diversion of which is (~~are~~) to be located in the SE 1/4 NE 1/4

of Section 8, Twp. 112N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 NE 1/4 and SW 1/4 SE 1/4, Section 8, T112N, R76W to add additional acreage on an existing permit

This Application No. 4767-3 will be considered by the Water Management Board at the City Defense Room, Basement of the Capitol Building, Pierre, SD upon the 23th day of July, 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, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: John L Bourk, Box 198  
Blunt, SD 57522

BETTY WESTLUND  
Water Rights Specialist

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

# Affidavit of Publication

## State of South Dakota

County of Hughes

George Hippie

of said County and State, being first duly sworn, on his oath says:

Daily Capital Journal is

Daily newspaper of general circulation, printed and

published in Pierre, S. D.

In said County

and State by Hippie Printing Company and has

been such newspaper during the times hereinafter mentioned; that the

said Daily Capital Journal is a legal newspaper and

has been in existence for more than one year immediately preceding the first

publication hereby mentioned; and has more than two hundred bona fide

subscribers; that I, the undersigned am business manager of

said newspaper, in charge of the advertising department thereof, and have

personal knowledge of all the facts stated in this affidavit; and that the

advertisement / Notice of Hearing on Application

printed copy of which is hereto attached, was printed and published in the said

newspaper once each week for 2 successive week; the first publica-

tion being made on June 16 1981; subsequent publications on

June 23 1981; and last publication on June 23

1981; that \$ 27.68 being the full amount of the fee for publi-

cation of the annexed notice inures solely to the benefit of the publishers of the said

newspaper, that no arrangement or understanding for a division thereof has been

made with any other person, and that no part thereof has been agreed to be paid to

any other person whomsoever.

George B. Hippie

Subscribed and sworn to before me

this 25th day of June

1981

John H. Hippie

Notary Public Hughes County.

Attorney's Affidavit Ex Rel Fees

# State of South Dakota

County of \_\_\_\_\_

being first duly sworn

on his oath says: I am

of the \_\_\_\_\_ that

directed the publication of the annexed notice; that the full amount as appears by

the foregoing affidavit of \_\_\_\_\_

for the publication

of such notice has been paid; that no agreement or understanding for any division

thereof, has been made with any person whomsoever, and that no part thereof has

been refunded by the party publishing said notice.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_

Notary Public \_\_\_\_\_ County.

No. 5160-21 dly June 16, 23

No. 4767-3

NOTICE OF HEARING ON

APPLICATION TO

APPROPRIATE WATER

Notice is hereby given that John J. Bourk whose post office address is Blunt, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-11, 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, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 62:01:01 thru 62:01:01.13, for a permit to appropriate for beneficial use no additional cubic feet of water per second of time from ground water (one well-existing) through the Bourk Addition, the point of diversion of which is to be located in the SE 1/4 NE 1/4 of Section 8, Twp. 112N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4 NE 1/4 and SW 1/4 NE 1/4 Section 8, T112N, R76W to add additional acreage on an existing permit.

This Application No. 4767-3 will be considered by the Water Management Board at the Civil Defense Room (Basement of the Capitol Building, Pierre, S.D.) upon the 29th day of July 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 (DWRN) Joe Foss Building, Pierre, SD, prior to South D. the hearing date for assistance Chapter 5 to assure access to the hearing.

WATER MANAGEMENT

BOARD

Betty Westlund

Water Rights Specialist

8 pt.

89 11. 0.311

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8239

PIERRE, May 29, 1931

RECEIVED OF John L. Bouch, Jr. Box 103, Elmont, SD 57532  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                |               |
|----------------------------------------------------------------------------------------------------------------|---------------|
| Fee for Application for Permit to appropriate Water No. 4767-3 (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)                                                                    |               |
| <b>TOTAL</b>                                                                                                   | <b>150.00</b> |

WATER RIGHTS COMMISSION

B. (Signature)  
Chief Engineer, Executive Officer  
JOHN HATCH / bt



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

Water Rights Division  
605 773-3352

4767-3  
John L. Bourk  
Box 198  
Blunt SD 57522

Dear Sir:

Water Permit No. 4767-3 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:kg

enclosure



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

August 1, 1983

## NOTICE

4767-3

John L. Bourk  
Box 198  
Blunt SD 57522

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4767-3. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

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

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure

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

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

**NOTICE**

September 13, 1983

TO: John L. Bourk  
Box 198  
Blunt, South Dakota 57522

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

*John Hatch*

Re: Violation of Permit No(s) 4767-3  
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 4767-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 2043-3 and 3562-3 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 4767-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

*Equal Opportunity Employer*

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). 4767-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Amend Permits No(s). 2043-3 and 3562-3 also held by John L. Bourk to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

These hearing(s) are 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.

C91305gm.wr

Water Rights Division  
605 773-3352

September 20, 1983

4767-3

John L. Bourk  
Box 198  
Blunt SD 57522

Dear Mr. Bourk:

This letter will acknowledge receipt of and thank you for the return of your 1982 Irrigation Questionnaire. A notice was sent to you September 13, 1983 regarding the Irrigation Questionnaire submittal violation of Permit No. 4767-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning the violation. Our records now show that you have returned the 1982 Irrigation Questionnaire and are no longer in violation of your permit.

Please disregard the notice sent to you dated September 13, 1983. 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

JH:ks



# Department of Water & Natural Resources

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

May 16, 1986

## NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: John L Bourk  
Box 198  
Blunt SD 57522

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

*John Hatch  
by Del Broz*

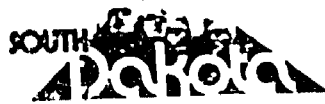
SUBJECT: One Year Suspension of Water Permit No(s). 4767-3  
If the 1985 Irrigation Questionnaire Is Not Received By  
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 4767-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

*Equal Opportunity Employer*



# Department of Water & Natural Resources

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

May 27, 1986

Permit No. 4767-3

John L Bourk  
Box 158  
Blunt SD 57522

Dear Mr. Bourk:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,

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

*Equal Opportunity Employer*



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3131

March 23, 1987

JOHN L BOURK  
BLUNT, SD 57522

## NOTICE

Re: Violation of Water Permit No(s) 4767-3, 2043-3, 3562-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 4767-3, 2043-3, 3562-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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). 4767-3, 2043-3, 3562-3 qualification:

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

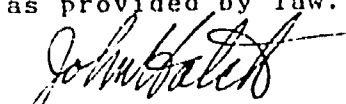
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 4767-3, 2043-3, 3562-3 until either the 1986 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 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

April 15, 1987

2043-3  
3562-3  
4767-3

John L Bourk  
Box 158  
Blunt, SD 57522

Dear Mr. Bourk:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2043-3, 3562-3 and 4767-3 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 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with a large initial "J" and "H".

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

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

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

February 9, 1990

JOHN L BOURK  
BOX 158  
BLUNT, SD 57522

**NOTICE**

RE: Violation of Water Permit No(s). (4767-3), 3562-3, 2043-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4767-3, 3562-3, 2043-3. 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). 4767-3, 3562-3, 2043-3 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.

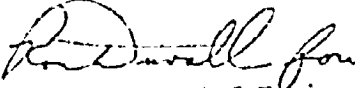
The hearing will be conducted pursuant to the provision. of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4767-3, 3562-3, 2043-3 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



# Department of Water & Natural Resources

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

February 23, 1990

2043-3  
4767-3  
3562-3

John L Bourk  
Box 158  
Blunt SD 57522

Dear Mr. Bourk:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2043-3, 4767-3 and 3562-3. 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* /ms

RON DUVAL  
Natural Resources Engineer  
Water Rights Division

*South Dakota*

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

GREAT FACES. GREAT PLACES.

February 1, 1991

JOHN L BOURK  
BOX 158  
BLUNT SD 57522

NOTICE

RE: Violation of Water Permit No(s) 2043-3, 3562-3, 4767-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2043-3, 3562-3, 4767-3. 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) 2043-3, 3562-3, 4767-3 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.

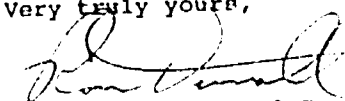
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board will:

1. Suspend Permit No(s) 2043-3, 3562-3, 4767-3 until the 1990 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 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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Return to Sender in the RETURN TO: Space on the reverse if. Failure to do this will prevent this card from being returned to you. The return receipt fee will prove to you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and charges. Return for international service if requested.</p> <p>1. <input checked="" type="checkbox"/> Delivery to whom delivered, date, and addressee's address (Extra charge)</p> <p>2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p> |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>3. Article Addressed to:</p> <p>JOHN L BOURK<br/>BOX 158<br/>BLUNT SD 57522</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>4. Article Number<br/>P 694 057 496</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br/> <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br/> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b>.</p> |
| <p>5. Signature - Addressee<br/>X <i>John L. Bourk</i></p> <p>6. Signature - Agent<br/>X</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>8. Addressee's Address (ONLY if requested and fee paid)</p>                                                                                                                                                                                                                                                                                                                                                    |
| <p>7. Date of Delivery<br/>2-6-71</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                   |

PS Form 3811, Apr. 1967

U.S. G. P. O. 19-7233-515

DOMESTIC RETURN RECEIPT



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

February 21, 1991

2043-3  
3562-3  
4767-3

John L Bourk  
Box 158  
Blunt, SD 57522

Dear Mr. Bourk:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2043-3, 3562-3 and 4767-3. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. 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 Duvail, Natural Resources Engineer IV  
Water Rights Division

Permit Nos. 2043-3 and 4767-310140103 Water District:

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

I have this day made a thorough examination of the water use system constructed by John Bourk, of Blunt, SD 57522 holder of Permit Nos. 2043-3 and 4767-3, bearing the priority of January 28, 1974 and May 28, 1981, respectively authorizing the diversion of 1.27 cu. ft. per second for irrigation purposes, in Hughes County.

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

A. Works used to divert the water:

Water is diverted from the well utilizing a Berkley pump powered by a 40 horsepower General Electric motor.

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

Water is transported by means of 6 and 8 inch pipe laid across the ground.

C. Works used to apply water to beneficial use:

Water is applied to the crop by flood irrigation through gated pipe.

The system is in the following condition good. The point of diversion is located 2940' north and 840' east (SE1/4 NE1/4) from the SE corner Section 8, T112N, R76W. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in Section 8, T112N, R76W.

SW1/4 NE1/4 12 acres      NW1/4 SE1/4 38 acres

SE1/4 NE1/4 26 acres      NE1/4 SW1/4 9 acres

SW1/4 SE1/4 13 acres

comprising a total of 98 acres of land and the license should be issued for 1.11 cfs

Applicable permit qualifications have been complied with ☒ Yes      No

Exceptions to compliance are:

Date: 6/28/91

Eric S. Gronlund

Eric S. Gronlund  
Natural Resources Engineer III  
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBERS 2043-3 & 4767-3

1. Legal location of wells: 2940' north & 840' east (SE1/4 NE1/4) of SE corner Section 8, T112N, R76W
2. Well Information: Well Drilling Firm Dakota Boring Co., constructed 7/3/74  
Completion Report? Yes ☒ No      No. of Wells 1 Depth(s) 72 feet  
Casing a) diameter      inches      Screen      a) type  
         b) length      feet           b) length      feet  
         c) type           Static Water Level      feet  
Pump a) make Berkely      Motor a) make General Electric  
         b) serial ND2007X      b) model No. 5K0247XH4A  
         c) model 100 3M-5ST      c) horsepower rating 40 hp  
         d) capacity 500 GPM      d) serial no.  
         e) turbine pump - no. of stages  
         f) operating PSI
3. System Type gated pipe:      low pressure  
1) length approx. 7000 feet of 8 inch  
         1700 feet of 6 inch  
2) diameter 6 and 8 inches  
3) spacing of gates      inches      8) capacity (GPM)

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

- | Yes                                 | No                                  | Check Items                                                                                                         |
|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> |                                     | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?                         |
| <input checked="" type="checkbox"/> |                                     | 2. Special qualifications to permit being abided by?                                                                |
| <input checked="" type="checkbox"/> |                                     | 3. All structures, wells and lands on map?                                                                          |
| <input checked="" type="checkbox"/> |                                     | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
|                                     | <input checked="" type="checkbox"/> | 5. Is chemigation used?                                                                                             |
|                                     |                                     | 6. If yes, does equipment comply with chemigation rules?                                                            |

REMARKS: The land in the NW1/4 NE1/4 of Section 8, T112N, R75W on Water Permit No. 4767-3 was never developed.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PILBRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

August 26, 1991

2043-3

3562-3

4767-3

John I. Bourk  
Box 158  
Blunt, SD 57522

Dear Mr. Bourk:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2043-3, 3562-3 and 4767-3, has been completed. Your final water right document for each, the Water License, can now be issued. Upon licensing, Water Permit No. 2043-3 will be incorporated into No. 4767-3 (because they involve the same system).

Statutes require that we charge a \$50.00 fee for the inspection and issuance of each Water License. Upon receipt of the \$100.00 fee from you (\$50.00 for No. 3562-3 and \$50.00 for No. 4767-3), we will begin processing your 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*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

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

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412823

Pierre, September 5, 19 91

RECEIVED OF John L. Bourk, Box 153, Blunt, SD 57522

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>4767-3</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 L. Bourk (JLB)  
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4767-3

(1) John L. Bourk of Box 158, Blunt, SD 57522 made Application No. 4767-3, May 28, 1981 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one existing well), Hughes County, South Dakota for irrigation purposes. Permit No. 4767-3 with a priority date of May 28, 1981 was approved July 29, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 29, 1984 and for the application to beneficial use of said water on or before July 29, 1987.

Water Permit No. 4767-3 authorized irrigation of 31.2 acres in the NW1/4 NE1/4 and SW1/4 SE1/4 Section 8, T112N, R76W from an existing irrigation well authorized under Water Permit No. 2043-3.

The applicable portions of Water Permit No. 2043-3 are incorporated into this Water License No. 4767-3. Priority dates, as they pertain to the acres irrigated are described in (3) of this License.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 2940'N and 840'E of the SE corner of Section 8, T112N, R76W (SE1/4 NE1/4).

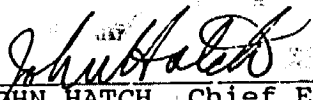
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T112N, R76W Section 8

|               |          |                  |               |
|---------------|----------|------------------|---------------|
| SW 1/4 NE 1/4 | 12 Acres | January 28, 1974 | priority date |
| SE 1/4 NE 1/4 | 26 Acres | January 28, 1974 | priority date |
| SW 1/4 SE 1/4 | 13 Acres | May 28, 1981     | priority date |
| NW 1/4 SE 1/4 | 38 Acres | January 28, 1974 | priority date |
| NE 1/4 SW 1/4 | 9 Acres  | January 28, 1974 | priority date |
| Total-----    | 98 Acres |                  |               |

January 28, 1974 priority date was established under No. 2043-3.  
May 28, 1981 priority date was established under No. 4767-3.

(4) Pursuant to Section 46-5-30.1 John L. Bourk of Box 158, Blunt, SD 57522 the holder(s) and/or owner(s) of Water Permit No. 4767-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater with priority dates of January 28, 1974 and May 28, 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. 4767-3 and subject to South Dakota State Law.

 SEP 27 1991  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

SEP 27 1991

4767-3

John L. Bourk  
Box 158  
Blunt, SD 57522

Dear Mr. Bourk:

Enclosed is Water License No. 4767-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412823 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4767-3, 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

NOTE: The applicable portions of Water Permit No. 2043-3 are incorporated into this Water License No. 4767-3.

4767-3

## NOTICE OF WELL CONSTRUCTION

## (1) WELL CONSTRUCTION

Location of well: 1/4 SE 1/4 NE Section 8 Township 112 Range 76  
 Well owner: John L. Sack  
 Date well drilling completed: July 3, 1974 Purpose of well: irrigation

## WELL LOG

| Layers, 50' to top in feet | Description of layer | Depth to top of water or first casing |
|----------------------------|----------------------|---------------------------------------|
| 0-1                        | top soil             | 38                                    |
| 1-38                       | clay                 | 30                                    |
| 38-72                      | sand & gravel        | 73                                    |

Total depth of drill hole: 73  
 Depth to bottom of casing: 73

Casing information in the space below: size, length, diameter, etc. for production casing and surface casing.

Screen information in the space below: size, length, diameter, etc. for production casing and surface casing.

If flowing well, flow of completed well:

Patrick Boring Co.  
 State of Drilling Contractor

## (2) PUMP INSTALLATION

Company name and size of pump: Western Land Borer 12.5  
 Type of pump: surface Capacity of installed pump: 6.9 x 9.0 HP  
 Depth of pump placement: 70 ft. Date of pump installation: July 3, 1974

## (3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46, 46A, 46B, 46C, 46D, 46E, 46F, 46G, 46H, 46I, 46J, 46K, 46L, 46M, 46N, 46O, 46P, 46Q, 46R, 46S, 46T, 46U, 46V, 46W, 46X, 46Y, 46Z, 46AA, 46AB, 46AC, 46AD, 46AE, 46AF, 46AG, 46AH, 46AI, 46AJ, 46AK, 46AL, 46AM, 46AN, 46AO, 46AP, 46AQ, 46AR, 46AS, 46AT, 46AU, 46AV, 46AW, 46AX, 46AY, 46AZ, 46BA, 46BB, 46BC, 46BD, 46BE, 46BF, 46BG, 46BH, 46BI, 46BJ, 46BK, 46BL, 46BM, 46BN, 46BO, 46BP, 46BQ, 46BR, 46BS, 46BT, 46BU, 46BV, 46BW, 46BX, 46BY, 46BZ, 46CA, 46CB, 46CC, 46CD, 46CE, 46CF, 46CG, 46CH, 46CI, 46CJ, 46CK, 46CL, 46CM, 46CN, 46CO, 46CP, 46CQ, 46CR, 46CS, 46CT, 46CU, 46CV, 46CW, 46CX, 46CY, 46CZ, 46DA, 46DB, 46DC, 46DD, 46DE, 46DF, 46DG, 46DH, 46DI, 46DJ, 46DK, 46DL, 46DM, 46DN, 46DO, 46DP, 46DQ, 46DR, 46DS, 46DT, 46DU, 46DV, 46DW, 46DX, 46DY, 46DZ, 46EA, 46EB, 46EC, 46ED, 46EE, 46EF, 46EG, 46EH, 46EI, 46EJ, 46EK, 46EL, 46EM, 46EN, 46EO, 46EP, 46EQ, 46ER, 46ES, 46ET, 46EU, 46EV, 46EW, 46EX, 46EY, 46EZ, 46FA, 46FB, 46FC, 46FD, 46FE, 46FF, 46FG, 46FH, 46FI, 46FJ, 46FK, 46FL, 46FM, 46FN, 46FO, 46FP, 46FQ, 46FR, 46FS, 46FT, 46FU, 46FV, 46FW, 46FX, 46FY, 46FZ, 46GA, 46GB, 46GC, 46GD, 46GE, 46GF, 46GG, 46GH, 46GI, 46GJ, 46GK, 46GL, 46GM, 46GN, 46GO, 46GP, 46GQ, 46GR, 46GS, 46GT, 46GU, 46GV, 46GW, 46GX, 46GY, 46GZ, 46HA, 46HB, 46HC, 46HD, 46HE, 46HF, 46HG, 46HH, 46HI, 46HJ, 46HK, 46HL, 46HM, 46HN, 46HO, 46HP, 46HQ, 46HR, 46HS, 46HT, 46HU, 46HV, 46HW, 46HX, 46HY, 46HZ, 46IA, 46IB, 46IC, 46ID, 46IE, 46IF, 46IG, 46IH, 46II, 46IJ, 46IK, 46IL, 46IM, 46IN, 46IO, 46IP, 46IQ, 46IR, 46IS, 46IT, 46IU, 46IV, 46IW, 46IX, 46IY, 46IZ, 46JA, 46JB, 46JC, 46JD, 46JE, 46JF, 46JG, 46JH, 46JI, 46JJ, 46JK, 46JL, 46JM, 46JN, 46JO, 46JP, 46JQ, 46JR, 46JS, 46JT, 46JU, 46JV, 46JW, 46JX, 46JY, 46JZ, 46KA, 46KB, 46KC, 46KD, 46KE, 46KF, 46KG, 46KH, 46KI, 46KJ, 46KK, 46KL, 46KM, 46KN, 46KO, 46KP, 46KQ, 46KR, 46KS, 46KT, 46KU, 46KV, 46KW, 46KX, 46KY, 46KZ, 46LA, 46LB, 46LC, 46LD, 46LE, 46LF, 46LG, 46LH, 46LI, 46LJ, 46LK, 46LL, 46LM, 46LN, 46LO, 46LP, 46LQ, 46LR, 46LS, 46LT, 46LU, 46LV, 46LW, 46LX, 46LY, 46LZ, 46MA, 46MB, 46MC, 46MD, 46ME, 46MF, 46MG, 46MH, 46MI, 46MJ, 46MK, 46ML, 46MM, 46MN, 46MO, 46MP, 46MQ, 46MR, 46MS, 46MT, 46MU, 46MV, 46MW, 46MX, 46MY, 46MZ, 46NA, 46NB, 46NC, 46ND, 46NE, 46NF, 46NG, 46NH, 46NI, 46NJ, 46NK, 46NL, 46NM, 46NN, 46NO, 46NP, 46NQ, 46NR, 46NS, 46NT, 46NU, 46NV, 46NW, 46NX, 46NY, 46NZ, 46OA, 46OB, 46OC, 46OD, 46OE, 46OF, 46OG, 46OH, 46OI, 46OJ, 46OK, 46OL, 46OM, 46ON, 46OO, 46OP, 46OQ, 46OR, 46OS, 46OT, 46OU, 46OV, 46OW, 46OX, 46OY, 46OZ, 46PA, 46PB, 46PC, 46PD, 46PE, 46PF, 46PG, 46PH, 46PI, 46PJ, 46PK, 46PL, 46PM, 46PN, 46PO, 46PP, 46PQ, 46PR, 46PS, 46PT, 46PU, 46PV, 46PW, 46PX, 46PY, 46PZ, 46QA, 46QB, 46QC, 46QD, 46QE, 46QF, 46QG, 46QH, 46QI, 46QJ, 46QK, 46QL, 46QM, 46QN, 46QO, 46QP, 46QQ, 46QR, 46QS, 46QT, 46QU, 46QV, 46QW, 46QX, 46QY, 46QZ, 46RA, 46RB, 46RC, 46RD, 46RE, 46RF, 46RG, 46RH, 46RI, 46RJ, 46RK, 46RL, 46RM, 46RN, 46RO, 46RP, 46RQ, 46RR, 46RS, 46RT, 46RU, 46RV, 46RW, 46RX, 46RY, 46RZ, 46SA, 46SB, 46SC, 46SD, 46SE, 46SF, 46SG, 46SH, 46SI, 46SJ, 46SK, 46SL, 46SM, 46SN, 46SO, 46SP, 46SQ, 46SR, 46SS, 46ST, 46SU, 46SV, 46SW, 46SX, 46SY, 46SZ, 46TA, 46TB, 46TC, 46TD, 46TE, 46TF, 46TG, 46TH, 46TI, 46TJ, 46TK, 46TL, 46TM, 46TN, 46TO, 46TP, 46TQ, 46TR, 46TS, 46TT, 46TU, 46TV, 46TW, 46TX, 46TY, 46TZ, 46UA, 46UB, 46UC, 46UD, 46UE, 46UF, 46UG, 46UH, 46UI, 46UJ, 46UK, 46UL, 46UM, 46UN, 46UO, 46UP, 46UQ, 46UR, 46US, 46UT, 46UU, 46UV, 46UW, 46UX, 46UY, 46UZ, 46VA, 46VB, 46VC, 46VD, 46VE, 46VF, 46VG, 46VH, 46VI, 46VJ, 46VK, 46VL, 46VM, 46VN, 46VO, 46VP, 46VQ, 46VR, 46VS, 46VT, 46VU, 46VV, 46VW, 46VX, 46VY, 46VZ, 46WA, 46WB, 46WC, 46WD, 46WE, 46WF, 46WG, 46WH, 46WI, 46WJ, 46WK, 46WL, 46WM, 46WN, 46WO, 46WP, 46WQ, 46WR, 46WS, 46WT, 46WU, 46WV, 46WW, 46WX, 46WY, 46WZ, 46XA, 46XB, 46XC, 46XD, 46XE, 46XF, 46XG, 46XH, 46XI, 46XJ, 46XK, 46XL, 46XM, 46XN, 46XO, 46XP, 46XQ, 46XR, 46XS, 46XT, 46XU, 46XV, 46XW, 46XX, 46XY, 46XZ, 46YA, 46YB, 46YC, 46YD, 46YE, 46YF, 46YG, 46YH, 46YI, 46YJ, 46YK, 46YL, 46YM, 46YN, 46YO, 46YP, 46YQ, 46YR, 46YS, 46YT, 46YU, 46YV, 46YW, 46YX, 46YY, 46YZ, 46ZA, 46ZB, 46ZC, 46ZD, 46ZE, 46ZF, 46ZG, 46ZH, 46ZI, 46ZJ, 46ZK, 46ZL, 46ZM, 46ZN, 46ZO, 46ZP, 46ZQ, 46ZR, 46ZS, 46ZT, 46ZU, 46ZV, 46ZW, 46ZX, 46ZY, 46ZZ

RECEIVED  
 AUG 9 1974

STATE WATER RIGHTS COMM.  
 PIERRE, SOUTH DAKOTA

# NOTICE OF WELL CONSTRUCTION

## (1) WELL CONSTRUCTION

WELL CONSTRUCTION

Location of well: 1/4 SE 1/4 NE Section 8 Township 112 Range 76

Well owner: John R. Ruppel (Name) Phew (Address)

Date well drilling completed: 12-14-77 Purpose of well: (domestic, irrigation, municipal, industrial, other)

# WELL LOG

| Logarithm, top to top in feet | Description of layer | Depth to top of water producing aquifer _____ ft. |
|-------------------------------|----------------------|---------------------------------------------------|
| 0 - 2                         | Top Soil             |                                                   |
| 2 - 25                        | Yellow Clay          | Depth to static water level _____ 20 _____ ft.    |
| 25 - 57                       | Blue Clay - Dr. clay | Name of producing aquifer (if known) _____        |
| 50 - 61                       | gravel               | Total depth of drill hole _____ 61 _____ ft.      |
|                               |                      | Depth to bottom of casing _____ 61 _____ ft.      |

Casing information: In the space below show kind, size, weight, log grade per diameter, etc., for production casing and surface casing, if used.  
 4" PUC - 160 LBS.

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.  
 10' 4" PUC 2.0 slot

If flowing well, flow of completed well \_\_\_\_\_ G.P.M.

Attach sheet if more space is needed

## 2) PUMP INSTALLATION

**PUMP INSTALLATION** \_\_\_\_\_ HP \_\_\_\_\_

Company name and size of pump \_\_\_\_\_

Type of pump \_\_\_\_\_ Capacity of installed pump \_\_\_\_\_ G.P.M.

Depth of pump placement \_\_\_\_\_ ft., Date of pump installation \_\_\_\_\_

## (3) WATER SURFACE MEASURING TUBE

**WATER SURFACE MEASURING TUBE**  
On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed \_\_\_\_\_ ft, tube diameter \_\_\_\_\_,  
tube material \_\_\_\_\_

Name of Pump Installation Contractor:

55

REC-  
STAT  
FBI

# NOTICE OF WELL CONSTRUCTION

## (I) WELL CONSTRUCTION

WELL CONSTRUCTION

Location of well: 2 1/4 S.E. 1/4 S.W. Section 8 Township 112 Range 78

Well owner: John J. Dwyer (Name) Dwyer (Address)

Date well drilling completed: July 2-1974 Purpose of well: Domestic

# WELL LOG

| Layers, top to top in feet | Description of layer |
|----------------------------|----------------------|
| 0-1                        | Top Soil             |
| 1-19                       | Clay (14)            |
| 19-30                      | Gravel               |
| 30-40                      | Clay                 |
| 40-50                      | Clay                 |
| 50-60                      | normal fine          |

20-40-50  
24  
Depth to top of water producing casing  
Depth to static water level  
Name of producing casing (if known)  
Total depth of drill hole 57  
Depth to bottom of casing 57

Country information in the space below shall include, as applicable, the  
 Government, etc., for production, raising and surface mining.

5. Screen information on the space below (now beginning on page 10) of coding, diameter, orders of stress (1 to 20) performed.

4 in ID 10 ft Drill  
Holes 1/8"

if following up, i. e. if completed as

*Walter H. Adams*

## (2) PUMP INSTALLATION

Company name and size: 10000

Type of pump

Depth of pump placement

(3) WATER SURFACE MEASURING TUBE

WATER SURFACE MEASURING TUBE

WELL CONSTRUCTION STANDARDS.

WELL CONSTRUCTION STANDARDS:  
Show exact vertical length of water surface measuring tube, when installed.

ADP 501/101

RECEIVED  
AUG 9 1974

STATE WATER RIGHTS COMMISSION  
SIOUX FALLS, S.D.



4767-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

JOHN L. BOURK  
BOX 158  
BLUNT SD 57522

NOTICE

RE: Violation of Water Permit No(s) 3562-3 & 4767-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 3562-3 & 4767-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 3562-3 & 4767-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 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) 3562-3 & 4767-3 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



4767-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 22, 1994

3562-3

4767-3

John L. Bourk  
Box 158  
Blunt, SD 57522

Dear Mr. Bourk:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 3562-3 and 4767-3.

The questionnaires were 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*

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



4767-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 22, 1994

Jim Bonnicksen  
Blunt, SD 57522

Dear Mr. Bonnicksen:

Enclosed are copies of Water Right Nos. 3562-3 and 4767-3. These water rights are listed in the name of John Bourk.

Mr. Bourk stopped by our office last week and submitted the 1993 irrigation questionnaires. He indicated that you would be operating the irrigation systems for him in the future. I have made a notation in the water right files to send future irrigation questionnaires to you. This does not change ownership of the water rights, it merely allows us to send correspondence to you as the operator.

The 1994 irrigation questionnaires will be mailed out in October, 1994. The questionnaires will list a permit number, but do not include the legal description. The enclosed water right copies reflect the acreage authorized for each water right number. You may keep the copies for your records.

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

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Division

enclosures



4767-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: JIM BONNICHSEN, OP, PO BOX 77, BLUNT, SD 57522 0077  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4767-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 4767-3 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 5, 2003 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) 4767-3 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 **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: JOHN L BOURK, BOX 158, BLUNT, SD 57522

**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.



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Postmark  
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PS Form 153, February 2001



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BLUNT SD 57522

paid before mailing.

Postmark  
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PS Form 153, February 2001

*No Confirmation on delivery, however the questionnaire was received and no follow-up is needed. Lm*



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 5, 2003

4767-3

Jim Bonnicksen  
PO Box 77  
Blunt SD 57522-0077

Dear Mr. Bonnicksen:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 4767-3.

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

c: John L Bourk

# NOT TO SCALE

Permit Nos 2043-3  
4767-3

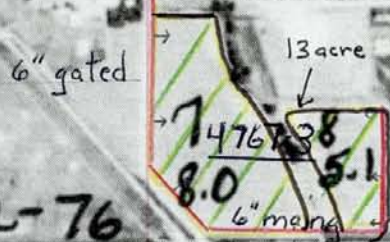
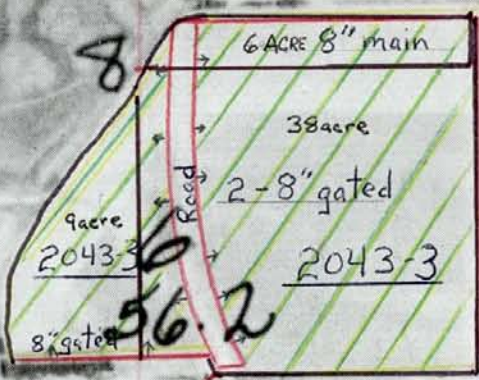
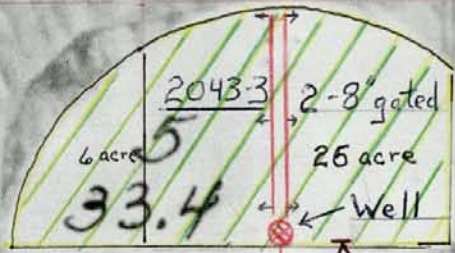
183

112-79

radio tower

1800'

T 8356



— pipeline  
▨ irrigated acres

112-76

T 213

N-2

840'

Map prepared by:  
Eric S. Thonlund  
Natural Resource Engineer  
DENR, Water Rights Division  
Date Inspected: 6/28/91

4767-3



4767-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
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523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 23, 2009

NOTICE

TO: JIM BONNICHSEN, OP, PO BOX 77, BLUNT, SD 57522 0077

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4767-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4767-3 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 11, 2009** 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) 4767-3 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 6, 2009**, 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/eforms/secure/eforms/E0455V7-IQ.pdf>

c: JOHN L BOURK, 20581 313TH AVE, STURGIS SD 57785-6332

**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.

4767-3

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4767-3

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2303 2160 0000 0802 6449

JOHN L BOURK  
20581 313<sup>TH</sup> AVE  
STURGIS SD 57785-6332

Waiver of Signature ☐ YES ☐ NOPostmark  
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PS Form 3800, 10/06



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PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 29, 2009

4767-3

Jim Bonnichsen  
PO Box 77  
Blunt SD 57522-0077

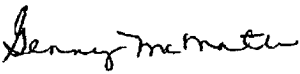
Dear Mr. Bonnichsen:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4767-3.

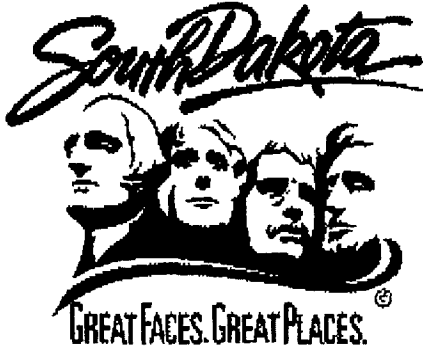
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: John L Bourk



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April 7, 2009

4767-3

Bob Feller  
511 Ree Street  
Blunt SD 57522

Dear Mr. Feller:

I am writing in follow-up to our phone conversation concerning Water Right No. 4767-3 listed in the name of John L Bourk.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Please be advised that the Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases will become effective July 1, 2009. The fee increase for an ownership change will be raised from \$2.50 to \$50.00. We will be required to assess the increased fee of \$50.00 for any ownership change filed after July 1<sup>st</sup>.

Also enclosed for your review are the following (you may keep them for your records):

- A copy of the water license and inspection report;
- Two past irrigation questionnaires;
- Excerpts of SD Water Laws and Water Management Board Rules dealing with issues on abandonment and/forfeiture and legal excuse for non-use of water.

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](mailto:genny.mcmath@state.sd.us)



**DEPARTMENT of ENVIRONMENT  
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August 21, 2009

4767-3

Bob Feller  
511 Ree Street  
Blunt SD 57522

Dear Mr. Feller:

I am writing in regard to Water Right No. 4767-3 listed in the name of John L Bourk. The water right authorizes irrigation of 98 acres in portions of Section 8, T112N, R76W. On April 7, 2009, a "Notice of Transfer of Ownership" form was sent to you for changing ownership of the water right to your name. To date, we have not received anything back from you.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have decided to discontinue irrigation or if you no longer own the land, 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](mailto:genny.mcmath@state.sd.us)

enclosure



DEPARTMENT of ENVIRONMENT  
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January 22, 2010

NOTICE

TO: BOB FELLER, OPERATOR, 511 REE ST, BLUNT, SD 57522

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) 4767-3. 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) 4767-3 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) 4767-3 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](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

**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.



4767-3

[Track & Confirm](#)[FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 8795

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 9:45 AM on January 30, 2010 in BLUNT, SD 57522. The item was signed for by N SLABA.

### Track & Confirm

Enter Label/Receipt Number.

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### Detailed Results:

- Delivered, January 30, 2010, 9:45 am, BLUNT, SD 57522
- Notice Left, January 23, 2010, 10:02 am, BLUNT, SD 57522
- Out for Delivery or Available at PO Box, January 23, 2010, 9:29 am, BLUNT, SD 57522
- Sorting Complete, January 23, 2010, 8:59 am, BLUNT, SD 57522
- Arrival at Post Office, January 23, 2010, 8:08 am, BLUNT, SD 57522

### Notification Options

#### Track & Confirm by email

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No FEAR Act EEO Data

FOIA

**SIGNATURE CONFIRMATION NUMBER:**  
2303 2160 0000 0802 8795

**BOB FELLER, OPERATOR**  
511 REE ST  
BLUNT SD 57522

before mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

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February 23, 2010

4767-3

Bill Feller  
511 Ree St  
Blunt SD 57522

Dear Mr. Feller:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 4767-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Please keep us informed in the next couple years through the annual irrigation questionnaire as to whether or not you will be putting up another system to irrigate or if you have decided to discontinue irrigation on the property. As we discussed, use of water from the well for stock water purposes can be done without a water permit in place if your use is limited to 18 gallons per minute or less on a continuous basis.

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](mailto:genny.mcmath@state.sd.us)

enclosure

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** Bill Feller, 511 Ree St, Blunt SD 57522

**DATE:** February 23, 2010

**TELEPHONE:** 605 222-0601

**RE:** Ownership of land and status of water right

**COMMENTS:**

Mr. Feller returned the questionnaire indicating I had put the wrong name on the correspondence and since they moved into a different house, the paperwork I sent probably got lost.

I called to ask him who owned the land and if they still irrigated. He said he purchased the land from Mr. Bourk in September, 2008. The well is out there but the system had been removed a couple years ago. Although the system was removed he said the area is so wet that they almost couldn't get anything planted. I cautioned him that although having too much water is legal excuse for not irrigating, a system needs to be in place to use if conditions warrant irrigation.

At this time, he didn't know if they would put up a system or not but would like to maintain the well for stock watering purposes. We talked about domestic use and the ability to use the well at a rate of 18 gpm without needing a permit.

He agreed to keep us informed though the annual irrigation questionnaire and make a decision in the next couple years as to whether or not he wants to maintain the water right.



Genny McMath  
Water Rights Program

RECEIVED

MAY - 7 2010

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

No. 4767-3

Date: June 06-09

I/We request that Water Right No. 4767-3

formerly owned by: John L Bourk

be transferred to: (name & address) William Lee Feller  
511 REE ST Blunt SDak. 57522

Telephone No. 605-962-6340

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

~~98 acres~~ - S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 8, 112N, R76W

74 Acres 112N 76W Section 8 NE  $\frac{1}{4}$  SE  $\frac{1}{4}$

I/We understand that the validity of Water Right No. 4767-3 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 with the Water Rights Program, as evidence of the change of ownership.

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We William Lee Feller, the new owner, certify that the above information is true and correct.

William Lee Feller  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a 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.



**DEPARTMENT of ENVIRONMENT  
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May 10, 2010

4767-3

William Feller  
511 Ree St  
Blunt SD 57522

Dear Mr. Feller:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" change you filed for Water Right No. 4767-3.

A fee of \$50.00 is required by statute to file an ownership change. Please remit the filing fee as soon as possible and we will process the ownership change. The check or money order for the fee can be made payable to the **"Water Rights Program"**.

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](mailto:genny.mcmath@state.sd.us)



DEPARTMENT of ENVIRONMENT  
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June 8, 2010

4767-3

William Feller  
511 Ree St  
Blunt SD 57522

Dear Mr. Feller:

On May 7<sup>th</sup>, we received the "Notice of Transfer of Ownership" form from you for changing ownership of Water Right No. 4767-3. A follow-up letter was forwarded to you on May 10<sup>th</sup> indicating a filing fee of \$50.00 was required by statute for filing an ownership change.

To date, we have not received the fee from you and the water right remains in the name of John Bourk. Please remit the filing fee as soon as possible and we will process the ownership change. The check or money order for the fee can be made payable to the **"Water Rights Program"**.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/22, 20 10

RECEIVED OF William Lee Feller 111 N Ree St Blunt SD 57522

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

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50 00 |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4767-3</u>    |       |       |
| Fee for Filing Transfer Form _____                                                                             |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 50 00 |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. **04578**

By *Shelby E. White*  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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June 22, 2010

4767-3

William Lee Feller  
511 Ree St  
Blunt SD 57522

Dear Mr. Feller:

Thank you for following up on the ownership change for Water Right No. 4767-3. The transfer has been completed. The water right formerly listed in the name of John L Bourk is now listed in your name.

Enclosed is your Receipt No. 04578 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



4767-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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January 20, 2017

NOTICE

TO: BILL FELLER, 511 N REE ST, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4767-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 4767-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4767-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto: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  
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PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

February 2, 2017

4767-3

Bill Feller  
511 N Ree St  
Blunt SD 57522

Dear Mr. Feller:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 4767-3. 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  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



4767-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 23, 2020

NOTICE

TO: BILL FELLER, 511 N REE ST, BLUNT, SD 57522

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4767-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4767-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

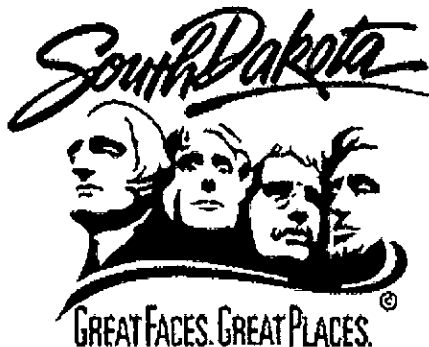
1. Suspend or cancel Permit No(s) 4767-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: UKUYJU**

**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.

4767-3



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February 10, 2020

4767-3

Bill Feller  
511 N Ree St  
Blunt SD 57522

Dear Mr. Feller:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 4767-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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