

B
WATER PERMIT NO. 4794~~X~~-3

Name of Applicant: Gary Marshall

Address: 19032 388th Ave, Hitchcock SD 57348

Phone: 605 350-1401

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation

County: Beadle

Type of Waste Disposal System:

Location: 5 miles east of Hitchcock

PRIORITY

Date Received: 4-29-15

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: changes acres under Water Right No. 4794-3 to accommodate installation of a cornering system

Diversion Point: SE 1/4 SW 1/4 Sec 4 and SE 1/4

SE 1/4 Sec 5; all in T113N-R62W

Land to be Irrigated: SE 1/4 Sec 5-T113N-R62W

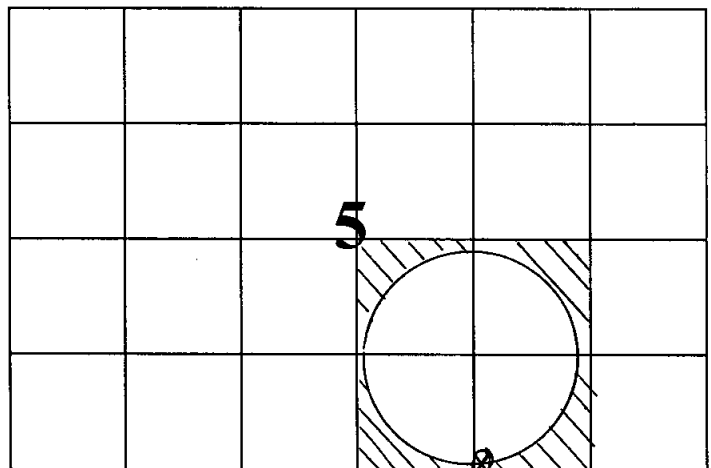
Depth of Well: 63 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund



Reviewed and the Number Assigned on: 5-4-15

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>4794B-3</u> (office use only)	Hydrologic Unit <u>10160066</u>
	Basin <u>James River</u>	
	Newspaper <u>Plainsman, PO Box 1278</u>	
	<u>Huron 57350-605-353-7401</u>	

RECEIVED
APR 29 2015
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4794-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

change acres under Water Right No. 4794-3 to the SE 1/4 Section 5, T113N, R62W
to accommodate installation of a cornering system

1. Name to Appear on Irrigation Permit Gary Marshall

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 19032 388th Avenue Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Home Phone 266-2720 Cell 350-1401 Email marshall@sbtic.net

2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage no addl
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:Western Spink Hitchcock aquifer (2 existing wells)

4. Location of point of diversion SE1/4 SW 1/4 in Section 4, and SE1/4 SE 1/4 Section 5, all in T113N, R62W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SE 1/4 Section 5, T113N, R62W	7		
NE 1/4 SE 1/4 Section 5, T113N, R62W	7		
SW 1/4 SE 1/4 Section 5, T113N, R62W	7		
SE 1/4 SE 1/4 Section 5, T113N, R62W	7		

8. Give a description of the project. (Attach sheet if more space is needed)

Water Permit No. 7719-3 was obtained for the SW 1/4 Section 4, T113N, R62W which was also covered by No. 4794-3. This was done to provide the diversion rate authority to allow the two systems to operate independently. It resulted in duplication of acreage and the intent is to change 28 acres by transferring to the SE 1/4 Section 5 to accommodate a cornering system

I, Gary Marshall, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 4794B-3

Date of first receipt of application April 29, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4794B-3 to Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4794B-3 amends Water Right No. 4794-3 by transferring 28 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed in the Tulare Western Spink/Hitchcock Aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This permit will transfer 28 acres from the SW 1/4 Section 4 to the SE 1/4 Section 5-T113N-R62W to accommodate installation of a cornering system. Seven acres will be transferred from each quarter-quarter section in Section 4-T113N-R62W to corresponding quarter-quarter sections in the SE 1/4 Section 5-T113N-R62W. This permit also serves to clarify the location of the two existing Tulare Western Spink/Hitchcock Aquifer wells supplying Water Right No. 4794-3 as being located in the SE 1/4 SW 1/4 Section 4 and SE 1/4 SE 1/4 Section 5; all in T113N-R62W. No increase in the diversion rate or number of acres irrigated is authorized by this permit. Permit No. 4794B-3 authorizes a total diversion of 2.22 cfs and irrigation of 244 acres. Note that Water Permit No. 4794C-3 transferred 20 acres from Water Right No. 4794-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The dates from which applicant may claim right are June 1, 1953 (1.48 cfs and 132 acres) and April 9, 1981 (0.74 cfs and 112 acres).
4. The date of approval of Permit No. 4794B-3 is July 27, 2015.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Water Right No. 4794-3 and Water Permit No. 4794B-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 4794B-3 incorporates Water Right No. 4794-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 27 2015

date



WATER PERMIT APPLICATION FOR GARY MARSHALL



1,500 750 0 1,500 Feet



● approximate well locations



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation of Gary Marshall
during May 1, 2015 phone call

WATER PERMIT APPLICATION FOR GARY MARSHALL



1,000 500 0 1,000 Feet



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation of Gary Marshall
in the office on April 29, 2015

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/29, 20 15

RECEIVED OF Gary Marshall 19032 288th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>4794 A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>4794 A-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	300	00

No. 07364

By Jeanne Goodman
Chief Engineer

No. 4794-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: WR No. 4794-3 and Gary Marshall application to transfer

ADDRESS: 19032 388th Avenue, Hitchcock SD 57348 COUNTY: Beadle County

DATE: May 1, 2015 TELEPHONE: cell – 350-1401

RE: inquiry on location of wells under Water Right No. 4794-3.

On April 29, 2015, Gary Marshall was in my office regarding filing transfer of ownership forms and applying to change acres to accommodate cornering systems. The application to change 28 acres under Water Rights No. 4794-3 from the SW $\frac{1}{4}$ Section 4 to the SE $\frac{1}{4}$ Section 5 of T113N, R62W indicates the wells are in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5. However, Water Right No. 4794-3 indicates the wells are in the center of the SE $\frac{1}{4}$ Section 5 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5.

Mr. Marshall stated the well in the center of the SE $\frac{1}{4}$ Section 5 has not been in use for many years. The other well in Section 5 along the south border continues to be used. When they bought the property, there was a small well in use located in along the road on the south border of the SW $\frac{1}{4}$ Section 4. When the well in the center of the SE $\frac{1}{4}$ Section 5 was taken out of service, a replacement well was drilled in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4. That occurred about 8 to 9 years ago. The attached map is a representation of the well locations based on what Mr. Marshall told me. No well completion reports are on the database for any of these wells.

NAME: Eric Marshall

No. 4794B-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: WR No. 4794B-3, Gary Marshall

ADDRESS: 19032 388th Avenue, Hitchcock SD 57348 COUNTY: Beadle County

DATE: June 16, 2015 TELEPHONE: cell – 350-1401

RE: inquiry on acres to be transferred under Water Right No. 4794-3.

As part of the review of Application No. 4794B-3, the question arose as to which 28 acres in the SW ¼ Section 4, T113N, R62W are being transferred to the SE ¼ Section 5, T113N, R62W to accommodate the cornering system being installed. Mr. Marshall stated to transfer 7 acres equally from each quarter-quarter section in the SW ¼ of Section 4.

Mr. Marshall indicated the same procedure should be used in that he agreed to allow Terry Wieting to transfer acres to a new location.

NAME: Eric Lund



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

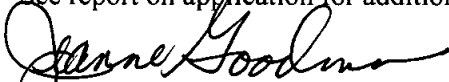
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4794B-3, Gary Marshall**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4794B-3, Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 4794B-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The wells approved under this Water Right No. 4794-3 and Water Permit No. 4794B-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 4794B-3 incorporates Water Right No. 4794-3.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 6, 2015

NOTE: Water Permit No. 4794B-3 will be reissued to reflect the reduction of 20 acres that are being transferred under pending Application No. 4794C-3 filed by Terry Wieting, if the applications are approved. Water Permit No. 4794B-3 and 4794C-3 will be separate water permits.

The incorporation of Water Right No. 4794-3 into Water Permit No. 4794B-3 is intended to reflect that this is one water use system. By incorporating, the permit holder will receive one irrigation questionnaire each fall to report water use by this system.

The 2014 Farm Service Agency's aerial photograph shows that the cornering system proposed by this application to transfer acres has already been constructed and irrigation occurring prior to obtaining this water permit. Also the location of one of wells was changed a number of years ago without going through the proper process to change the diversion point location. State law prohibits construction of works prior to obtaining a water permit. Anyone making changes prior to insuring the proper permit or authorization is in place is a violation of state law which may be subject to an order and penalty. Also a significant investment is made to the change to the irrigation system without any assurance that a water permit will be approved.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 4794B-3
GARY MARSHALL
JUNE 13, 2015

Water Right No. 4794-3 authorizes the irrigation of 264 acres located in the SW¼ Sec. 4, T113N-R62W and the SE¼ Sec. 5, T113N-R62W, using water from two wells completed into the Tulare: Western Spink/Hitchcock aquifer, diverted at a maximum rate of 2.22 cubic feet of water per second (cfs). The well locations authorized by Water Right No. 4794-3 are in the center of the SE¼ SW¼ Sec.4, T113N-R62W, and the SW¼ SE¼ Sec.5, T113N-R62W.

Prior to August 13, 2014, the applicant replaced a center pivot irrigation system located in the SE¼ Sec. 5, T113N-R62W, constructed under the auspices of Water Right No. 4794-3, with a system capable of irrigating an additional 28 acres. Water Permit Application No. 4794B-3 proposes to amend Water Right No. 4794-3 by transferring the authority for irrigation of 28 acres from other land to accommodate the new system. Authorization to irrigate seven acres will be transferred from each quarter-quarter section in SW¼ Sec. 4, T113N-R62W to corresponding quarter-quarter sections in the SE¼ Sec. 5, T113N-R62W (see table 1).

Table 1. Proposed transfer of authority to irrigate acres

Acreage authorized for irrigation Transferred from:	Acreage authorized for Irrigation Transferred to:
NE¼SW¼ Sec. 4, T113N-R62W (7 acres)	NE¼SE¼ Sec. 5, T113N-R62W (7 acres)
NW¼SW¼ Sec. 4, T113N-R62W (7 acres)	NW¼SE¼ Sec. 5, T113N-R62W (7 acres)
SW¼SW¼ Sec. 4, T113N-R62W (7 acres)	SW¼SE¼ Sec. 5, T113N-R62W (7 acres)
SE¼SW¼ Sec. 4, T113N-R62W (7 acres)	SE¼SE¼ Sec. 5, T113N-R62W (7 acres)

This application also serves to clarify the location of the two existing Tulare: Western Spink/Hitchcock aquifer wells supplying Water Right No. 4794-3 which are located in the SE¼ SW¼ Sec. 4, T113N-R62W and SE¼ SE¼ Sec. 5, T113N-R62W. No increase in the diversion rate or number of acres irrigated is authorized by this application.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 provides:

“...if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit.”

These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.

EXISTING RIGHTS:

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits with diversion points in the vicinity of 4794B-3 are shown in Table 2 and Figure 1.

Table 2. Existing water rights/permits with diversion points in the vicinity of 4794B-3

PERMIT NO	NAME	STATUS	CFS	ACRES
1423-3	MOROG FAMILY LIMITED PARTNERSHIP	LC	1.88	132
1509-3	OSCAR INC	LC	1.9	135
1512-3	PETERSON FARMS	LC	1.9	135
4723-3A	GARY MARSHALL	LC	1.94	136
4794-3	MARSHALL	LC	2.22	264
5182-3	BIXLER FARMS	LC	1.88	279
5421-3	FLOYD H PETERSON	LC	2.11	264
5671-3	PETERSON FARMS	LC	2.89	263
6238-3	BIXLER FARMS	LC	1.78	130
6333B-3	PETERSON FARMS	LC	1.67	134
6312A-3	FLOYD H PETERSON	PE	1.56	264
6201B-3	PETERSON FARMS	PE	0	0
7391-3	PETERSON FARMS	PE	1.94	136
7640-3	GARY MARSHALL	PE	1.78	160
7719-3	GARY MARSHALL	PE	1.78	135
7718A-3	TERRY M WIETING	PE	1.78	135

The 1979-2014 average irrigation application rate from the Tulare: Western Spink/Hitchcock aquifer was 9.37 inches per acre per year. The additional 28 acres that is irrigated in the SE¼ Sec. 5, T113N-R62W, can be expected to result in an additional average withdrawal from the wells used to supply Water Right No. 4794-3 and Permit No. 4794B-3 (if approved), of 21.86 acre-feet. Over a 185 day irrigation season, 21.86 acre-feet would result in an average diversion rate from the wells of 0.0595 cfs (approximately 27 gallons per minute). The additional drawdown associated with 0.0595 cfs is not expected to be significant to water levels in area wells.



Figure 1. Existing water rights/permits with diversion points in the vicinity of 4794B-3

The Tulare: Western Spink/Hitchcock aquifer is under unconfined conditions in this area. The DENR-Water Rights Program monitors an observation well (SP-79N) completed into the Tulare: Western Spink/Hitchcock aquifer, located approximately three-fourths of a mile northeast of the wells that supply Water Right No. 4794-3. A hydrograph for the observation well is shown in Figure 2. The hydrograph documents seasonal water level fluctuation that may be the result of nearby well pumping. Well interference has never been an issue from the aquifer, and it is likely that diversions proposed by this application can be completed without unlawfully impairing existing water rights. If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output.

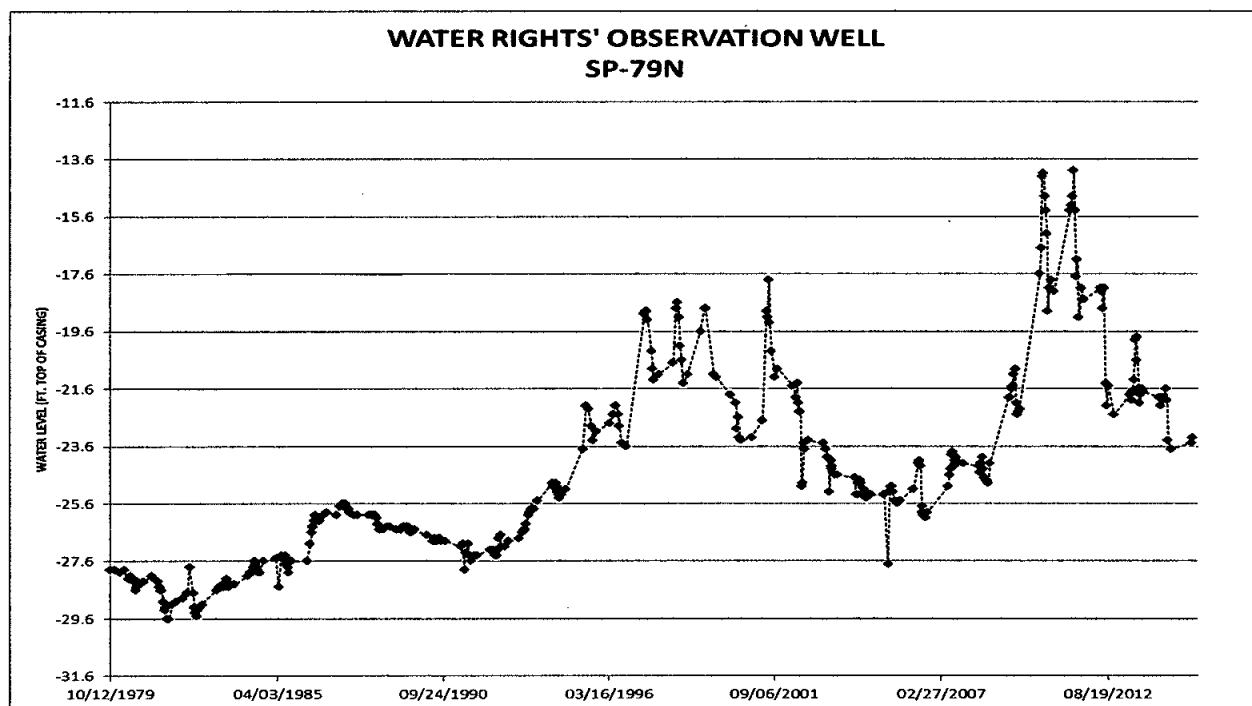
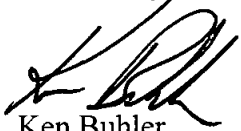


Figure 2. Hydrograph for DENR-Water Rights' observation well completed into the Tulare: Western Spink/Hitchcock aquifer approximately three-fourths of a mile northeast of the wells that supply water for Water Right No. 4794-3.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.

4. Review of August 13, 2014 aerial photography of the area indicates that the changes to the irrigation system (i.e. addition of a cornering system) that were proposed by this amendment have already been made.
5. The amendments proposed by Water Permit Application No. 4794B-3 are not expected to adversely impact existing water rights.

A handwritten signature in black ink, appearing to read 'Ken Buhler', is positioned above the printed name.

Ken Buhler
DENR-Water Rights Program

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIROMENTAL – MARSHALL
BROTHER WATER RIGHTS**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 15TH day JULY 2015. That the full amount of the fee charged for publishing is: **FIFTY-THREE & 62/100** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 15TH Day of JULY 2015.



Notary Public, South Dakota

My term expires 01/27/2018
Legal #1917

RECEIVED

JUL 29 2015

WATER RIGHTS
PROGRAM

F.P. 07-15-15

**NOTICE OF
APPLICATION NOS.**

4794B-3 and 7573A-3

Notice is given that Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 has filed the following applications for water permits.

Application No. 4794B-3 requests to amend Water Right No. 4794-3 by transferring 28 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed in the Tulare Western Spink/Hitchcock Aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This application proposes to transfer 28 acres from the SW 1/4 Section 4 to the SE 1/4 Section 5-T113N-R62W to accommodate installation of a cornering system. Seven acres will be transferred from each quarter-quarter section in Section 4-T113N-R62W to corresponding quarter-quarter sections in the SE 1/4 Section 5-T113N-R62W. This application also serves to clarify the location of the two existing Tulare Western Spink/Hitchcock Aquifer wells supplying Water Right No. 4794-3 as being located in the SE 1/4 SW 1/4 Section 4 and SE 1/4 SE 1/4 Section 5; all in T113N-R62W. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 7573A-3 requests to amend Water Permit No. 7573-3 by transferring 24 acres to other land. Permit No. 7573-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NW 1/4 Section 27-T114N-R63W. This application proposes to move 24 acres from the NW 1/4 Section 27 to the SE 1/4 Section 8-T113N-R62W to accommodate installation of a cornering system to Water Right No. 4723-3A. Water Right No. 4723-3A appropriates 1.94 cfs from two existing wells completed into the Tulare Western Spink/Hitchcock Aquifer located near the center of the SE 1/4 Section 8 to irrigate 136 acres located in the SE 1/4 Section 8; all in T113N-R62W. No increase in the 1.94 cfs diversion

rate or number acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4794A-3 and 7573A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No. 1917(adv.)
Published once at the total approximate cost of \$53.61.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 06, 2015 4:00 PM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 4794B-3 and 7573-3, Gary Marshall
Attachments: 4794B-3-7573A-3pluralpublic-short.docx

Attached is a notice to be published on July 15, 2015.

Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 (266-2720 or c 350-1401) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Instruction to Newspaper - Publish the Notice on July 15, 2015. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 4794B-3 and 7573A-3

Notice is given that Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 has filed the following applications for water permits.

Application No. 4794B-3 requests to amend Water Right No. 4794-3 by transferring 28 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed in the Tulare Western Spink/Hitchcock Aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This application proposes to transfer 28 acres from the SW 1/4 Section 4 to the SE 1/4 Section 5-T113N-R62W to accommodate installation of a cornering system. Seven acres will be transferred from each quarter-quarter section in Section 4-T113N-R62W to corresponding quarter-quarter sections in the SE 1/4 Section 5-T113N-R62W. This application also serves to clarify the location of the two existing Tulare Western Spink/Hitchcock Aquifer wells supplying Water Right No. 4794-3 as being located in the SE 1/4 SW 1/4 Section 4 and SE 1/4 SE 1/4 Section 5; all in T113N-R62W. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 7573A-3 requests to amend Water Permit No. 7573-3 by transferring 24 acres to other land. Permit No. 7573-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NW 1/4 Section 27-T114N-R63W. This application proposes to move 24 acres from the NW 1/4 Section 27 to the SE 1/4 Section 8-T113N-R62W to accommodate installation of a cornering system to Water Right No. 4723-3A. Water Right No. 4723-3A appropriates 1.94 cfs from two existing wells completed into the Tulare Western Spink/Hitchcock Aquifer located near the center of the SE 1/4 Section 8 to irrigate 136 acres located in the SE 1/4 Section 8; all in T113N-R62W. No increase in the 1.94 cfs diversion rate or number acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4794A-3 and 7573A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

July 6, 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Water Permit Application Nos. 4794B-3 and 7573A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 27, 2015

4794B-3
7719-3

Terry Marshall
38735 SD Hwy 28N
Hitchcock SD 57348

Dear Mr. Marshall:

I am writing in follow-up to your August 26th phone conversation with Eric Gronlund concerning ownership changes needed for Water Permit Nos. 4794B-3 and 7719-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 27 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed are Water Permit Nos. 4794B-3, 7573A-3 and Reissued Water Permit No. 7573-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: Water Permit No. 4794B-3 incorporates Water Permit No. 4794-3.
Water Permit No. 7573A-3 incorporates Water Permit No. 4723-3A.

enclosures

RECEIVED

SEP 03 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-1-15TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Gary Marshall
(name)
19032 - 388th Avenue
(address)
Hitchcock S.D. 57348 (605) 266-2720
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

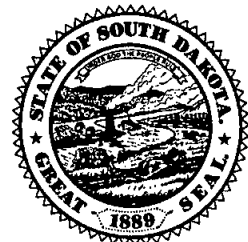
Water Permit No. 4794-B-3 states that the water use system is to be constructed by _____ , and water is to be put to beneficial use by _____ .
(date) (date)

The water use system was completed on _____ .
(date)

Applying the water to beneficial use was completed on 7-28-15 .
(date)

You may schedule an investigation so that the water license may be issued.

Gary Marshall
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 3, 2015

4794B-3
7573-3
7573B-3

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Marshall:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems.

The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between completion of the projects and the staff inspection has no bearing on your water permits.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. 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

RECEIVED

SEP 08 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4794B-3

Date: 8-28-15

I/We request that Water Permit No. 4794B-3

formerly owned by: Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348

be transferred to: (name & address) Terry Marshall
38735 SD HWY 28
Hitchcock SD 57348 Telephone No. 605-350-3100

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

SW ¼ Section 4 and SE ¼ Section 5, T113N, R62W

I/We understand that the validity of Water Permit No. 4794B-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 Fifty Dollars (\$50.00) 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 Terry Marshall, the new owner, certify that the above information is true and correct.

Terry Marshall
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/8, 20 15

RECEIVED OF TDM Farms 38735 SD Hwy 28 Hitchcock SD 57348

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. _____		
Fee for Filing Transfer Form <u>4794B-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07485

By J. James Goodman Jr.
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 8, 2015

4794B-3
7719-3

Terry Marshall
38735 SD Hwy 28
Hitchcock SD 57348

Dear Mr. Marshall:

The transfer of ownership forms and filing fees for Water Permit Nos. 4794B-3 and 7719-3 have been received.

The ownership changes have been completed. Water Permit Nos. 4794B-3 and 7719-3 formerly held by Gary Marshall are now listed in your name.

Enclosed for your records are Receipt Nos. 07483 and 07484 in the amount of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

Report of Examination of Works For Permit Nos. 4794B-3 and 7719-3

I have this day, July 10, 2018, made a thorough examination of the water use system constructed by Terry Marshall, 38735 SD Hwy 28 Hitchcock SD 57348 of Permit Nos. 4794B-3 and 7719-3, bearing the priority of 4794B-3 (April 09, 1981) and 7719-3 (February 8, 2013) authorizing the diversion of 4 cu. ft. per second of the waters of ground water (Tulare: Western Spink Hitchcock aquifer) for irrigation purposes, in Beadle County.

Diversion Point Information:

Well Information: Div Pt 1, SE ¼ SE ¼ Sec 5 T113N R62W

A. Works used to divert the water:

- 1) Well Drilling Firm: Riverside
- 2) No. of Wells 1
- 3) Depth(s) 80 feet
- 4) Well log is available No

Comments: No well log available for well located in SE ¼ SE ¼ Sec 5 however a March 12, 1987 inspection of water right 4794-3 was conducted by James L. Wendte and does have some information.

Casing:

- 1) Diameter 16 inches
- 2) Length NA feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 16 feet
- 3) Static water level NA feet

Pump:

- 1) Make Western land roller
- 2) Model Submersible
- 3) Size NA
- 4) Capacity -- GPM (Specific pump information unavailable)

Motor:

- 1) Make General electric
- 2) Model No. 5K6235XM501B
- 3) Horsepower rating 30 hp

Diversion Point Information:

Well Information: Div Pt 2, SE ¼ SW ¼ Sec 4 T113N R62W

A. Works used to divert the water:

- 1) Well Drilling Firm: Riverside
- 2) No. of Wells 1
- 3) Depth(s) 75 feet
- 4) Well log is available Yes

Comments: limited information well was drilled in 1981

Casing:

- 1) Diameter 16 inches
- 2) Length NA feet
- 3) Type Stainless Steel

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level NA feet

Pump:

- 1) Make NA
- 2) Model Submersible
- 3) Size NA
- 4) Capacity = GPM (Specific pump information unavailable)

Motor:

- 1) Make NA
- 2) Model No. Submersible
- 3) Horsepower rating NA hp

Diversion Point Information:

Well Information: Div Pt 3, SE ¼ SW ¼ Sec 4 T113N R62W

A. Works used to divert the water:

- 1) Well Drilling Firm: Pullman Well Drilling Inc.
- 2) No. of Wells 1
- 3) Depth(s) 63 feet

- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 48 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level 21 feet

Pump:

- 1) Make Goulds
- 2) Model 9RCLC
- 3) Size 1 STG
- 4) Capacity 800 GPM

Motor:

- 1) Make Franklin
- 2) Model No. 6" submersible
- 3) Horsepower rating 40 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length NA feet

Comments:

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley, Zimmatic
- 2) Overall length 1500, 1230 feet
- 3) Number of towers 7 with Cornering system, 7
- 4) End gun Yes
- 5) Capacity 850, 800 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: from the SE corner of Sec 5 T113N-R62W: Div Pt 1; 79 ft N & 1286 ft W with latitude of 44.61836 and a longitude of -98.30662; from the SW corner of Sec 4 T113N R62W: Div pt 3; 392ft N & 1761ft E with a latitude of 44.61921 and a longitude of -98.29492; from the SW corner of Sec 4 T113N R62W: Div Pt 2; 64 ft N & 1380 ft E with latitude of 44.61831 and a longitude of -98.29638 as determined by using GPS
2. The works are capable of diverting and conveying to the place of use 4 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 05-T113N-R62W

NW ¼ SE ¼ - 37 acres

NE ¼ SE ¼ - 37 acres

SW ¼ SE ¼ - 37 acres

SE ¼ SE ¼ - 37 acres

All land is located in Sec 04-T113N-R62W.

NW ¼ SW ¼ - 32 acres

NE ¼ SW ¼ - 35 acres

SW ¼ SW ¼ - 32 acres

SE ¼ SW ¼ - 31 acres

Comprising a total of 278 acres of land and the license should be issued for 3.68 cfs.

3. All structures, wells and lands on map Yes

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

Water Right No. 4794-3 bearing the priority date April 4, 1981, authorized the diversion of 2.22 cubic feet of water per second (cfs) from two wells completed into the Tulare: Western Spink Hitchcock aquifer to irrigate 264 acres located in SE ¼ of Sec 5 (132 acres) and SW ¼ Sec 4 (132 acres); All in T113N-R62W.

Report of Examination of Works
Permit Nos. 4794B-3 and 7719-3

Water Permit No 7719-3 bearing the priority date of February 8, 2013, authorized the diversion of 1.78 cubic feet of water per second (cfs) from two wells completed into the Tulare: Western Spink Hitchcock aquifer to irrigate 135 acres located in SW ¼ Sec 4; T113N-R62W. The acreage for irrigation by this permit is authorized for irrigation by Water Right No. 4794-3. The new wells and diversion rate authority proposed by Water Permit Application No. 7719-3 provided sufficient diversion rate authority to allow two center pivot irrigation systems to be operated at the same time.

Water Permit No. 4794C-3 transferred 20 acres from Water Right No. 4794-3.

Water Permit No. 4794B-3 amended Water Right No. 4794-3 by transferring 28 acres from the SW ¼ Section 4 to the SE ¼ Section 5; all in T113N-R62W to accommodate a cornering system. No increase in the diversion rate or the number of acres irrigated was authorized by this permit. Permit No 4794B-3 authorized a total diversion of 2.22 cfs and irrigation of 244 acres.

Water Permit Nos. 4794B-3 and 7719-3, combined, authorize a diversion rate of 4.0 cfs. The two wells have submersible pumps and not specific pump information is available to determine the pump rate. The two center pivots are nozzled to apply at a rate of 800 and 850 gallons per minute. This matches with recent years reporting of the diversion rate on the annual irrigation questionnaire. This totals 1,650 gpm (3.68 cfs). Therefore, it is recommended that licensing should be for 3.68 cfs.


Timothy Magstadt
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 10/24/2018

All Land in Section 5 T113N-R62W:
NW ¼ SE ¼ - 37 acres
NE ¼ SE ¼ - 37 acres
SW ¼ SE ¼ - 37 acres
SE ¼ SE ¼ - 37 acres

All Land in Section 4 T113N-R62W:
NW ¼ SW ¼ - 32 acres
NE ¼ SW ¼ - 35 acres
SW ¼ SW ¼ - 32 acres
SE ¼ SW ¼ - 31 acres

-  Diversion Point
-  Irrigated area
-  Cornering system

Sec 31
T114N
R62W

Spink
Beadle

Sec 6
T113N
R62W

Sec 3
T113N
R62W

Sec 5
T113N
R62W

Sec 4
T113N
R62W

Div Pt 1:
from the SE corner of Sec 5 T113N-R62W:
79 ft N & 1286 ft W
lat 44.61836 and long -98.30662

Div Pt 2:
from the SW corner of Sec 4 T113N-R62W:
64 ft N & 1380 ft E
lat 44.61831 long -98.29638

Div Pt 3:
from the SW corner of Sec 4 T113N R62W:
392ft N & 1761ft E
lat 44.61921 long -98.29492



Sec 8
T113N
R62W

10/24/18

0 0.2 0.4
Miles

Sec 9
T113N
R62W



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4794B-3

(1) Gary Marshall, Hitchcock SD made Application No. 4794B-3, April 29, 2015 for a water permit to change acres under Water Right No. 4794-3 to accommodate installation of a cornering system. The change in acreage under Water Permit No. 4794B-3 allowed 28 acres from the SW ¼ Section 4 to be transferred to the SE ¼ Section 5, T113N, R62W. No increase in the developed diversion rate of 2.22 cubic feet of water per second was authorized. The project is located in Beadle County, South Dakota. Permit No. 4794B-3, with priority dates of June 1, 1953 (1.48 cfs) and April 9, 1981 (0.74 cfs) was approved July 27, 2015 and issued to the applicant for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

The permit holder obtained Water Permit No. 7719-3 to divert 1.78 cfs from two wells to irrigate the SW ¼ Section 4, T113N, R62W. This action resulted in a duplication of acreage and provided sufficient diversion rate to allow the two center pivot systems to operate independently.

On September 8, 2015, Water Permit Nos. 4794B-3 and 7719-3 were transferred to Terry Marshall.

The applicable portions of Water Permit No. 7719-3 have been incorporated into Water License No. 4794B-3. The pivots are capable of 3.68 cfs (1,650 gallons per minute). Priority dates for the developed diversion are as follows: June 1, 1953 (1.48 cfs); April 9, 1981 (0.74 cfs) and February 8, 2013 (1.46 cfs).

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.68 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Point No. 1:** 79°N & 1,286'W of the SE corner of Section 5, T113N, R62W (SE ¼ SE ¼ Sec 5)
Latitude 44.61836, Longitude -98.30662;
- **Point No. 2:** 64°N & 1,380'E of the SW corner of Section 4, T113N, R62W (SE ¼ SW ¼ Sec 4)
Latitude of 44.61831, Longitude of -98.29638
- **Point No. 3:** 392°N & 1,761'E of the SW corner of Section 4, T113N, R62W (SE ¼ SW ¼ Sec 4)
Latitude 44.61921, Longitude -98.29492;

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

Section 5, T113N, R62W		Section 4, T113N, R62W	
NW ¼ SE ¼	37 acres	NW ¼ SW ¼	32 acres
NE ¼ SE ¼	37 acres	NE ¼ SW ¼	35 acres
SW ¼ SE ¼	37 acres	SW ¼ SW ¼	32 acres
SE ¼ SE ¼	37 acres	SE ¼ SW ¼	31 acres

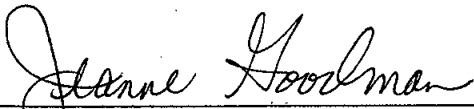
Total 278 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Terry Marshall, 38735 SD Hwy 28, Hitchcock SD 57348 the holder and/or owner of Incorporated Water Right No. 4794B-3 is issued a license to appropriate water, the right to use 3.68 cubic feet of water per second from ground water, three wells (Tulare Western Spink Hitchcock Aquifer) with priority dates of June 1, 1953 (1.48 cfs); April 9, 1981 (0.74 cfs); February 8, 2013 (1.46 cfs) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 4794B-3 and subject to the following qualifications:

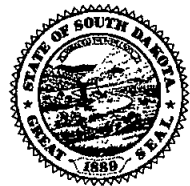
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 7719-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(Two wells were drilled by Riverside Drilling; one well was drilled by Pullman Well Drilling Inc.)*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The diversion rate authorized by Water Right No. 4794-3 and Water Permit No. 7719-3, combined, shall not exceed the statutory limit of 1.0 cubic feet of water per second and two acre feet per acre to the land in the SW ¼ Section 4, T113N, R62W.
- Water Permit No. 4794B-3 incorporated Water Right No. 4794-3 *(this action took place during the permitting process of No. 4794B-3)*



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 20 2018

date



4794B-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

DEC 20 2018

4794B-3
7719-3

Terry Marshall
38735 SD Hwy 28
Hitchcock SD 57348

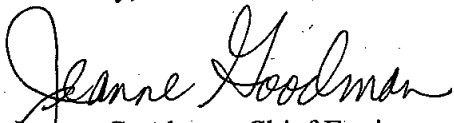
Dear Mr. Marshall:

Enclosed is Water License No. 4794B-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 7719-3 were incorporated into Water License No. 4794B-3.