

1. Considered: June 9, 1982 Water Right No. 4896-3
2. Name of Applicant PHILIP J. MANNING
3. Post Office Address Rt. 1, VERMILLION 57069
4. Amount of Water Claimed 1.14 maximum acre feet
5. Source of Water Supply GRAVEL PIT 66' DEEP
6. Water to be used for IRR acres to be irrigated 80
7. County CLAY about 4 N, 1 E miles of VERMILLION
8. PROOF OF PUBLICATION: Received 6-2-82 Not Received
APPLICATION: Approved 6-9-82 Subject to DW-112
Not Approved Action Deferred

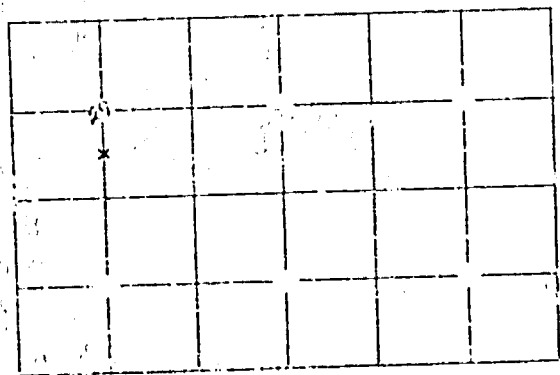
PRIORITY

Dated Received 3-31-82 Application complete-yes ☒ no FEE 225.00
Remarks

WATER QUALITY

Corrected Application received Period of Annual Use 5/1 to 9/30
Received yes ☒ no APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application-yes ☒ no Remarks

Disapproved Returned



Diversion Point
CENTER OF SW 1/4 SEC. 29

Land to be irrigated
W 1/2 SW 1/4 29-93-51

WELL LOG

Driller _____ Licensed - yes _____ no _____
Depth _____
Remarks _____

MAP Map No. 4100-3 Map located in Water Right ✓ Map file _____
 Type of Map Aerial Prepared by Seach E. Agent

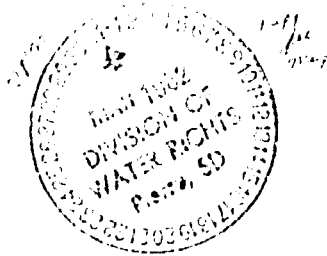
REVIEWED This Application was received within 30 days of the date received, accepted as complete. Number assigned and written up for advertisement before the Board on:

May 11, 1982

Seach E. Agent
 (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 was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 4896-3Map No. 4100-3 Water Division No. 3 Vermillion River District
Above for Office Use 10170102

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 x _____

1. Name of Applicant Philip C. Manning Phone No. 624-4519
 Post Office Address Rt. 1, Vermillion State SD 57069
 (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 P.J. MANNING IRR. PROJECT
4. Amount of water claimed (cubic feet per second) 2.22 1.14 MAX AVAILABLE
5. Source of water supply gravel pit
6. Location of point of diversion 80 rods N of SE corner of SW 1/4 of Sec. 29, T 93 N R 51 W.

- County Clay
 7. Annual period or periods during which water is to be used May - September
 8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc) irrigation
 9. For irrigation use, Total number of acres to be irrigated 80

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>W 1/2 of SW 1/4 of Sec. 29</u>	<u>80</u>		
<u>T 93 N R 51 W</u>			

A tach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Plain Talk
12. Principal Features of the Proposed Water Supply System.

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

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

Pipeline

C. Works proposed to apply water to beneficial use.

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)

County of Clay)ss.

I, Philip C. Manning, 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 Philip C. Manning
30th day of March, 19 82
Patricia S. Corseth
 Notary Public (or other qualified officer)

WNR-802-7/79

PATRICIA S. CORSETH
 Notary Public, Clay County, S. D.
 My Commission Expires Dec. 29, 1988.

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4896-3

Philip J. Manning
(Applicant)

Box 1, Vermillion
(Post Office Address)

South Dakota 57069
(State)

With the following qualifications

The irrigation well approved under this Permit is located near domestic 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.

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

Date of first receipt of application March 31, 1982
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application May 10, 1982
Approved June 9, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO 4896-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4896-3 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 March 31, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 1, 1984
3. The whole of said work is to be completed on or before June 9, 1987
4. The limit of time from proof of beneficial use on water appropriated in accordance herewith is June 9, 1991
5. The water appropriated shall be used for the purpose of irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before June 9, 1991; said water to be used during the following described annual period: May 1 to September 30

Witness my hand this 24th day of June, 1982

THE WATER MANAGEMENT BOARD

By John Hatch
City Engineer Water Rights

Certificate of Construction Issued _____, 19____

Water License issued _____, 19____

D Well Information

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

E. Dugout Information or Estimates

- (1) Surface dimensions, 320 feet x 320 feet, Depth 70 feet

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

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

Depth to top of water bearing material 6 feet

Depth to bottom of water bearing material 66 feet

Depth to water (ground surface to water level) 4 feet

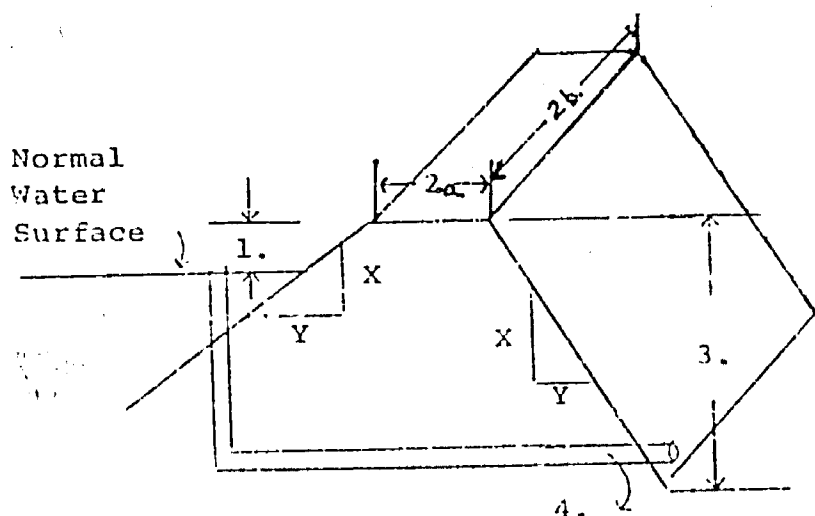
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 160 rds.

On property owned by others 160 rds.

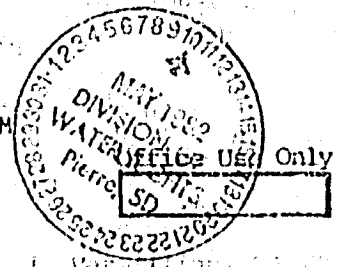
G Water Storage Dams

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 _____

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



OWNERS NAME: Philip J. Manning OWNERS ADDRESS: Box 1, Vermillion, SD

COUNTY LAND LOCATED IN: Clay PHONE: 624-4319

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: 80 rods north of SE corner of SW 1/4 of Sec. 29, Twp. 93N R. 51W.
2. SURFACE WATER SOURCE: Gravel Pit
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
W 1/2 of SW 1/4 of Sec. 29,			
T 93 N - R 51 W	80		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: ☒ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: Corn, Beans, Small Grain
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1976
LEGAL DESCRIPTION: E 1/2 of SW 1/4 of Sec. 29 T 93 N R 51 W.
IN WHA NAME: Howard Willard

WATER QUALITY (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER:	<u>82-0811</u>
8. SALINITY (EC X 10 ⁶):	<u>650</u>
9. SODIUM (SAR):	<u>0.26</u>
10. ADJUSTED (SAR):	<u>0.54</u>

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: _____ 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

30th DAY OF March, 1983.

Patricia S. Gorseth
(NOTARY PUBLIC)

PATRICIA S. GORSETH

Notary Public, Clay County, S. D.

My Commission Expires Dec. 27, 1988.

Philip J. Manning
APPLICANT'S SIGNATURE

Jack A. Fickler
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.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Phillip ManningLEGAL DESCRIPTION: W $\frac{1}{2}$ SW $\frac{1}{4}$ 20-23-51 = 80 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

#30 - Kranzburg - Barnes - These soils should be kept in alfalfa or grass/alfalfa mixture to prevent erosion. These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT:

Surface soils; Kranzburg and Barnes complex are subject to erosion.

SIGNATURE

DATE

Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

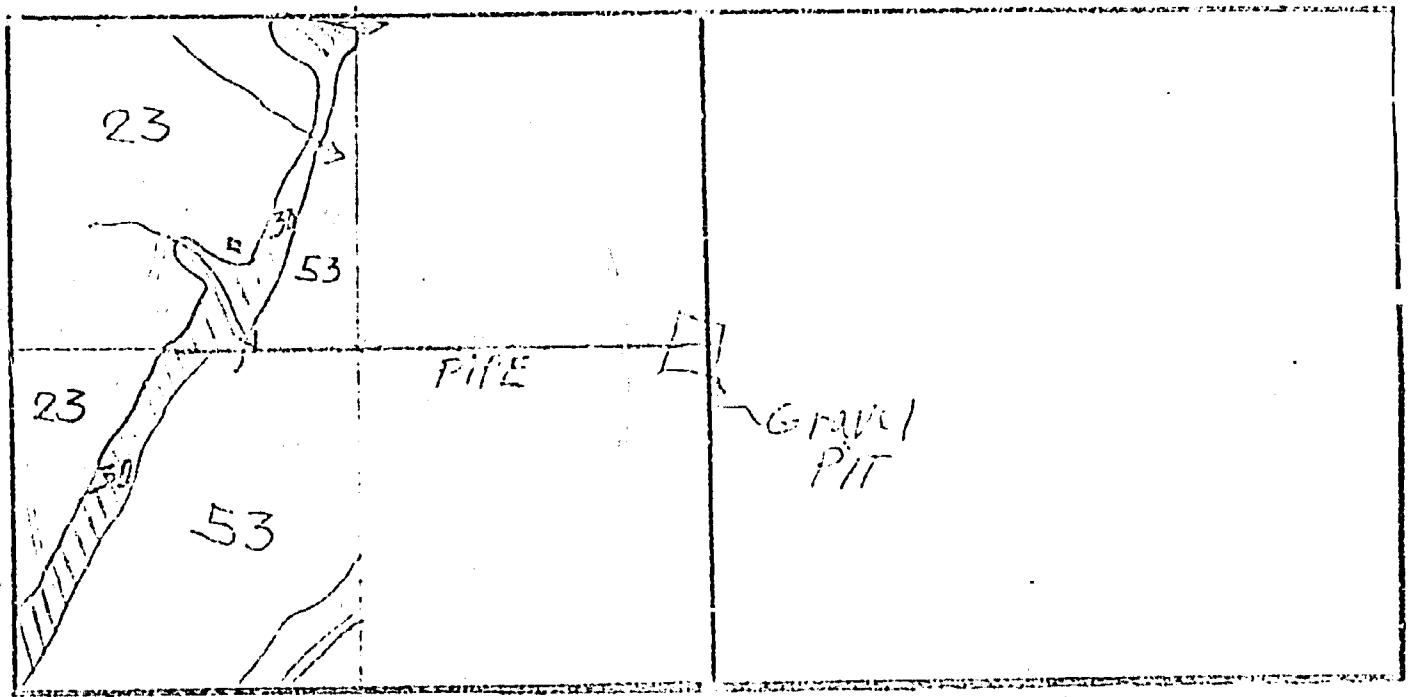
Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

NOTE: 1. If at all possible, provide information concerning subsoil physical conditions.

2. Indicate non-irrigated areas and approximate acres on map. (Farmstead, shelterbelts, etc).

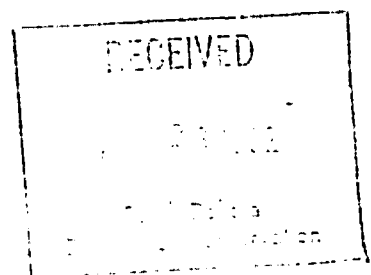
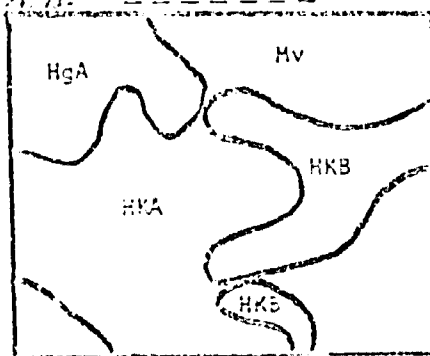
MAP

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #3 ON THE WI #1 FORM BEFORE COMPLETING THIS SECTION.



PLEASE USE THIS SHEET FOR NARRATIVE OR ATTACH SEPARATE SHEET

T93N R.51W W/2 of SW/4 EXAMPLE
SEC. 29.



HgA - Highmore - DeGrey silt loams - 0 - 2% slopes
DeGrey soils have a shallow clay pan and have slow to very slow permeability generally not suitable for irrigation.

April 2, 1982



Philip Manning
RFD 1
Verzillion, Mo 67069

Dear Mr. Manning:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0811.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying #E3 pamphlet #13.

Sample No. 82-0811 is classified as a medium saline, low sodic water. It is suitable as a source for irrigation.

The Kramburg silty clay loam-Barnes loam, Plandrau silt loam, and the Trent-Woody complex found in the SW 1/4 of Section 29-93-31 are compatible with the quality of your water sample.

It should be pointed out, however, that the Kramburg-Barnes complex is an undulating soil and subject to erosion. The use of a 'Big Gun' irrigation system could result in the stripping away of the loose deposits from the slopes of this hilly soil complex.

If an erosion problem does occur under irrigation, please contact your county extension agent or your local SCS officer.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb
Enclosures
cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name:	MATHING, PHILIP J	Date Rec'd	Apr 05, 1982
Address	RF 1	Sample No.	82-0811
	VERMILLION SD 57009	Identification	GRAVEL PIT
		0931 514 29	C

WATER ANALYSIS

Calcium (Ca)	76	ppm*	3.79	me/l**
Magnesium (Mg)	22	ppm	1.81	me/l
Sodium (Na)	10	ppm	0.43	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO4)	142	ppm	2.96	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	12	ppm	0.34	me/l
Bicarbonate (HCO3)	176	ppm	2.92	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		
Manganese (Mn)		ppm		
Boron (B)	0.00	ppm		
Hardness (EDTA as CaCO3)		ppm		g.p.g.***
Total solids			6.14	me/l
Total Cations			6.21	me/l
Total Anions				
Alkalinity (Methyl Orange)	146	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	550	micromhos per cm at 25 C		
Sodium Adsorption Ratio	0.26	Adjusted SAR	0.54	
Sodium	7.03	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	8.10			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS

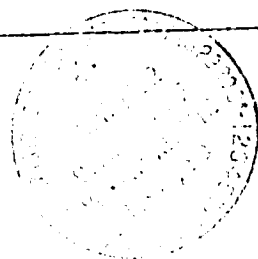
By: Shirley Mittan

Service Performed:	Total Cost: \$ 28.00
	Amount Received: 0.00
Irrigation Analysis	Balance Due: 28.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 82-0811



No. 4896-3

Publish first publication, on or before May 20, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 11, 1982

Notice is hereby given Philip J. Manning whose post office

address is Rt 1, Vermillion, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~ground~~) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future zone~~) 46-5-28 (~~transfer lands~~) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future zone~~) 74:02:01:23 thru 74:02:01:26 (~~10,000 A.P.~~) 74:02:01:01 thru 74:02:01:03, for a permit to appropriate for beneficial use

1.14 cubic feet of water per second of time from a gravel pit through the P.J. Manning Irrigation Project, the point ~~of~~ of diversion which is ~~(are)~~ to be located in the center of the S 1/2

of Section 29, Twp. 93N, Range 51W. Said water to be used for purpose of providing irrigation on portions of the following described land:

W 1/2 SW 1/4 Section 29, T93N, R51W

This Application No. 4896-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982.

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 Circuit Court and the State Supreme Court 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.

For the Water Management Board

cc: applicant

Genny Young ~~RETIRED~~ Water Rights Specialist

WNR-806-2/82

No. 4896-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clay) ss.

I, Barbara Battagion hereby

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

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Vermillion

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

May 19, 1982

May 26, 1982

Barbara Battagion

(Signature)

Secretary

(Title)

May 26, 1982

(Date Signed)

Cost of Printing: \$20.56

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

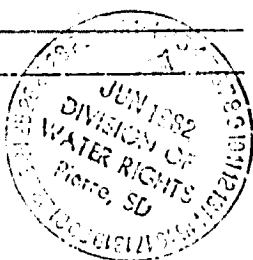
NOTICE IS HEREBY GIVEN Philip J. Manning, whose post office address is Rt. 1, Vermillion, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-25; 46-6-1; 46-6-3 thru 46-6-5; 46-6-6.1; 46-6-10; 46-6-13; 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 1.14 cubic feet of water per second of time from a gravel pit through the P.J. Manning Irrigation Project, the point of diversion which is to be located in the center of the S¹ of Section 29, Twp. 23N, Range 51W. Said water to be used for purpose of providing irrigation on portions of the following described land: W¹SW¹ Section 29, T93N, R51W. This Application No. 4896-3 will be considered by the Water Management Board at Meeting Room No. 1, Kneip Bldg. Church and Illinois, Pierre, S.D., upon the 9th day of June, 1982, 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water
Management Board
Genny Young,
Water Rights Specialist

Pub: May 19, 26, 1982



April 5, 1982

Phillip J. Manning
Route #1
Vermillion, South Dakota 57059

Dear Mr. Manning:

Your application dated March 30, 1982 for a permit to appropriate water from gravel pit through the Manning Irrigation Project was received March 31, 1982.

Your Receipt No. 4-8789 in the amount of \$150.00 is on file with your application. Your application specified 80 acres. Mr. Jones of our office stated you only intended to irrigate 60 acres. This is to notify you we have changed the acreage back to 60 acres. If you plan to irrigate 80 acres an additional fee of \$75.00 will be required.

As soon as we receive the soil/water compatibility approval from the State Conservation Commission further processing of your application will proceed.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:ms

4-5-82

Before letter mailed Mr. Manning called said he wanted to go with the whole 80 acres and would send in another 75⁰⁰ filing fee. This letter was not mailed out. Called G.C.C. and straightened out the WI-1 also.

Betty Westlund
4-5-82

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 794

PIERRE, April 6, 1937

RECEIVED OF Philip J. Manning, RR#1, Box 37, Vermillion, SD 57069

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

Fee for Application for Permit to Appropriate Water No. <u>4396-3</u> (examination, processing, recording and filing) -----	75	00 (Add'l fee)
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	75	00

WATER RIGHTS COMMISSION

By [Signature]
Chief Engineer, Executive Officer

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8789

PIERRE, March 31, 1982

RECEIVED OF Philip J. Manning, RBE1, Box 20, Vermillion, SD 57069

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

Fee for Application for Permit to Appropriate Water No. 483 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *(J.L. Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4896-3

April 9, 1987

Philip Manning
Box 576
Vermillion, South Dakota 57069

Dear Mr. Manning:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4896-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

South Dakota
Department of
Water & Natural Resources

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

SECOND NOTICE

July 14, 1987

Permit No. 4896-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Philip Manning
Box 576
Vermillion, SD 57069

Dear Mr. Manning:

April 9, 1987 you were notified the final inspection fee of \$50.00 is due before Water License No. 4896-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


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

PS Form 3811, Oct. 1962

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —C
☐ Show to whom, date, and address of delivery.. —C

2. ☐ **RESTRICTED DELIVERY** —C

(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL C _____

3. **ARTICLE ADDRESSED TO:**

Philip Manning
Box 576

Vermillion SO 57069

4. **TYPE OF SERVICE:**

- ☒ **REGISTERED** ☐ **INSURED**
☐ **CERTIFIED** ☐ **COD**
☐ **EXPRESS MAIL**

ARTICLE NUMBER

P 321 925 651

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Philip Manning

5. **DATE OF DELIVERY**

POSTMARK

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S
INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

PHILIP J MANNING
 PO BOX 576
 VERMILLION, SD 57069

NOTICE

Re: Violation of Water Permit No(s). 4896-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4896-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4896-3 qualification:

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

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

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

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

1. Suspend Permit No(s). 4896-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

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

**SOUTH DAKOTA Department of
Water & Natural Resources**

Jon Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
February 9, 1988

4896-3

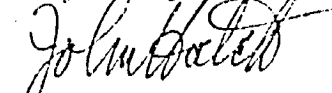
Philip J Manning
PO Box 576
Vermillion SD 57069

Dear Mr. Manning:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 4896-3 and the hearing date before the Water Management Board.

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

Very truly yours,



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

April 11, 1988

Third Notice
Permit No. 4896-3

NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 4896-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE

Philip Manning
Box 576
Vermillion SD 57069

Dear Mr. Manning:

April 9, 1987 and July 14, 1987 you were notified the final inspection fee of \$50.00 is due before Water License No. 4896-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid.

Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 4896-3 until the \$50.00 fee is paid.

Very truly yours,

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

S520.WP

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). ☒ Show to whom and date delivered ☐ Show to whom, date, and address of delivery	
2. ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: <i>Philip Manning</i> <i>Box 576</i> <i>Wormville SD 57069</i>	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER <i>P404 786 487</i>
(Always obtain signature of addressee or agent!)	
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>Philip Manning</i>	
5. DATE OF DELIVERY <i>7-15-88</i>	POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested) <i>2 W.</i>	
7. UNABLE TO DELIVER BECAUSE: <i>etc</i>	7a. EMPLOYEE'S INITIALS

Water Rights Division - DWR
Conversation or File Documentation

File No. 4896-3

NAME OF PERSON OR FILE: Philip Manning

ADDRESS: Box 576, Vermillion, SD 57069

COUNTY _____

DATE: April 13, 1988

TELEPHONE 624-4519

RE: \$50.00 license fee (Third Notice) Ordered to cease pumping

COMMENTS:

Mr. Manning called about the Order to Stop Diverting Water sent to him April 11, 1988 which requested payment of the \$50.00 license fee.

He felt he was being singled out for payment of the license fee when his neighbors with irrigation systems had not been required to pay the fee nor had they ever heard of having to pay a fee of this type. I told him the reason they had not yet been required to pay a fee was because their irrigation systems had not been inspected for licensing purposes yet. He stated it seemed like a coincidence that there were permits older and newer than his, yet they had not been inspected yet. I told him if there were systems older than his, perhaps they had been licensed along time ago and billed for the license fee then. He did not agree. I told him that the fees we charge are required by South Dakota Law and are charged from the permitting process thru the licensing process. He said he was not going to pay the fee, he did not care that we ordered him to cease pumping and when the water ran, he would be pumping.

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

NAME: Lenny McMath

 **Department of
Water & Natural Resources**

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

May 31, 1988

4896-3

NOTICE

Phillip Manning
Box 576
Vermillion, SD 57069

Dear Mr. Manning:

I am writing you in regard to the nonpayment of the \$50.00 license fee for your Water Permit No. 4896-3. This fee was requested from you April 9, 1987, July 14, 1987 and April 11, 1988. You stated during an April 13, 1988, telephone conversation with Genny McMath, of this office, that you believed you were being singled out, for payment of the fee since your neighbors had not paid a \$50.00 fee.

Attached is a table showing the status of licensing for water right holders in your area. The table includes the following:

- 1) the permit number,
- 2) permit holder,
- 3) licensed - yes or no,
- 4) date the license was issued,
- 5) the amount of fee, and
- 6) the date the water use system was inspected.

For each permit that has been licensed, the owner has paid a license fee. The fees for inspection of the water use system and issuance of the water license increased from \$12.00 to \$50.00, July 1, 1977.

South Dakota Water Law, SDCL 46-2-13 states that the Water Management Board shall charge and receive for each inspection, including issuance of a water license, fifty dollars or actual costs, if costs exceed fifty dollars. SDCL 46-5-30.1 states that the Chief Engineer shall issue the water license upon completion of the inspection and upon payment of any applicable fees. No permit holder may divert water until the assessed license fee has been paid.

*Cannot believe the sum
hasn't been paid before.*



May 31, 1988
Phillip Manning
Page 2

SDCL 46-1-11 specifies the penalties for violations of water use laws. Under this Section, any person violating any of the provisions of Chapters 46-4 to 46-10, is guilty of a Class 2 misdemeanor. In addition, a civil fine of not more than five hundred dollars may be imposed for the violation. Each day of noncompliance with the provisions of this title shall be deemed a separate violation.

You have been ordered, by our Notice to you dated April 11, 1988, to stop diverting water under Water Permit No. 4896-3 for failure to submit the required license fee. It is our intent, if we do not receive the \$50.00 license fee by June 10, 1988, and if you irrigate, to request the Attorney General to initiate legal action.

Your prompt payment of the \$50.00 license fee will allow you to irrigate in 1988 and prevent unnecessary legal action. If you have any questions, Please contact us.

Very truly yours,



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

cc: Harold Deering, Assistant Attorney General

Status of Licensing in the Phillip Manning Permit Area
May 31, 1988

Permit No.	Name	Licensed		Licensed Date	Fees Paid	Inspected
		Yes	No			
143-3	Vermillion	X		Nov 16, 1956	\$12.00	Oct 30, 1956
309-3	Ford W Rayman	X		Sept 11, 1972	\$12.00	Sept 5, 1972
428-3	Howard Bremer	X		May 2, 1957		vested right
474-3	Lawrence Cusick	X		July 20, 1969	\$12.00	June 18, 1969
475-3	Wilbur/Marcine Tiahrt	X		Feb 7, 1958	\$12.00	Nov 21, 1957
671-3	Marilyn Horst	X		Aug 5, 1966	\$12.00	July 26, 1966
977-3	Berwyn/Wayne Svoboda	X		Aug 5, 1966	\$12.00	July 26, 1966
1006-3	Francis Armstrong	X		Nov 10, 1969	\$12.00	Sept 18, 1969
1034-3	Francis Armstrong	X		Nov 10, 1969	\$12.00	Sept 18, 1969
1434-3	Phillip Manning		X			
1624-3	Berwyn Svoboda	X		Sept 11, 1972	\$12.00	Sept 5, 1972
2013-3	Howard Bremer	X		Sept 19, 1977	\$12.00	July 26, 1976
2053-3	Francis (Bud) Heine	X		July 17, 1980	\$50.00	May 7, 1980
2315-3	Daniel Heine	X		July 7, 1980	\$50.00	May 7, 1980
2465-3	George Connelly	X		Sept 17, 1979	\$50.00	Aug 8, 1979
2947-3	Fritz Moritz	X		June 16, 1980	\$50.00	May 7, 1980
2972-3	Basin Elec. Power Corp	X		June 13, 1980	\$50.00	May 7, 1980
3036-3	G. M. Collins	X		June 13, 1980	\$50.00	May 6, 1980
3039-3	Milton Johnson	X		June 13, 1980	\$50.00	May 7, 1980
3168-3	Prudential Ins.	X		June 16, 1980	\$50.00	May 6, 1980
3508-3	Blaine G Iverson	X		June 16, 1980	\$50.00	May 6, 1980
4644-3	Clark Lewison		X	permit approved March 26, 1981		
4664-3	William O'Connor	X		Dec 23, 1981	\$50.00	Nov 3, 1981
4676-3	James/Robert Donnelly	X		May 7, 1982	\$50.00	Nov 3, 1981
4701-3	Connelly Farms		X	permit approved May 1, 1981		
4896-3	Phillip Manning		X			
4983-3	Nels Sorenson		X	permit approved Feb 15, 1984		
5041-3	Nels Sorenson		X	permit approved Mar 6, 1985		
5042-3	Nels Sorenson		X	permit approved Mar 6, 1985		

CERTIFICATION

I hereby certify that on May 31, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice to:

Phillip Manning
Box 576

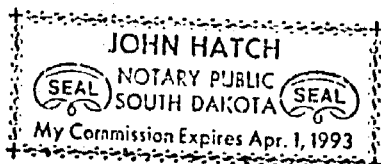
Vermillion SD 57069

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 3rd day of June, 1988.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 3, 1962, 19

RECEIVED OF Philip Manning, Box 576, Vermillion, SD 57060
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. 4896-3	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 Hatch
Chief Engineer JOHN HATCH

*1434-3
Permit No. 4896-3

Vermillion River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Philip Manning

_____ of Vermillion holder of
 Permit No. *1434-3, bearing the priority of * July 30, 1967
4896-3, bearing the priority of March 31 1982 authorizing
*0.7 the diversion of 1.14 cu. ft. per second of the waters of Gravel pit water
 for irrigation purposes, in Clay County.

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

- A. Works used to divert the water:
Gravel Pit, approximately 320' x 320' x 30' deep
Bentley Centrifugal Pump, Model B3PL, 40 HP, 700 GPM, 3600 RPM
Century Motor, 40 HP, Model LA 286TDR7306COW, 3510 RPM
- B. Works used to transport water to place of use:
*1,300' of 6" PVC Pipe
1,480' of 6" PVC Pipe
- C. Works used to apply water to beneficial use:
Zimmerman Center Pivot with endgun
- moves center pivot between three pads

The system is in the following condition Good

The point of diversion is located At a point 1,250' south and 80' west of the center of
section 29, T93N, R51W

The works are capable of diverting and conveying to the place of use 1.56
 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 in section 29, T93N, R51W

* Permit # <u>1434-3</u>	Permit # <u>4896-3</u>
<u>NE 1/4 SW 1/4</u> 31 acres	<u>NW 1/4 SW 1/4</u> 24 acres
<u>SE 1/4 SW 1/4</u> 32 acres	<u>SW 1/4 SW 1/4</u> 34 acres

comprising a total of 111 acres of land and the license should be issued for 1.56 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date March 10, 1987

* Permit # 1434-3 has a priority date of July 30, 1967
- previously licensed for 63 acres and 0.9 cfs

Incorporate Permit # 1434-3 and # 4896-3 because
 both permits use the same water source and have
 the same diversion point

Donald D. Begum
 (signature)

LICENSE FOR PERMIT NUMBER 4896-3 PHILIP MANNING

1. Legal location of wells: AT A POINT 1250' SOUTH AND 80' WEST
OF THE CENTER OF SECTION 29, T93N, R51W

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells NONE (GRAVEL PIT) Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make BERKLEY CENTRIFUSAL Motor a) make CENTURY
b) model B3 PL b) model no. LA286TTDR7506 CDW
c) size EMI# 51637 c) horsepower rating 40
40 HP d) motor efficiency rating _____
d) capacity 700 GPM
e) turbine pump
no. of stages _____
3600 RPM 3510 RPM
FRAME 216TCZ

3. Distribution lines:

a) size of lines 6"
b) type PVC
c) length 1980'

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

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

- b) towline:

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

5. System Type: c) center pivot

- 1) make ZIMMATIC
- 2) number of towers 4
- 3) distance between towers 175'
- 4) overall length 700'
- 5) End gun (Y/N) Y (200')
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM 700

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- ✓ _____ 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
- ✓ _____ 2. Special Qualifications to permit being abided by.
- ✓ _____ 3. All Structures, wells and lands on map.

REMARKS:

State of South Dakota
Water License No. 4896-3

(1) Philip J. Manning
of Box 576, Vermillion, South Dakota 57069
made Application No. 4896-3, March 31, 1982 for a water permit to appropriate
1.14 cubic feet per second of water from a gravel pit,
Clay County, South Dakota for irrigation purposes.
Permit No. 4896-3, with a priority date of March 31, 1982
was approved June 9, 1982 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before June 9, 1987 and for the application to beneficial use of said
water on or before June 9, 1991.

The lands irrigated under Water Right No. 1434-3 and Water Permit No. 4896-3 are
operated as one system. The applicable portions of Water Right No. 1434-3 have
been incorporated into this Water License No. 4896-3. The priority dates, as
they pertain to the diversion rate and the lands irrigated are described in #2
and #3 of this license.

and

(2) It is certified that the ^{applicant}~~application~~ 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 1.56* cubic feet per second of water
for beneficial use. The location of the diversion point(s) is at a point 1250' South and 80' West of
the Center of Section 29, T93N, R51W.

*0.9 cfs has a priority date of July 20, 1967 (No. 1434-3)

*0.66 cfs has a priority date of March 31, 1982 (No. 4896-3).

nd

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

<u>Section 29, T93N, R51W</u>	<u>Priority Date</u>
<u>NE1/4SW1/4 31 Acres</u>	<u>July 20, 1967</u>
<u>SE1/4SW1/4 32 Acres</u>	<u>July 20, 1967</u>
<u>NW1/4SW1/4 24 Acres</u>	<u>March 31, 1982</u>
<u>SW1/4SW1/4 24 Acres</u>	<u>March 31, 1982</u>
<u>TOTAL 111 ACRES</u>	

The priority date of July 20, 1967 was established under Water Right No. 1434-3.

The priority date of March 31, 1982 was established under Water Permit No. 4896-3.

4) Pursuant to §46-5-30.1 Philip J. Manning
of Box 576, Vermillion, South Dakota 57069

the holder(s) and/or owner(s) of Incorporated
Water Permit No. 4896-3 is issued a license to appropriate water, the right to use
1.56 cubic feet per second of water from a gravel pit with a priority date
0.9 cfs from July 20, 1967 and
of 0.66 cfs from March 31, 1982 from the location specified in (2) of this license. The water 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 Incorporated
Water Permit No. 4896-3 and subject
to South Dakota State Law.


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

JOHN HATCH

DEC 21 1988



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 4896-3
1434-3

DEC 21 1988

Philip J. Manning
425 Madison Street
Vermillion, South Dakota 57069

Dear Mr. Manning:

Enclosed herewith is, Water License No. 4896-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:

Enclosures

NOTE: Applicable portions of Water Right No. 1434-3 have been incorporated into this Water License No. 4896-3

WNR-817 3/83
Transmittal of Water License



PHILIP J MANNING
425 ADAMS ST
VERMILLION SD 57069

4896-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 4896-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 4896-3. 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) 4896-3 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) 4896-3 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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: 4896-3

PHILIP J MANNING
425 ADAMS ST
VERMILLION SD 57069

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

837692646

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

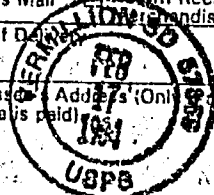
☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

8. Address of Addressee (Only if requested and fees paid)



PS Form 3817, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

4896-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1994

4896-3

Philip J Manning
425 Adams St
Vermillion, SD 57069

Dear Mr. Manning:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of Water Permit No. 4896-3.

The questionnaire 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 "Conny McMath".

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PHILIP J MANNING
31738 468TH AVE
BURBANK SD 57010

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Phil Manning

B. Date of Delivery

1-15-00

C. Signature

X *Phil Manning* ☒ Agent ☒ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

Z 227 670 477

PS Form 3811, July 1999

Domestic Return Receipt

102595-99 M-1709



4896-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: PHILIP J MANNING, 31738 468TH AVE, BURBANK, SD 57010
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4896-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 4896-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4896-3 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, 2000, 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.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 24, 2000

4896-3

Philip J Manning
31738 468th Ave
Burbank, SD 57010

Dear Mr. Manning:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 4896-3.

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

4896-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 2003

4896-3

Margaret V Manning
2033 E Main St
Vermillion SD 57069

Dear Ms. Manning:

Thank you for sending in the 2003 irrigation questionnaire. I am assuming by the notation made on the questionnaire that you wish to have the water right transferred to your name.

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.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4896-3

Date: _____

I/We request that Water Right No. 4896-3

formerly owned by: Philip J Manning

be transferred to: (name & address) Margaret V Manning, 2033 E Main St, Vermillion SD 57069

Telephone No. (605) 634-4519

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

111 acres - SW ¼ Section 29, T93N, R51W

I/We understand that the validity of Water Right No. 4896-3 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 Margaret, the new owner, certify that the above information is true and correct.

Margaret V. Manning
(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.

RECEIVED
DEC 11 2003
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 11, 20 03

RECEIVED OF Margaret Manning, 2033 E Main St., Vermillion SD 57069

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4896-3</u>	2	50
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	2.50

No.

000961

By

Barbara E. Ebel

Chief Engineer

gman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 2003

4896-3

Margaret V Manning
2033 E Main St
Vermillion SD 57069

Dear Ms. Manning:

I am writing to acknowledge receipt of the ownership change and filing fee you sent in for Water Right No. 4896-3. The water right, formerly held by Philip J Manning is now listed in your name.

Enclosed is your Receipt No. 000961 in the amount of \$2.50 which you paid for filing the transfer of ownership. You may keep this for your records.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosure

NOT TO SCALE

