

1. Considered: _____, 19____ Water Right No. 4969-3
2. Name of Applicant Alice Gilman
3. Post Office Address RR 2, Hudson, S.D. 57034
4. Amount of Water Claimed 4.28 maximum acre feet _____
5. Source of Water Supply Big Sioux River and 43' well
6. Water to be used for IRR acres to be irrigated 300
7. County Lincoln about 1 W, 2 miles SOUTH of HUDSON
8. PROOF OF PUBLICATION: Received 1st 9-1-83 Not Received _____
- APPLICATION: Approved 10-5-83 Subject to Low flow, irrig quest.
- Not Approved _____ Action Deferred _____

PRIORITY Dated Received 3/11/83 Application complete-yes x no _____ FEE 300.00

7-11-83 Remarks original application had wrong land and diversion description from the map

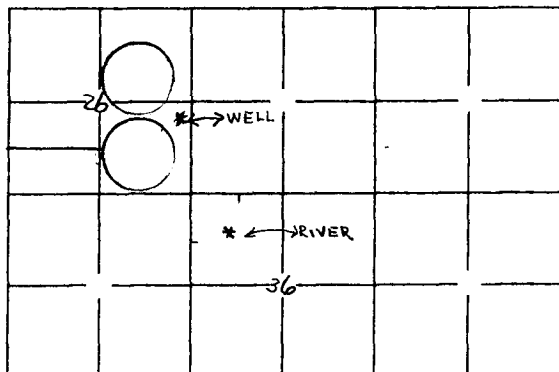
WQ date received BILL BOYER, HAWARDEN IA - OPERATOR

Corrected Application received 5/31/83 Period of Annual Use 4/1 thru 10/31
description on application

WATER Received yes 7/11/83 no _____ APPROVED/CONDITIONAL (Circle one)

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

Disapproved _____ Returned _____



Diversion Point _____

43' Well located in NE 1/4 SE 1/4, Section 26 and
from the Big Sioux River in NE 1/4 NW 1/4, Section
36-96N-48W

Land to be irrigated N 1/2 SW 1/4 and
E 1/2 Section 26 - T96N-R48W

WELL LOG Driller Vant Hul & Sons Well Drilling licensed - yes xx no _____

Depth 43' well

Remarks _____

MAP Map No. 4969-3 Map located in Water Right xx Map file _____
 Type of Map aerial Prepared by L.Tiedemann, Lincoln Co. 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:

7-12-83

Betty Watland
 (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 _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 4969-3
Map No. 4969-3 Water Division No. 3 BIG SIOUX RIVER District SR
Above for Office Use 10170203

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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Alice Gilman Phone No. 984-2172
Post Office Address RR 2 Hudson State SD 57034
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation no

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract

3. Name of diversion work Gilman #1

4. Amount of water claimed (cubic feet per second) 4.28 cfs

5. Source of water supply Big Sioux River and well

6. Location of point of diversion Well NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26-T96N-R48W and River location
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36 T96N-R48W
County Lincoln

7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____

9. For irrigation use, Total number of acres to be irrigated 300

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.
NE $\frac{1}{4}$ 26-96-48	110
SE $\frac{1}{4}$ 26-96-48	110
N $\frac{1}{2}$ SW $\frac{1}{4}$ 26-98-48	80

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water _____

12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.
sprinklers

Estimated Total Cost \$ 35,000.00

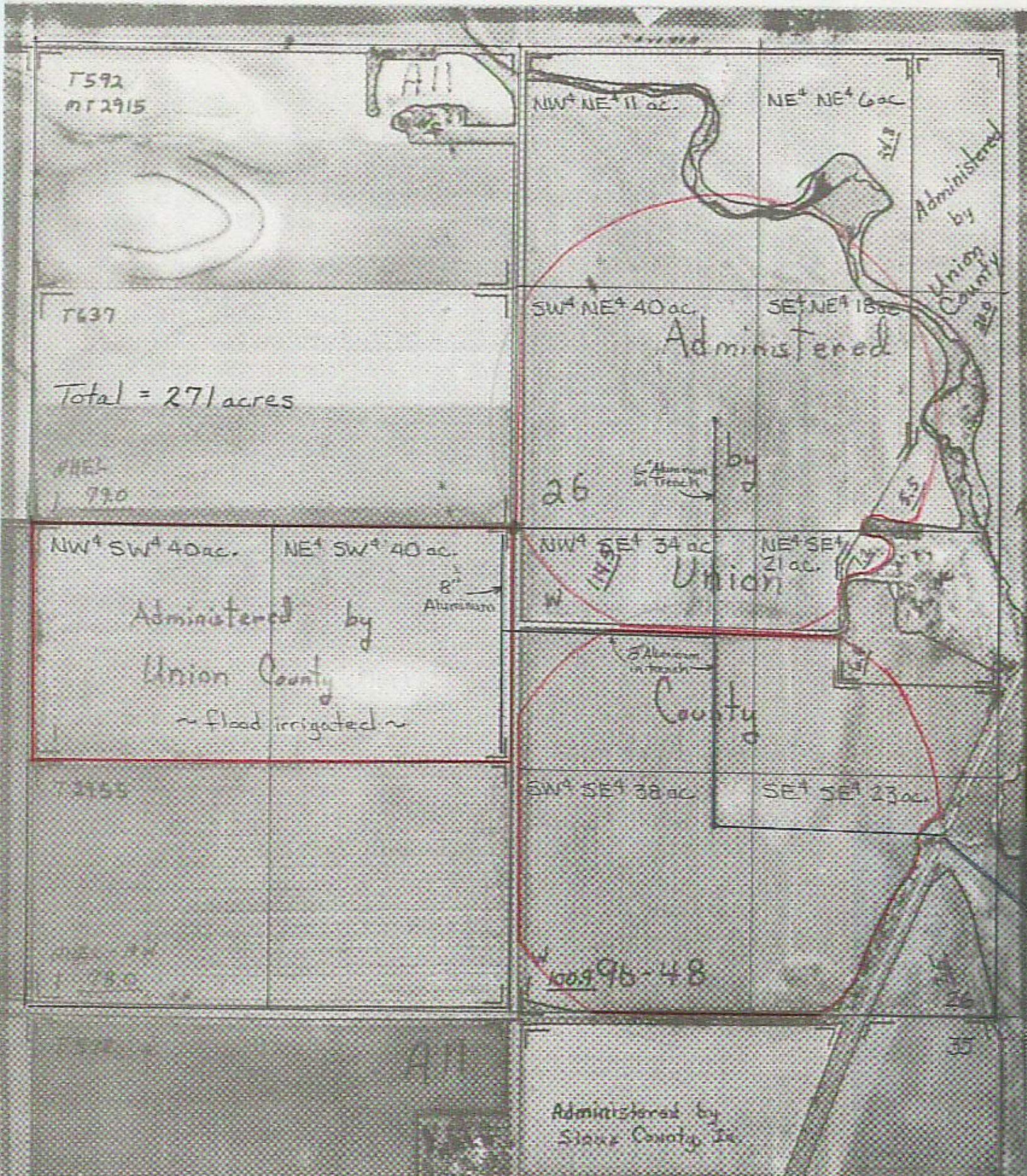
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
County of Lincoln)ss.

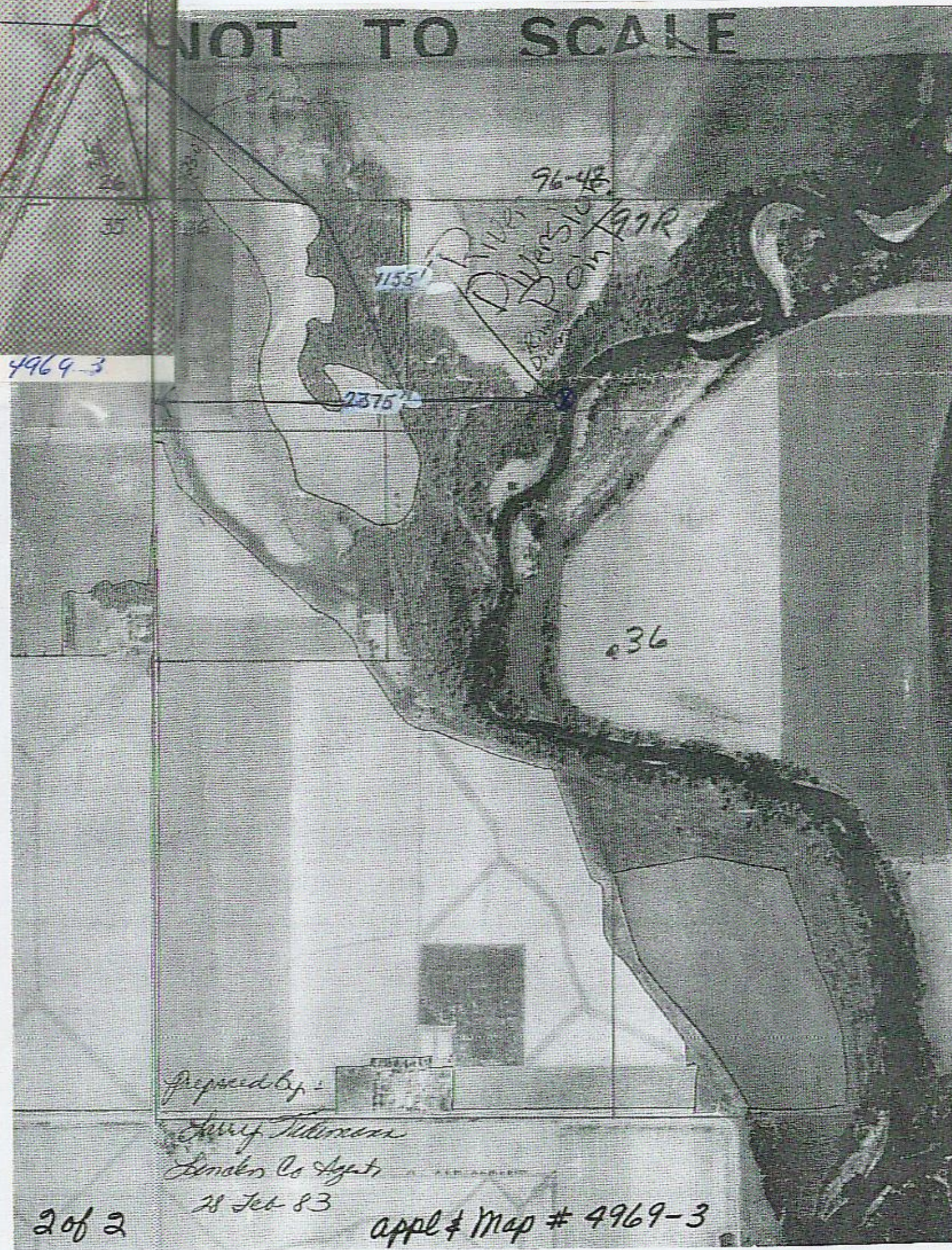
I, ALICE GILMAN the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Alice Gilman
Subscribed and sworn to before me this May 11th day of May 11th, 1983
K. L. Bricker
Notary Public (or other qualified officer)

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



4969-3



Prepared by:
Larry Tidmore
London Co Agent
28 Feb 83

2 of 2

appl # Map # 4969-3

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4969-3

Alice Gilman

(Applicant)

RT. 2

Hudson

(Post Office Address)

South Dakota

(State)

With the following qualifications

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed.

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

Date of first receipt of application March 11, 1983

Date of return to applicant for correction, amendments or changes required May 24, 1983

Date of receipt of corrected application June 31, 1983

Approved October 5, 1983, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 4969-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4969-3 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 July 11, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 5, 1986
3. The whole of said work is to be completed on or before October 5, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 5, 1992
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 4.28 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 October 5, 1992; said water to be used during the following described

annual period: April 1 thru October 31

Witness my hand this 25th day of October, 1983

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D Well Information

- (1) Drill Hole, Diameter 24", Depth 45'
- (2) Casing, Type Transite, Diameter 16", Thickness 3/8"
(wood, concrete, steel, etc)
- (3) Screen, Type sowed slotted, Diameter 16', Length 20"
- (4) Gravel Pack, Thickness 8", Length of gravel pack 24'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

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

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

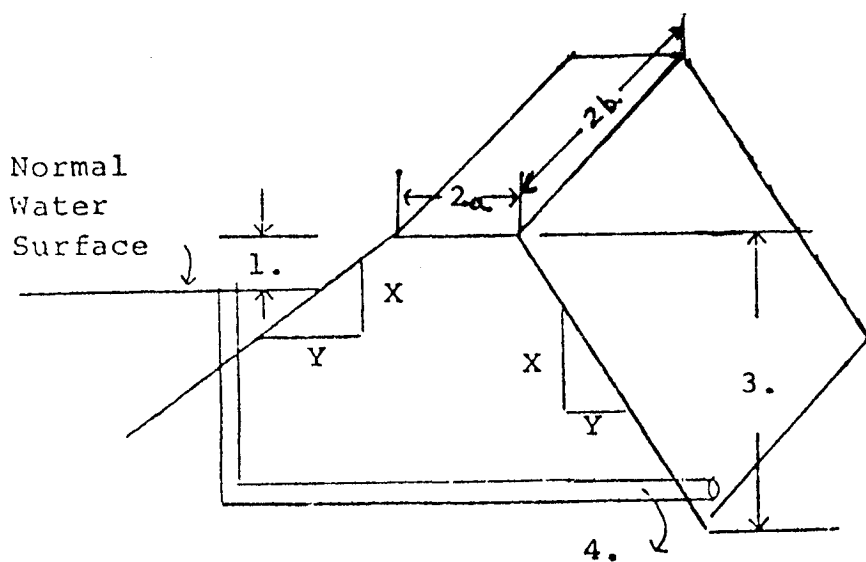
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



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 _____

Bill Brown
Signature of Applicant

Alvin D. Dillman

LOG

Vant Hul and Sons Well Drilling Co.

Rock Valley, Iowa
Phone (712) 476-5647Drilled for Bayer Date _____

Tenant _____

Address HawardenLocation fieldDrilled by Vant Hul and Sons IncCased with test hole Total Depth _____ ft.Finished in gravel WLFS _____ ft.

Capacity tested to _____ Cals. per _____

Screen used _____ Slot size _____ Length _____ Diameter _____

Other information:

FORMATIONS PASSED THROUGH

No. of ft.	Kind of Formation	
<u>4-21</u>		<u>test 2</u>
<u>0-6</u>	<u>top soil</u>	<u>0-4 top soil</u>
<u>6-20</u>	<u>gravel and clay</u>	<u>4-15 gravel and clay</u>
<u>20-30</u>	<u>gravel and clay</u>	<u>15-28 gravel</u>
<u>30-32</u>	<u>gravel and clay</u>	<u>28-40 blue clay</u>
<u>32-40</u>	<u>blue clay</u>	<u>40-43 sandy blue clay</u>

Signed Dwaine E. Vant Hul
Driller

NOT TO SCALE

97R

Irrigated

26

Irrigated

N $\frac{1}{2}$ of SW $\frac{1}{4}$

Irrigated

E $\frac{1}{2}$ - 26

96-48

Well

Well
11.4' *
143'

Prepared By - 28 Feb 83 97R

1 of 2 Larry Pedersen
Seneels Co Agent

appl # map # 4969-3

NOT TO SCALE

96-48

River

Dyers

1310

2642

036

Prepared by: [redacted]

Larry Tidmore

Lincoln Co Agents

28 Feb 83

2 of 2

appl # Map # 4969-3

Samy Tidmann
Linden Co Agents

apple & map # 4969-3

NOT TO SCALE

97R

Irrigated

26

Irrigated

N $\frac{1}{2}$ of Sw $\frac{1}{4}$

Irrigated

E $\frac{1}{2}$ - 26

96-48

Well

11.4 *
143'

Prepared By - 28 Feb 83 97R

1 of 2

Larry Tidemann
Beneath Co Agent

appl # map # 4969-3

NOT TO SCALE



Prepared by:

Harry Tidmore

London Co Agent

28 Feb 83

2 of 2

appl # Map # 4969-3

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9223

PIERRE, April 4, 1983

RECEIVED OF Boyer Service, RR 2, Box 54, Hawarden IA 51023 for Alice Gilman

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

Fee for Application for Permit to Appropriate Water No. 4969-3 (examination, processing, recording and filing)	300	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	300	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4022

WR#

OWNERS NAME: Alice Gilman OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: Lincoln PHONE: _____

TENANT'S NAME AND ADDRESS: Bill Boyer
Rt 2 Box 54 Hawarden Iowa 51023

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

1. WELL LOCATION NE 1/4 NE 1/4 SW 1/4 Sec 25 96-48 W
Depth 43'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Big Sioux River - incorrect
Diversion Location SE 1/4 SE 1/4 SE 1/4 Sec 25, 96-48

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 26-96-48</u>	<u>120</u>		
<u>NE 1/4 26-96-48</u>	<u>120</u>		
<u>N 1/2 SW 1/4 26-96-48</u>	<u>80</u>		
<u>Legal Description corrected by L 5</u>			



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Corn alfalfa - Wheat, Beans

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

7. WATER SAMPLE NUMBER: 85-0072 10. ADJUSTED (SAR): 0.88
8. SALINITY (EC X 10⁶): 1050 11. PERCENT SODIUM 66.4
9. SODIUM (SAR): 0.34

I hereby certify that I personally obtained or that I personally observed that 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.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

28 DAY OF Feb, 1983

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Jack M. Giffell
Director, Division of Conservation

Date

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

IMPORTANT

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

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

547-2958

Bill Boyer

CONDITIONAL APPROVALAPPL. #4022

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Bill BoyerLEGAL DESCRIPTION: E $\frac{1}{2}$ 26-96-48; N $\frac{1}{2}$ SW $\frac{1}{4}$ 26-96-48 = 320 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

In the areas mapped Alcester and Lemo silty clay loam (Ah) and Lemo silty clay loam (Ia), a perimeter along Pattee Creek is restricted from irrigation. Also, it is advised that this perimeter be maintained in permanent vegetation. These areas may be subject to periodic flooding and wetness.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

The areas of Ah and Ia, because of wetness and flooding in the spring and wetness and ponding with irrigation, may have trafficability problems. We suggest that these areas be maintained in alfalfa or that the use of tile drainage be considered.

We suggest the use of conservation tillage for moisture conservation and to reduce wind and water erosion. Also, the application of additional water periodically for the leaching of salts is recommended.

John M. Spill
SIGNATURE5-5-83
DATE

Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Bill Boyer
ADDRESS: _____ COUNTY Lincoln
DATE: 5/25/ 83 TELEPHONE 547-2958
RE: Alice Gilman's water permit application

COMMENTS:

Received corrected typed copy of application and had to return for notarization returned 5/26/83...Mr Boyer also sent his old application and maps showing the diversion points. He changed the diversion points on the application, forgot to change the section 26 to 36 as the map sent in shows the diversion to be from the sioux river in Section 36. (so map and application are not the same)

Now the WI-1 is incorrect as far as the diversion points are concerned.

Called SCC and we have to contact Boyer.

Called Boyer and talked to Mrs. Boyer he is to call on the 26th?

5/27/83 talked to Boyer he is coming to Pierre next Tues 31st to straighten out the application.

*5/31/83 Louie De Smet called John Hatch got the appl. corrected is in Sec 36. SCC called Louie De Smet and they are sending a corrected copy to Louie De Smet to get signed, etc will go before SCC and then corrected copy will be sent to our office.
Re: diversion description*

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.



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

June 1, 1983

Louie DeSmet
Box 428
Elk Point, SD 57025

Dear Mr. DeSmet:

Per our discussion by telephone on May 31, 1983 please find enclosed a revised Soil and Water Compatibility Application.

Please review the application for completeness with Mr. Boyer and make any necessary revisions.

After securing the necessary signatures and notarization of the application, please forward the WI-1 directly to the Division of Conservation where the soils and water information are currently on file.

Should you have any further questions or require any assistance feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program

cf

cc: Division of Water Rights





Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

June 14, 1983

Bill Boyer
Rt 2, Box 54
Hawarden, IA 51023

Dear Mr. Boyer:

In reviewing your soil and water compatibility for an additional diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26; to irrigate the E $\frac{1}{2}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ 26-96-48 = 320 acres, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their July 7, 1983 meeting. The Conditional recommendation is based on soil textures (clay content).

RESTRICTIONS:

In the areas mapped Alcester and Lamo silty clay loam (Ah) and Lamo silty clay loam (La), a perimeter along Pattee Creek is restricted from irrigation. Also, it is advised that this perimeter be maintained in permanent vegetation. These areas may be subject to periodic flooding and wetness.

MANAGEMENT RECOMMENDATIONS:

The areas of Ah and La, because of wetness and flooding in the spring and wetness and ponding with irrigation, may have trafficability problems. We suggest that these areas be maintained in alfalfa or that the use of tile drainage be considered.

We suggest the use of conservation tillage for moisture conservation and to reduce wind and water erosion. Also, the application of additional water periodically for the leaching of salts is recommended.

If you have any questions concerning your application, please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf

*Received 6/15/83
Sw*

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Alice Gilman OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: Lincoln PHONE: _____

TENANT'S NAME AND ADDRESS: Bill Boyer
Rt 2, Box 54, Hawarden, Iowa 51023

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

1. WELL LOCATION NE 1/4 Sec 26-96-48

Depth 43'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Big Sioux River

Diversion Location Sec 36-96-48 - (NE 1/4 NW 1/4) of T-6-S3

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 26-96-48</u>	<u>120</u>		
<u>NE 1/4 26-96-48</u>	<u>120</u>		
<u>N 1/4 SW 1/4 26-96-48</u>	<u>80</u>		
	<u>320</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ OTHER: _____
(Specify)

6. CROPS TO BE IRRIGATED: Corn, alfalfa, wheat, beans

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

7. WATER SAMPLE NUMBER: 83-0072 10. ADJUSTED (SAR): 0.88

8. SALINITY (EC X 10⁶): 1050 11. PERCENT SODIUM 6.64

9. SODIUM (SAR): 0.34

I hereby certify that I personally obtained or that I personally observed that 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.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

7th DAY OF June, 1983

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

CONDITIONAL APPROVAL4041

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Alice Gilman c/o Bill BoyerLEGAL DESCRIPTION: SE1/4 NE1/4 N1/4 SW1/4 26-26-48 = 320SOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

In the areas mapped Alcester and Lamo silty clay loam (Ah) and Lamo silty clay loam (La), a perimeter along Pattee Creek is Restricted from irrigation. Also is advised that this perimeter be maintained in permanent vegetation. These areas may be subject to periodic flooding and wetness.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

The areas of Ah and La, because of wetness and Flooding in the spring and wetness and ponding with irrigation, may have trafficability problems. We suggest that these areas be maintained in alfalfa or that the use of tile drainage be considered.

We suggest the use of conservation tillage for moisture conservation and to reduce wind and water erosion. Also, the application of additional water periodically for the leaching of salts is recommended.

John W. Fiedler
SIGNATURE7-7-83
DATE

Conversation or File Documentation

NAME OF PERSON OR FILE: Bill Gayer - Alice Gilman W/P 4964-3ADDRESS: ~~RR 7~~ ~~Hoods~~ COUNTY LincolnDATE: 7-14-83 TELEPHONE _____

RE: _____

COMMENTS:

Called re well is not going to drill the well, test
well did not produce - only will use Big Sioux River
if he eventually will drill, he will resubmit
another appl. He is sending a letter requesting
this office delete the well.

did state the drilling company had drilled his
neighbors wells. did not state it was this year tho.

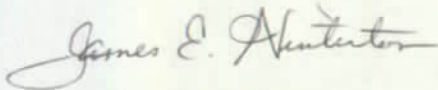
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

REPORT ON APPLICATION NO. 4969-3
ALICE GILMAN

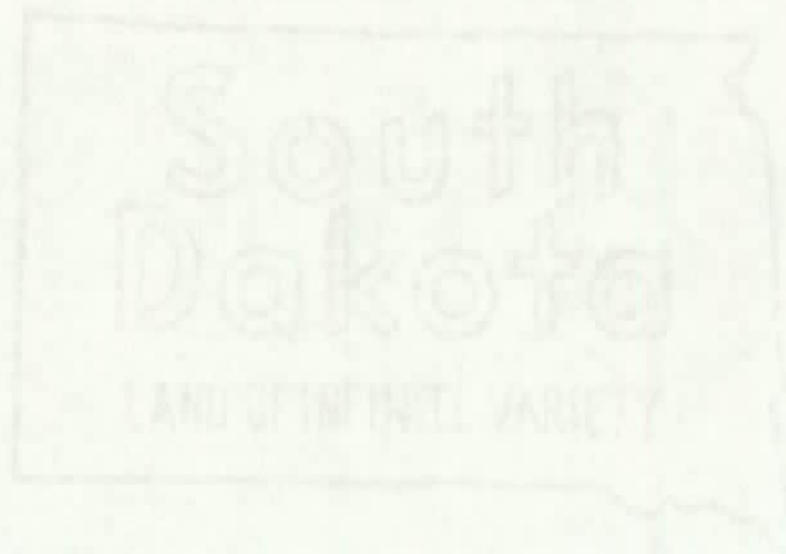
August 18, 1983

Application No. 4969-3 proposed to divert 4.28 cfs from the Sioux River in the southeastern corner of Lincoln County. The application also proposed using a well to irrigate portions of the land. By telephone conversation on July 14, 1983, the plans are now to use the Sioux River only, because the test well showed little chance for development of an irrigation well with sufficient capacity.

During the irrigation season, flows in the Big Sioux River at Sioux Falls have exceeded 50 cfs on a recurrence interval of 1.43 years. Gains are produced in the Sioux River downstream until 100 cfs have been exceeded on a 1.43 year recurrence interval at the Akron, Iowa stream gage. The flow information would indicate that water is available in the Big Sioux River downstream of Sioux Falls to support this application. It is recommended that Application No. 4969-3 be approved with the Low Flow Qualification.



JAMES E WINTERTON
Water Resources Engineer



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION No. 4969-3, Alice Gilman

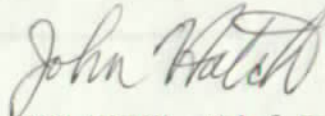
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4969-3, Alice Gilman, RR 2, Hudson SD.

The Chief Engineer is recommending APPROVAL of Application No. 4969-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

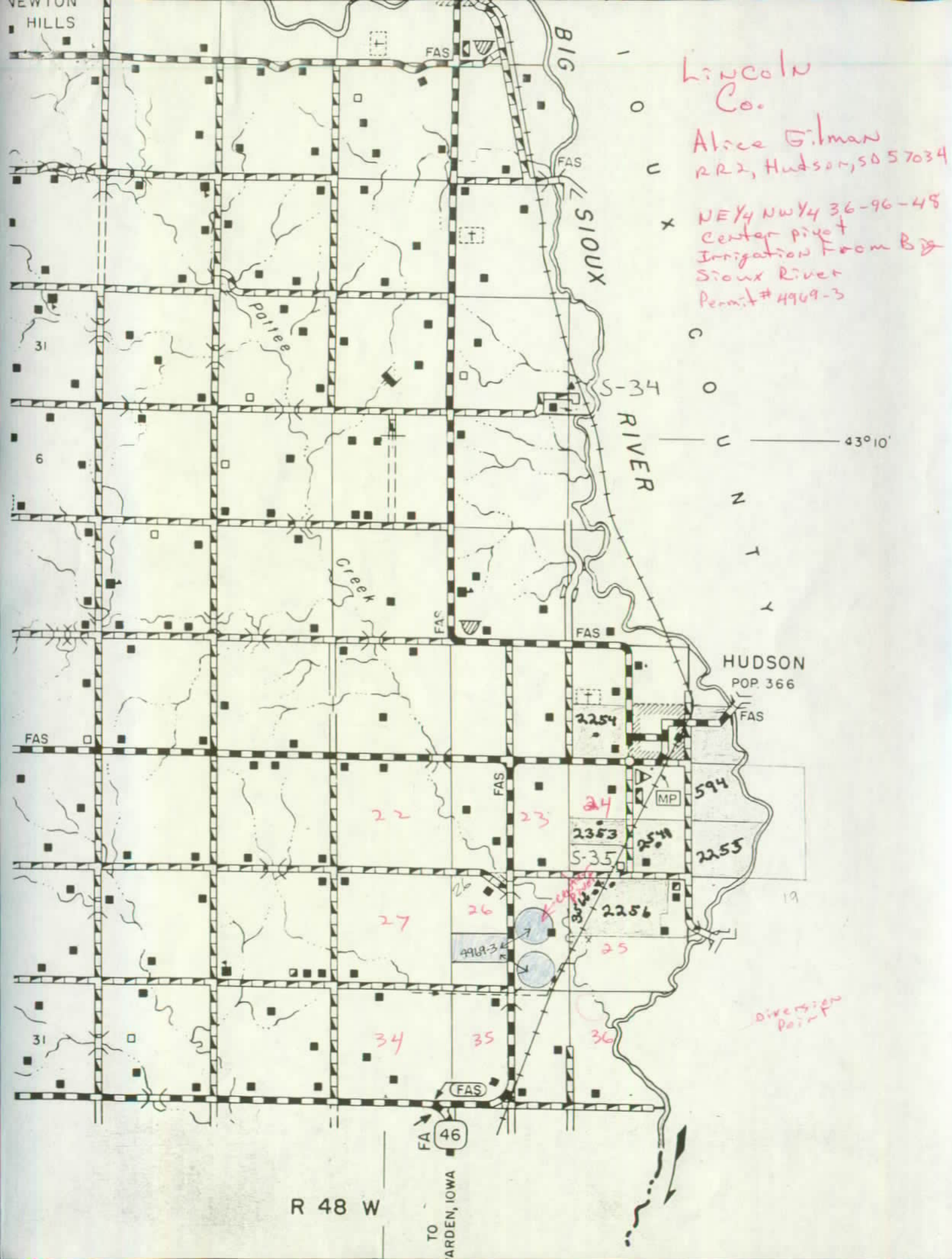
Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed.

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

The attached report is a part of this recommendation.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
August 18, 1983



Instruction to Newspaper - Publish first publication of the following Notice on or before August 25, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4969-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Alice Gilman whose mailing address is RR 32, Hudson, South Dakota has made an application for a permit to appropriate 4.28 cubic feet per second from the Big Sioux River, the points of diversion to be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T96N, R48W. Said water to be used for the purpose of providing irrigation of 300 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ Section 26, T96N, R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4969-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense Room, Basement, State Capitol, Pierre SD on October 5 19 83 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 23, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 23, 1983.

No. 4969-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lincoln) ss.

I, Steve Emmers hereby

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

Water was taken from the Hudsonite

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 Hudson

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

August 25, 1983

September 1, 1983

Steve Emmers
(Signature)

Publisher - Owner
(Title)

9/1/83
(Date Signed)

Cost of Printing: \$33.40

NOTICE OF HEARING
ON APPLICATION NO. 4969-3
TO APPROPRIATE WATER

Notice is hereby given that Alice Gilman whose mailing address in RR, Hudson, South Dakota has made an application for a permit to appropriate 4.28 cubic feet per second from the Big Sioux River, the points of diversion to be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T96N, R48W. Said water to be used for the purpose of providing irrigation of 300 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ Section 26, T96N, R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4969-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense Room, Basement, State Capitol, Pierre, SD on October 5, 1983 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 23, 1983. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

October 25, 1983

Alice Gilman
Rt 2
Hudson SD 57034

Dear Ms. Gilman:

Enclosed herewith is your Water Permit No. 4696-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4696-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Alice Gilman
RR 2
Hudson, SD 57034

Re: Violation of Water Permit No(s). 4969-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 4969-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4969-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4969-3 until either the 1985 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.

Sincerely,

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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Alice Gilman
RR 2
Hudson SD 57034

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

*John Hatch
by Del Brong*

SUBJECT: One Year Suspension of Water Permit No(s). 4969-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

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

That Water Permit No(s). 4969-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

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

Equal Opportunity Employer

Conversation or File Documentation

NAME OF PERSON OR FILE: Alice GilmanADDRESS: RR 2 Hudson, SD 57034 COUNTY LincolnDATE: July 2, 1986 6:30 pm TELEPHONE _____RE: Suspended Irrigation water Permits/rights for the 1986
Irrigation season

COMMENTS:

Corn and beans are planted with two center
pivots present. The pivots do not appear that
they have been used this year but the systems are
ready to be used.

I could not locate Alice Gilman. It appears
that Alice Gilman may irrigate this summer.

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: Daniel S. Brown

 **Department of
Water & Natural Resources**

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

January 29, 1988

ALICE GILMAN
RR #2
HUDSON, SD 57034

NOTICE

Re: Violation of Water Permit No(s). 4969-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4969-3. 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). 4969-3 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). 4969-3 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, 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.



Water & Natural Resources

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

February 18, 1988

4969-3

Alice Gilman
RR 2
Hudson SD 57034

Dear Ms. Gilman:

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. 4969-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

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

cc: Benton Boyer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 1993

Bill Boyer
4162 Birch
Hawarden, IA 51023

Dear Mr. Boyer:

As we discussed on the phone, future irrigation questionnaires pertaining to Water Permit No. 4969-3 (Alice Gilman) will be mailed directly to you. You indicated you were the current tenant on the property and would remain so in the future.

You also indicated that Mrs. Gilman was not in good health and that some point in the future, her son may own the land. If ownership of the land changes, please notify our office so the water permit can be transferred.

If you have any questions, please contact me.

Sincerely,

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

Permit No. 4969-3
Big Sioux River - Water District

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

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

I have this day, September 12, 1997 made a thorough examination of the water use system constructed by Alice Gilman of RR2 Hudson SD 57034 holder of Permit No. 4969-3, bearing the priority of July 11, 1983 authorizing the diversion of 4.28 cu. ft. per second of the waters of the Big Sioux River for irrigation purposes, in Lincoln County.

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

A. Works used to divert the water:

Jet pump with an 800 gpm capacity and a Case diesel motor rated at 120 hp.

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

8450' of 8" aluminum pipe and 1190' of 6" aluminum pipe.

C. Works used to apply water to beneficial use:

Lockwood center pivot 1190' long with 11 towers and a Nelson 150 end gun; high pressure system with an 800 gpm capacity.

Valley center pivot 1190' long with 11 towers and a Nelson 150 end gun; high pressure system with an 800 gpm capacity.

Flood irrigation system using 1250' of 8" aluminum pipe with an 800 gpm capacity.

The system is in the following condition good. The point of diversion is located 2375' E and 1155' S of the NW corner of Section 36-T96N-R48W. The works are capable of diverting and conveying to the place of use 1.78 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 26-T96N-R48W:

<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>6 acres</u>	<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>21 acres</u>	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>40 acres</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>11 acres</u>	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>34 acres</u>	<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>40 acres</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40 acres</u>	<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>38 acres</u>		
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>18 acres</u>	<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>23 acres</u>		

comprising a total of 271 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

COMMENTS: A transfer of ownership from Alice Gilman to John Gilman is needed. The correspondence should be sent to Bill Boyer, 4162 Birch, Hawarden IA 51023. As the tenant and irrigator Mr. Boyer takes care of the paperwork.

Lynn Beck
 Lynn Beck

9-25-97
 Date

Natural Resources Engineer
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4969-3

DATE OF INSPECTION: 9-12-97

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Bill Boyer 4162 Birch, Hawarden IA 51023

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Tenant

NAME & ADDRESS OF PERMIT HOLDER: Alice Gilman (deceased) John Gilman (son), RR2
Parkston SD 57366

**DIVERSION POINT LEGAL LOCATION: At the Big Sioux River 2375' E and 1155' S of the NW
corner Section 36-T96N-R48W in the NE¹/₄ NW¹/₄.**

Pump:

- 1) Make Jet
- 2) Model #
- 3) Size #
- 4) Capacity 800 GPM

Motor:

- 1) Make Case Diesel
- 2) Model No. #
- 3) Horsepower rating 120 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum 2) Size 6 3) Length 1190 feet
- 1) Type aluminum 2) Size 8 3) Length 8450 feet

SYSTEM TYPE:**Center Pivot: north center pivot**

- 1) Make Lockwood
- 2) Overall length 1190
- 3) Number of towers 11
- 4) End gun Nelson 150
- 5) High or low pressure high
- 6) Capacity 800 GPM

Center Pivot: south center pivot

- 1) Make Valley
- 2) Overall length 1190
- 3) Number of towers 11
- 4) End gun Nelson 150
- 5) High or low pressure high
- 6) Capacity 800 GPM

Flood Irrigate:

- 1) Pipe size 8 inches
- 2) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 2, 1997

4969-3

Bill Boyer
4162 Birch
Hawarden, IA 51023

Dear Mr. Boyer:

On September 12, 1997, Lynn Beck, a staff engineer with our program conducted a field investigation of the water use system developed under Water Permit No. 4969-3. The water permit is currently listed in the name of Alice Gilman. Lynn indicated that all correspondence concerning the permit should be sent to your attention.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. It is our understanding that the water permit should be transferred from Alice Gilman to John Gilman. The form will need to be completed and then signed by John Gilman in the presence of a notary. A \$2.50 fee is required for filing a transfer of ownership.

The investigation of the water use system, including the extent of application of water to beneficial use has been completed. The final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee, we will begin processing the Water License.

A total of \$52.50 and the completed transfer form should be forwarded to our office as soon as possible. **Please remit to: Department of Environment & Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181.**

If you have any questions, please contact me.

Sincerely,

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

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4969-3

Date: 10-20-97



I/We request that Water Permit No. 4969-3

formerly owned by: Alice Gilman

be transferred to: (name & address) JOHN GILMAN (FRAZIER FARMS)
Box 423 PARKSTON SD Telephone No. 605-928-3560

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

271 acres - E 1/2 and N 1/2 SW 1/4 Section 26, T96N, R48W

I/We understand that the validity of Water Permit No. 4969-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hutchinson)

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

John Gilman
(Signed)

Subscribed and sworn to before me this 20 day of Oct, 1997.

[Signature]
(Notary Public)
7-8-97

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 07 1998

4969-3

Bill Boyer
4162 Birch
Hawarden, IA 51023

Dear Mr. Boyer:

Enclosed is Water License No. 5969-3 and Receipt Nos. 415501 for \$2.50 and 415502 for \$50.00 which was assessed for the transfer, investigation and issuance of the license. Water License No. 4969-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415501

Pierre, _____ October 21, 19 97

RECEIVED OF Bill Boyer (John Gilman), RR 2, Box 54, Hawarden, IA 51023

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>Water Permit No. 4969-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415502

Pierre, October 21, 19 97

RECEIVED OF Bill Boyer (John Gilman), RR 2, Box 54, Hawarden, IA 51023

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4969-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4969-3

(1) Alice Gilman, Hudson SD made Application No. 4969-3, March 11, 1983 for a water permit to divert 4.28 cubic feet of water per second from the Big Sioux River, Lincoln County, South Dakota for irrigation purposes. Permit No. 4969-3, with a priority date of July 11, 1983 was approved October 5, 1983 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 5, 1988 and for the application to beneficial use of said water on or before October 5, 1992.

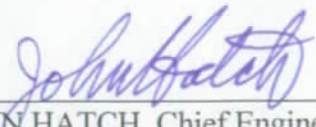
On October 21, 1997, Water Permit No. 4969-3 was transferred to John Gilman.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 2,375 feet east and 1,155 feet south of the northwest corner of Section 36-T96N-R48W (NE 1/4 NW 1/4).

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

Section 26-T96N-R48W					
NE 1/4 NE 1/4	6 acres	NE 1/4 SE 1/4	21 acres	NE 1/4 SW 1/4	40 acres
NW 1/4 NE 1/4	11 acres	NW 1/4 SE 1/4	34 acres	NW 1/4 SW 1/4	40 acres
SW 1/4 NE 1/4	40 acres	SW 1/4 SE 1/4	38 acres		
SE 1/4 NE 1/4	18 acres	SE 1/4 SE 1/4	23 acres		
Total					271 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Gilman, Box 423, Parkston SD 57366, c/o Bill Boyer, 4162 Birch, Hawarden IA 51023 the holder and/or owner of Water Permit No. 4969-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from the Big Sioux River with a priority date of July 11, 1983 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 Water Permit No. 4969-3 and subject to South Dakota State Law.


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

JAN 07 1998

date





4969-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON		HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	PO BOX 366	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	47948 232ND ST	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	4162 BIRCH AVE	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	403 16TH ST	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	24482 482ND AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	32650 480TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	29509 488TH AVE 47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3 2952-3, 956- 3	WAYNE	HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
279-3	ROBERT	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
1350-3, 6042-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1302-3 1500-3, 213- 3	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIOUX FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIOUX FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIOUX FALLS	SD	57102

Gail Jacobson

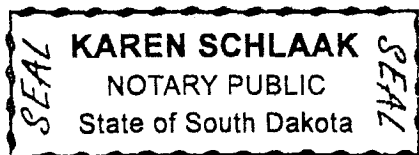
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

4969-3

JOHN GILMAN
BOX 423
PARKSTON SD 57366

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR GILMAN,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large, prominent "J" and "G".

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

4969-3

John Gilman
Box 423
Parkston SD 57366

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Gilman:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,


Eric Gronlund

Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure

2020 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 4, 2020**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or submit your form(s) electronically over the internet at <https://denr.sd.gov/iq> Your temporary password is **NRCTJP**

Permit No. 4969-3

%BILL BOYER
JOHN GILMAN
4162 BIRCH AVE
HAWARDEN IA 51023

Any address/ownership corrections?

Email Boyer4162@outlook.com
Phone 722 552 2308

1. Did you irrigate in 2020? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 4969-3

sufficient moisture ☐ no water available ☐

system not constructed ☒ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

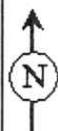
Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2020? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. **A. BIG SIOUX RIVER**

5. Provide your water use on the back of this form.



NWNW	NENW	NWNE	NENE
NW			NE
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW			SE
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

NOV 02 2020

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 4969-3

(see above section map for help reading legal descriptions)

sec 26-T096N-R48W, NE1/4 - 75.00 acres
sec 26-T096N-R48W, SE1/4 - 116.0 acres
sec 26-T096N-R48W, NE1/4SW1/4 - 40.00 acres
sec 26-T096N-R48W, NW1/4SW1/4 - 40.00 acres

Please provide your 2020 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

4969-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 2020

4969-3

John Gilman
c/o Bill Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

I am contacting you regarding water use as authorized under Water Right No. 4969-3. The water right authorizes irrigation of 271 acres located in portions of E 1/2, N 1/2 SW 1/4 Section 26-T96N-R48W from the Big Sioux River.

The 2020 irrigation questionnaire has been marked "system not constructed". Since there is no longer an irrigation system on this property, it appears the water right has been abandoned and subject to cancellation. I wanted to touch base with you first to find out if irrigation has indeed been discontinued on the land.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Legal excuse as defined by Board rules includes unavailability of water and having too much water. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Please contact our office concerning your intent towards the water right. Thank you in advance for your help.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Bill Boyer

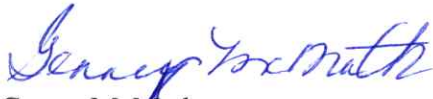
DATE: November 12, 2020

RE: irrigation system on land described in Water Right No. 4969-3

COMMENTS:

In response to his 2020 irrigation questionnaire for Water Right No. 4969-3, a letter was written to him asking verification on his intent towards the water right. He had marked "system not constructed".

He called after receiving the letter and indicated he was going to put up another system. He said it had been to wet in the area to get a system up and going.



Genny McMath
Water Rights Program