

#3
Considered: _____

WATER PERMIT NO. 5030-3

MAP No. 5030-3

Name of Applicant Agnes Murphy - Curry Seed Co, Operator

Post Office Address POB 517 Elk Point 57025

Amount of Water Claimed 2.25 Total Acres 160.00

Source of Water Supply 110' well

Water to be used for IRR County Union

About 2 miles E of ELK Point

PROOF OF PUBLICATION: Received 1st 11-5-84 Not Received _____

APPLICATION: Approved 12-5-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Apr 20, 1984 Fee 250.00 Remarks _____

9-17-84

day s/w received
Corrected Application Received 5/31/84 Period of Annual Use 5/1 9/30

WATER QUALITY APPROVAL RECEIVED 9-17-84 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point _____

approximate center SW $\frac{1}{4}$ 22-91-49

Land to be Irrigated _____

SW $\frac{1}{4}$ 22-91-49

Well Log: Driller Wetmore Drilling Licensed YES X NO _____

Depth of Well 110' REMARKS _____

Type of Map aerial PREPARED BY Larry Wilcox ASCS Reviewed and the Number _____

assigned on _____

By

Betty Westlund
BETTY WESTLUND NRA III

cc Nelson

No. 5030-3 Hydrologic Unit 10170203
 Map No. 5030-3 Basin SR
 Newspaper Leader Courier Box 310 Elk Point

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. N/A with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other N/A See Permit No. _____☐ Application to: ☒ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant AGNES MURPHY: OWNER Phone No. 605-356-3366

CURRY SEED CO.: OPERATOR
 Post Office Address P. O. BOX 517, ELK POINT, State S. DAK. Zip Code 57025
(Street, RR or Box)

2. Amount of water claimed (c.f.s) 2.25 Total acres irrigated 1603. Source of Water supply WELL4. Location of point of diversion see map (center of SW¹ sec. 22 T91N-R49W)

_____ County _____

5. Counties where water will be used UNION6. Annual period during which water is to be used MAY - SEPT.

7. 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.
SW ¹ / ₄ Sec. 22-91-49	160

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

see map

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

STATE OF SOUTH DAKOTA)
 County of Union) ss

I, Curry Seed Co. By: E. L. Curry, Pres. the applicant, certify that I have read
 the foregoing application, 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 Curry Seed Co. By: E. L. Curry, Pres.Subscribed and sworn to before me this 18 day of April 1984

Gloria B. Stewart

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5030-3
Agnes Murphy (Applicant) P.O. Box 517 EIK Point (Post Office Address)
S.D. (State) 57025 (Zip Code) With the following qualifications.

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

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

Date of first receipt of application April 20, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved December 5, 1984.

The Water Management Board hereby approves this Water Permit No. 5030-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 17, 1984.
2. One-fifth of the work is to be completed on or before June 5, 1987.
3. The whole of said work is to be completed on or before December 5, 1989.
4. The time limit for proof of beneficial use of water is December 5, 1993.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.25 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. 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 Dec. 5, 1993; said water to be used during the following described annual period: May 1 to Sept. 30.

WATER MANAGEMENT BOARD
 By: John Hall Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
January 4, 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness 5/8"
- c) Screen Type SLOTTED PVC Diameter 16" Thickness 5/8"
- d) Gravel Pack Thickness 4" Length of Gravel Pack 64'
- e) Depth to Top of Water Bearing Material 68'
- f) Depth of Water (ground surface to water level) 19'
- g) Distance to nearest existing domestic well:
 On applicants property 1/4 mile On property owned by others 3/8 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

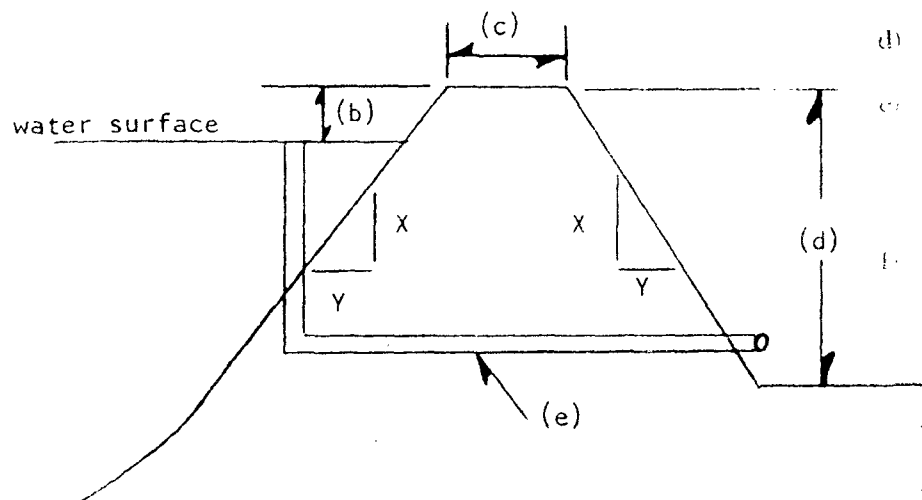
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



 Signature of Applicant

Seely

Department of Agriculture

DIVISION OF CONSERVATION
Anderson Building, Room 322 ● Pierre, South Dakota 57501
Phone 605/773-3258

July 13, 1984

Agnes Murphy
Curry Seed Co
Box 517
Elk Point, SD 57025

Dear Ms. Murphy:

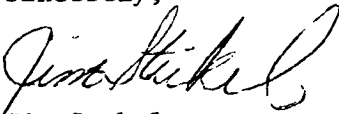
Our office is in receipt of your application for Soil and Water Compatibility. However, we are returning your application for the following information:

- 1.) Legal description of area to be irrigated.
- 2.) Application must be notarized.

Upon receipt of the above information our office will begin further processing your application. The soils information and water analysis will be retained on file.

If you have any questions please feel free to contact this office.

Sincerely,



Jim Stukel
Irrigation Program Administrator

cf





Department of Agriculture

DIVISION OF CONSERVATION

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

July 19, 1984

Agnes Murphy
c/o Curry Seed Co.
Box 517
Elk Point, SD 57025

Dear Ms. Murphy:

In reviewing your soil and water compatibility application for the SW $\frac{1}{4}$ 22-91-49, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their September 13, 1984 meeting. The Conditional Recommendation is based on the water quality and clay content of the soils as well as a seasonal high water table make the leaching of salts difficult. The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

The soils of Forney soils, overwash (Fe) and Modale silt loams (Mb) are subject to seasonal high water tables of 1 to 3 feet. Under irrigation these water tables may remain in this perched position or move up in the soil profile. Under these conditions the leaching of salts would be inhibited and tend to concentrate above the water table. For the above reasons adequate internal drainage is required, and to achieve this necessary internal drainage may require the installation of a drainage system ie tile drainage.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of conservation tillage to reduce erosion.

It is also recommended that a soil monitoring program be developed as part of your management plan to monitor salt movement in the soil. This will also be beneficial in the modification of your management plan.

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

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Agnes MurphyOWNERS ADDRESS: P. O. Box 395Send Correspondence to: Curry Seed Co.Elk Point, S. Dak. 57025COUNTY LAND LOCATED IN: UnionPHONE: (605) 356-2594TENANT'S NAME AND ADDRESS: Curry Seed CompanyP.O.Box 517, Elk Point, S. Dak. 57025 Phone # (605) 356-3366

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

1. WELL LOCATION SW 1/4 Sec. 22 T91NR49WDepth 110 ft.2. SURFACE WATER SOURCE AND DIVERSION LOCATION: N/A

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres



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

LEGAL DESCRIPTION: N/A SW 1/4 Sec. 22 T91NR49W - to be irrigatedIN WHAT NAME: Agnes Murphy4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

OTHER: _____

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____6. CROPS TO BE IRRIGATED: corn and soybeans

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

7. WATER SAMPLE NUMBER: 84-033310. ADJUSTED (SAR): 5.298. SALINITY (EC X 10⁶): 205011. PERCENT SODIUM 23.389. SODIUM (SAR): 1.91

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 10 a.m./p.m., on 7 June, 1984, at the following location: Same as Above: Sec 22 T91NR49W 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. Ed L. Curry

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

DAY OF July, 1984.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE Agnes MurphyFor: Agnes Murphy
& Curry Seed Co.Director, Division of Conservation Jack M. LofgrenDate 9-3-84

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.

#4105

CONDITIONAL APPROVAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATIONNAME OF APPLICANT: Agnes MurphyLEGAL DESCRIPTION: SW 1/4 22-91-49SOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The soils of Forney soils, overwash (Fe) and Modale silt loams (Mb) are subject to seasonal high water tables of 1 to 3 feet. Under irrigation these water tables may remain in this perched position or move up in the soil profile. Under these conditions the leaching of salts would be inhibited and tend to concentrate above the water table. For the above reasons adequate internal drainage is required, and to achieve this necessary internal drainage may require the installation of a drainage system ie tile drainage.

RECOMMENDED MANAGEMENT:

We recommend the use of conservation tillage to reduce erosion.

It is also recommended that a soil monitoring program be developed as part of your management plan to monitor salt movement in the soil. This will also be beneficial in the modification of your management plan.


Lois M. Lippert
SIGNATURE9-13-84
DATE



WETMORE DRILLING

P.O. BOX 577 - ELK POINT, SOUTH DAKOTA 57025 - (605) 356-3272



May 24, 1984

Test Well
12 27 83
Curry Seed Co.

0	-	3 ft	topsoil
3	-	22 ft	clay
22	-	46 ft	fine sand
46	-	77 ft	fine sand & gravel
77	-	110 ft	coarse sand & gravel

Wetmore Drilling

James Wetmore
James Wetmore

RECEIPT

Division of Water Rights

No 4 9643 -

South Dakota Department of Water and Natural Resources

Pierre, April 20, 19 84

RECEIVED OF Currey Seed Co., PO Box 517, Elk Point SD 57025

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

Fee for Application for Permit No. 5030-3 to Appropriate Water, to construct works and to put water to beneficial use	250 00
Fee for Application for Permit No. to Appropriate Water for Future Use	
Fee to retain Future Use Permit No. after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.	
Fee for Filing Transfer Form	
Fee for Filing Extension Request 5030-3	
Fee for Certified Copy of	
Fee for Print Copy of Map	
Fee for Certifying	
Fee for	
(Any Other Work Provided by Law)	
Total	250 00

By John Hatch
Chief Engineer

JOHN HATCH

NOT TO SCALE

1450

107-R

(6-820)
111.8

65.7

Garry D. Wilcox, CED

UNION COUNTY ASGS. OFFICE
Post Office Box 460
ELK POINT, SOUTH DAKOTA 57025

22
(6-54)
75.9

108.4
78.4

~~James Murphy~~
Well
Location

(6-484)
75.3

(6-468)
39.4

149

(6-408)
40.0

38.8

(6-457)
78.2

A/M # 5030-3

REPORT ON APPLICATION NO. 5030-2

For Agnes Murphy - Curry Seed Company, Operator

October 4, 1984

Application No. 5030-3 requests 2.25 cfs for one well 110 feet deep to irrigate 160 acres (SW $\frac{1}{4}$ 22 T91N R49W). The point of diversion is the approximate center of the SW $\frac{1}{4}$ 22 T91N R44W.

AQUIFER - Missouri (M)

GEOLOGY AND AQUIFER CHARACTERISTICS

The Missouri (M) is a Pliocene glacial outwash (sand and gravel) aquifer which can be either under water table or artesian conditions. Saturated thickness of the Missouri varies from 130 feet to 50 feet, with an estimated recoverable storage in Union County of 1.494 million acre feet of water (Hedges Etal, 1982). The aquifer is bounded on the east by the Big Sioux River and on the south by the Missouri River. Recharge occurs as a result of precipitation on the aquifer and by runoff from the high ground to the north flowing out over the aquifer. Discharge occurs to both the Sioux River and Missouri River, by evapotranspiration and irrigation withdrawals. The aquifer is underlain by the Carlile shale and the Dakota sandstone which is hydraulically connected to the Missouri.

The Water Right Division presently monitors 4 observation wells within 2 miles of this application (UN-77M, UN-77N, UN-80E, UN-57B). Water levels are at record high levels in the aquifer. Most water levels are 10-20 feet higher now than the lowest readings ever recorded (observation well files, 1984)

Water Rights Division Records (well files, 1984) indicate specific capacity values for irrigation wells in the area range from 50 to 160 gallons/foot of drawdown. Although in some areas, there is artesian pressure and water level fluctuations do occur as a result of pumping, interference is not a problem. Typical yearly fluctuations are from 5-10 feet of drawdown and then recovery.

REVIEW OF EXISTING WATER PERMITS

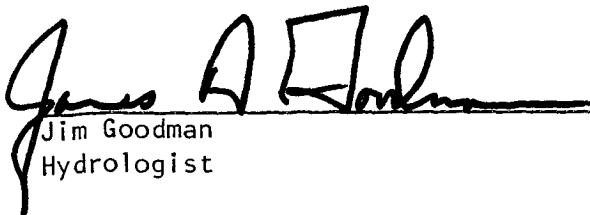
Union County, in the area of the application, is fairly intensively irrigated (see map). The following is a water use estimation (SDGS, Irrigation Report 1982).

1981 - 8,772 AF
1980 - 10,296 AF
1979 - 7,454 AF

There have been no complaints concerning interference or water availability from this area.

CONCLUSIONS

1. Water is available from the Missouri Aquifer in Union County.
2. Interference is not a problem
3. Water levels fluctuate due to irrigation withdrawals, but rapidly recharge when water is available. Water levels in the aquifer set record highs in 1984.


Jim Goodman
Hydrologist

BIBLIOGRAPHY

- Hedges, L.S., S.L. Birch, D.L. Illes, R.A. Barari, R.A. Schoon, 1982, Evaluation of Groundwater Resources Eastern South Dakota, Final Report for U.S. Army Corps of Engineers, SDGS, Vermillion, SD, 57069
- SDGS, 1982, Irrigation Reports for 1979, 1980, 1981, SDGS, Vermillion, SD 57069
- Water Rights, Well Files, 1984, DWNR, Joe Foss Building, Pierre, SD 57501, 773-3352
- Water Rights, Observation Well Files, 1984, DWNR, Joe Foss Building, Pierre, SD 57501, 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5030-3, Agnes Murphy

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. 5030-3, Agnes Murphy, %Curry Seed Co., PO Box 517, Elk Point SD.

The Chief Engineer is recommending APPROVAL of Application No. 5030-3 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:

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

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

See the attached report for additional information.

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

JOHN HATCH, Chief Engineer
Water Rights Division
October 12, 1984

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Union)

I, Lester E. Emerson hereby

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

Water was taken from the The Leader-Courier

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 Elk Point

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

October 25, 1984, November 1, 1984



(Signature) Lester E. Emerson

Editor/Publisher
(Title)

November 1, 1984
(Date Signed)



Cost of Printing: \$39.88

**NOTICE OF HEARING ON
APPLICATION NO. 5030-3 TO
APPROPRIATE WATER**

Notice is hereby given that Agnes Murphy, c/o Curry Seed Co., whose mailing address is P. O. Box 517, Elk Point, South Dakota has made an application for a permit to appropriate 2.25 cubic feet per second of water from one well 110 feet deep in the Missouri Aquifer. The well will be located in the approximate center of SW 1/4, Section 22, T91N, R49W. The water will be used to irrigate 160 acres of land located in the SW 1/4, Section 22, T91N, R49W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5030-3 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 Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 5, 1984, 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 November 23, 1984. 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 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-11, 46-5-3, 46-5-4, 46-5-11, 46-5-12, 46-5-13, 46-5-14, and

Board Rules ARS 74:02:01:01
thru 74:02:01:15.

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, DWNR, 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 November 23, 1984.

Kevin C. Larson A-1
Water Resources Engineer
Pub. Oct. 25, Nov. 1.

Instruction to Newspaper - Publish first publication of the following Notice on or before October 25, 1984, with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5030-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Anges Murphy, % Curry Seed Co. whose mailing address is P.O. Box 517, Elk Point, South Dakota has made an application for a permit

to appropriate 2.25 cubic feet per second of water from one well 110 feet deep in the Missouri Aquifer. The well will be located in the approximate center of SW $\frac{1}{4}$, Section 22, T91N, R49W. The water will be used to irrigate 160 acres of land located in the SW $\frac{1}{4}$, Section 22, T91N, R49W.

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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, DWNr, 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 November 23, 1984.



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

January 4, 1985

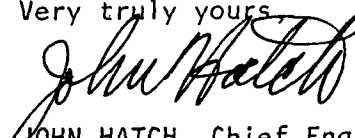
Agnes Murphy
Curry Seed Co, Operator
PO Box 517
Elk Point SD 57025

Dear Sir:

Enclosed herewith is your Water Permit No. 5030-3 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. 5030-3.

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

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Elk Point, S.D. 57025
Date February 13, 1985

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 5030-3.

Water Right Permit No. 5030-3 states that the diversion system is to be constructed by December 5, 1989, and that the water is put to beneficial use by December 5, 1993.

The diversion system was completed on June, 1984. Applying the water to beneficial use was completed on July, 1984. temporary use

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Curry Seed Co - operator
(Signature)
by wjc





GREAT FACES. GREAT PLACES.

February 1, 1991

CURRY SEED CO-OPERATOR
PO BOX 517
ELK POINT SD 57025

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 5030-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5030-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5030-3 qualification:

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

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

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

1. Suspend Permit No(s) 5030-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

cc: Agnes Murphy, PO Box 395, Elk Point SD 57025

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)
 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
 Agnes Murphy
 PO Box 395
 Elk Point SD 57025

4. Article Number
 P 430 906 189

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee
 X

6. Signature — Agent
 X *Robert A. Collins*

7. Date of Delivery
 FEB - 2 1991

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 11, 1991

Curry Seed Company
Box 517
Elk Point, SD 57025

RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. 237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1136-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3910-3, 4438-3, 4582-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and/or chemical application use data for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

RECEIPT

415211

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 20, 19 96

RECEIVED OF Curry Seed Company, PO Box 517, Elk Point SD 57025

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. 5030-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (KS)

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5030-3

Date: 12/17/96

I/We request that Water Permit No. 5030-3

formerly owned by: Agnes Murphy, PO Box 395, Elk Point, SD 57025-0395

be transferred to: (name & address) _____

William J. and David M. Curry P. O. Box 517, Elk Point, SD 57025 (605) 356-3366

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

SW¼ Section 22, T91N, R49W

I/We understand that the validity of Water Permit No. 5030-3 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.

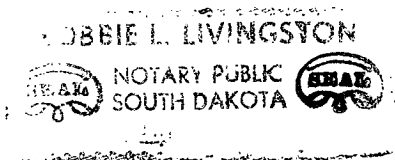
STATE OF SOUTH DAKOTA)

County of Union)

I/We Wm. J. Curry 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.

Wm. J. Curry
(Signed)

Subscribed and sworn to before me this 17th day of December, 19 96



Robbie L. Livingston
(Notary Public)

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.

Permit No. 5030-3
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, August 20, 1996, made a thorough examination of the water use system constructed by ~~Agnes~~ **Murphy** of **PO Box 395, Elk Point, SD 57025** holder of Permit No. 5030-3, bearing the priority of September 17, 1984 authorizing the diversion of 2.25 cu. ft. of water per second from ground water for irrigation purposes, in Union County.

COMMENTS:

On December 20, 1996, Water Permit No. 5030-3 was transferred from Agnes Murphy to William J. and David M. Curry.

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

A. Works used to divert the water:

A 75 Hp US Motor with a 900 GPM Western Land Roller pump.

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

[REDACTED]

C. Works used to apply water to beneficial use:

A 1246 foot long 7 tower valley center pivot.

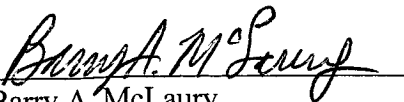
The system is in the following condition good. The point of diversion is located 1320 feet N and 1420 feet E from the SW corner of Section 22; T091N R49W (100 feet E from the center of the SW1/4). The works are capable of diverting and conveying to the place of use 2.00 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T091N R49W	SECTION 22	NW1/4 SW1/4	31 acres
		NE1/4 SW1/4	33 acres
		SW1/4 SW1/4	31 acres
		SE1/4 SW1/4	33 acres

comprising a total of 128 acres of land and the license should be issued for 1.82 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: 1-3-97


Barry A. McLaury

Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5030-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: August 20, 1996

NAME OF INSPECTION CONTACT: Bill Curry

NAME & ADDRESS OF PERMIT HOLDER: Curry Seed Company, PO Box 517, Elk Point, SD 57025

DIVERSION POINT LEGAL LOCATION: 1320 feet N and 1420 feet E from the SW corner of Section 22; T091N R49W (100 feet E of the center of the center of the SW1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 121 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 81 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 9 feet

Motor:

- 1) Make US Motor?
- 2) Model No. 365 TP
- 3) Horsepower rating 75 HP

Pump:

- 1) Make Western Land Roller?
- 2) Model No. ?
- 3) Capacity 900 GPM

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1246 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

On December 20, 1996, Water Permit No. 5030-3 was transferred from Agnes Murphy to William J. and David M. Curry.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1997

4438-3
5030-3

Curry Seeds
%Bill Curry
P.O. Box 517
Elk Point, SD 57025

Dear Mr. Curry:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 4438-3 (this is the land owned by Kenneth Jolin), and 5030-3 (formerly owned by Agnes Murphy), have been completed. The final water right documents, the Water Licenses, can now be issued..

Statutes require that we charge a \$50.00 fee per license for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$100.00 total) from you, we will begin processing your Water Licenses.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5030-3

(1) Agnes Murphy, Elk Point SD made Application No. 5030-3, April 20, 1984 for a water permit to divert 2.25 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5030-3, with a priority date of September 17, 1984 was approved December 5, 1984 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 5, 1989 and for the application to beneficial use of said water on or before December 5, 1993.

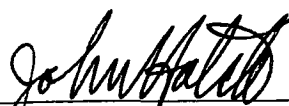
On December 20, 1996, Water Permit No. 5030-3 was transferred to William J and David M Curry.

(2) It is certified that the permit holders have 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 1.82 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet north and 1,420 feet east from the southwest corner of Section 22-T91N-R49W (100 feet east from the center of the SW 1/4).

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

Section 22-T91N-R49W	NW 1/4 SW 1/4	31 acres
	NE 1/4 SW 1/4	33 acres
	SW 1/4 SW 1/4	31 acres
	SE 1/4 SW 1/4	33 acres
Total		128 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 William J and David M Curry, PO Box 517, Elk Point SD 57025 the holders and/or owners of Water Permit No. 5030-3 are issued a license to appropriate water, the right to use 1.82 cubic feet of water per second from groundwater (one well) with a priority date of September 17, 1984 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. 5030-3 and subject to South Dakota State Law.


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

APR 7 1997

date



RECEIPT

415280

Division of Water Rights

South Dakota Department of Environment and Natural Resources

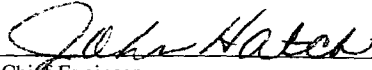
Pierre, _____ March 19, 19 97

RECEIVED OF Curry Seed Company, P.O. Box 517, Elk Point, SD 57025-0517

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>5030-3</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

5030-3

William J. and David M. Curry
P.O. Box 517
Elk Point, SD 57025

Dear Sirs:

Enclosed is Water License No. 5030-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415211 in the amount of \$2.50 which you paid for the transfer of ownership of this Water License. Also enclosed is Receipt No. 415280 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5303-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

NOT TO SCALE

