

Considered: _____

WATER PERMIT NO. 5058-3

MAP No. same

Name of Applicant Richard Perry

Post Office Address 2433 Lariat Meadows Dr. Eugene, Oregon

Amount of Water Claimed 1724.63 cfs Total Acres ~~114~~ 120

Source of Water Supply groundwater

Water to be used for IRR County Turner

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 10/1 8-16-85 Not Received _____

APPLICATION: Approved 10-16-85 Subject to _____

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

PRIORITY _____ Date Received 3-7-85 Fee \$225~~00~~ Remarks final S/W

7-16-85 approval for 6 acres in NE⁴ sec. 31 received July 16, 1985

Corrected Application Received _____ Period of Annual Use May 1 - Sept. 30

WATER QUALITY APPROVAL RECEIVED 3-15-85 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO X REMARKS see letter and phone

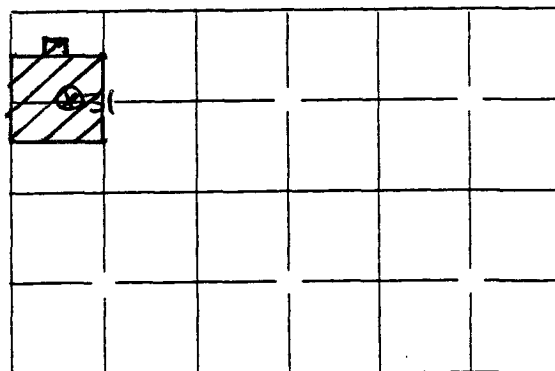
call concerning the 5 acres in application

Diversion Point SE⁴ NW⁴ sec. 31 T99N-R52W

note: section is odd size

Land to be Irrigated S² NW⁴, N² SW⁴ sec. 31

T99N-R52W



Well Log: Driller Wetmore Licensed YES X NO _____

Depth of Well 102 feet REMARKS _____

Type of Map Aerial PREPARED BY J.W. Rigele Reviewed and the Number

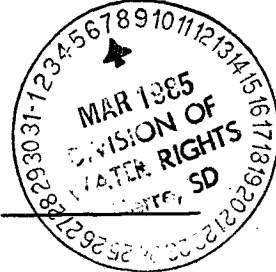
assigned on 3-27-85 By Kevin C. Larson

No. <u>5058-3</u>	Hydrologic Unit <u>10170102</u>
Map No. <u>same</u>	Basin <u>Vermillion</u>
Newspaper <u>The New Era,</u>	<u>Parker S.D. (Wed)</u>

Box 577

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. _____ 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 _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Richard S. Perry Phone No. _____Post Office Address 2433 Lariat Meadows Drive Eugene, Oregon State 97401
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.71 Total acres irrigated 1203. Source of Water supply Well4. Location of point of diversion South Half Southeast Quarter Northeast Quarter
Section 31 Township 99 Range 52County Turner5. Counties where water will be used Turner6. Annual period during which water is to be used May - September

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 $\frac{1}{4}$ NW $\frac{1}{4}$	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$	10
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$	25

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	5
Sec. 31 T99N-R52W	

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)

Low pressure, center pivot, sprinkler irrigation for irrigation of row crops including corn and soybeans.

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 _____ ssI, Richard S. Perry of Turner County, South Dakota, do hereby 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 Richard S. PerrySubscribed and sworn to before me this 1st day of March 1985Keith E. Lusk Feb 1992

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5058-3
Richard Perry 2433 Lariat Meadows Drive, Eugene
(Applicant) (Post Office Address)
Oregon 97401 With the following qualifications.
(State) (Zip Code)

1. That the irrigation well authorized by Permit No. 5058-3 may not penetrate the second till layer. The top of the second till layer is estimated to be 110 feet deep.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application March 7, 1985.
Date of return to applicant for correction, amendments or changes required March 21, 1985.
Date of receipt of corrected application July 16, 1985. Approved October 16, 1985.

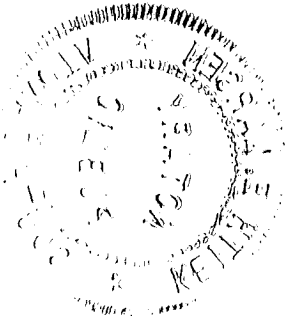
The Water Management Board hereby approves this Water Permit No. 5058-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is July 16, 1985.
2. One-fifth of the work is to be completed on or before March 16, 1988.
3. The whole of said work is to be completed on or before October 16, 1990.
4. The time limit for proof of beneficial use of water is October 16, 1994.
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 1.71 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 October 16, 1994; said water to be used during the following described annual period: May 1 to September 30.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer JOHN HATCH
Division of Water Rights
Dept. of Water and Natural Resources

NOV 19 1985, 1985





No. _____
Map No. _____ Water Division No. _____ District _____
Above for Office Use

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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Richard S. Perry Phone No. 503-343-6522
Post Office Address 2433 Lariat Meadows Dr. Eugene State Oregon 97401
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation _____

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

3. Name of diversion work Richard S. Perry # 1

4. Amount of water claimed (cubic feet per second) 1.71

5. Source of water supply Well

6. Location of point of diversion South Half Southeast Quarter Northeast Quarter
Section 31 Township 99 Range 52

County Turner

7. Annual period or periods during which water is to be used May - September

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

9. For irrigation use, Total number of acres to be irrigated 120 acres

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.
SW1/4 NW 1/4	40
SE1/4 NW1/4	10
NW1/4 SW1/4	40
NE1/4 SW1/4	25 45 35

Land Description	No. Acres Irr.
SW1/4 NE1/4 NE1/4	5

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 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water The New Era, Parker

12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Irrigation of row crops, Corn and Soy Beans.

Estimated Total Cost \$ 65000.00

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 Union) ss.

I, Richard S. Perry of Turner Co., OR, 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 James S. Sample

Subscribed and sworn to before me this 1st day of February, 1985

Eugene W. Skyles
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. _____

(Applicant)

(Post Office Address)

(State)

With the following qualifications.

Date of first receipt of application _____, 19____

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Management Board hereby grants and issues this Water Right Permit No. _____ 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 _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

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 _____ 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 _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter 22", Depth 102'
- (2) Casing, Type PVC, Diameter 16", Thickness 1/2"
(wood, concrete, steel, etc.)
- (3) Screen, Type SLOTTER PVC, Diameter 16", Length 40'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 60'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

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

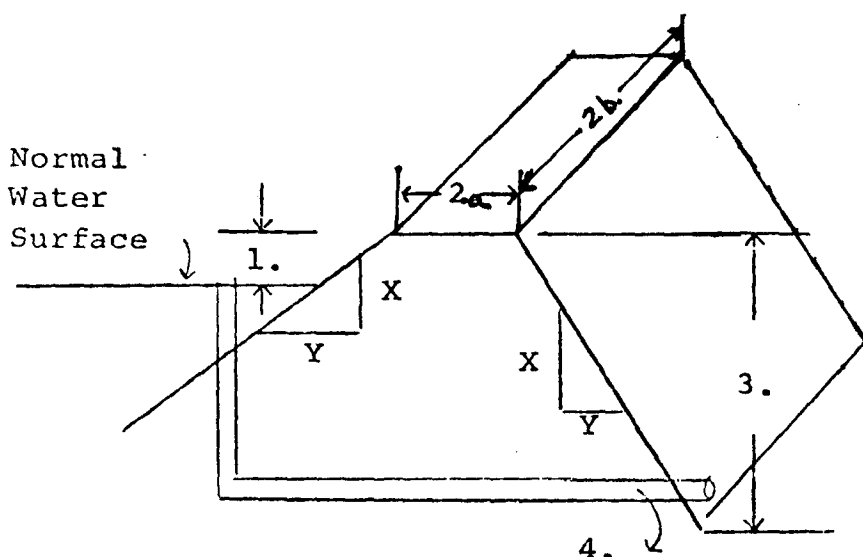
- Depth to top of water bearing material 76'
- Depth to bottom of water bearing material 102'
- Depth to water (ground surface to water level) 41'

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

- On same owner's property 40 rds.
- On property owned by others 160 rds.

G. Water Storage Dams

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



1. Freeboard _____
- 2a Crest width b length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
- Drainage area above dam _____

Richard D. Pinner
To Farmers The Co Agent
By *James L. Temple*
Signature of Applicant

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 102'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type Slotted PVC Diameter 16" Thickness 40'
- d) Gravel Pack Thickness 3" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 76'
- f) Depth of Water (ground surface to water level) 41
- g) Distance to nearest existing domestic well:
- On applicants property 40 Rds On property owned by others 160 Rds

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

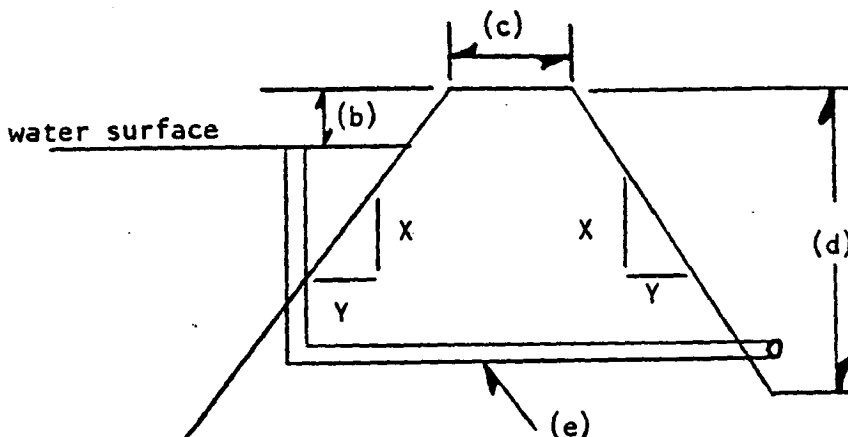
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Richard D. Perry
of James F. Temple
James F. Temple

**P.O. Box 577
Elk Point, South Dakota 57025
Phone [605] 356-3272**

Date 12-11, 1954

No.	Description	Amount
	S $\frac{1}{2}$ NW $\frac{1}{4}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ SE 31-99-52	
	0-2 TOP SOIL	
	2-26 CLAY	
	76-102 COARSE SAND & GRAVEL	
	Wetmore Drilling	
	James Wetmore	

Received By

Sub Total

Tax

TOTAL

**Please Pay By Invoice
No Statement Will Be Sent**

RECEIPT

Division of Water Rights

No 4 9959

South Dakota Department of Water and Natural Resources

Pierre, March 7, 1985

RECEIVED OF Richard S. Perry, 2433 Lariat Meadows Dr., Eugene, OR 97401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	225	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 _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	225 00

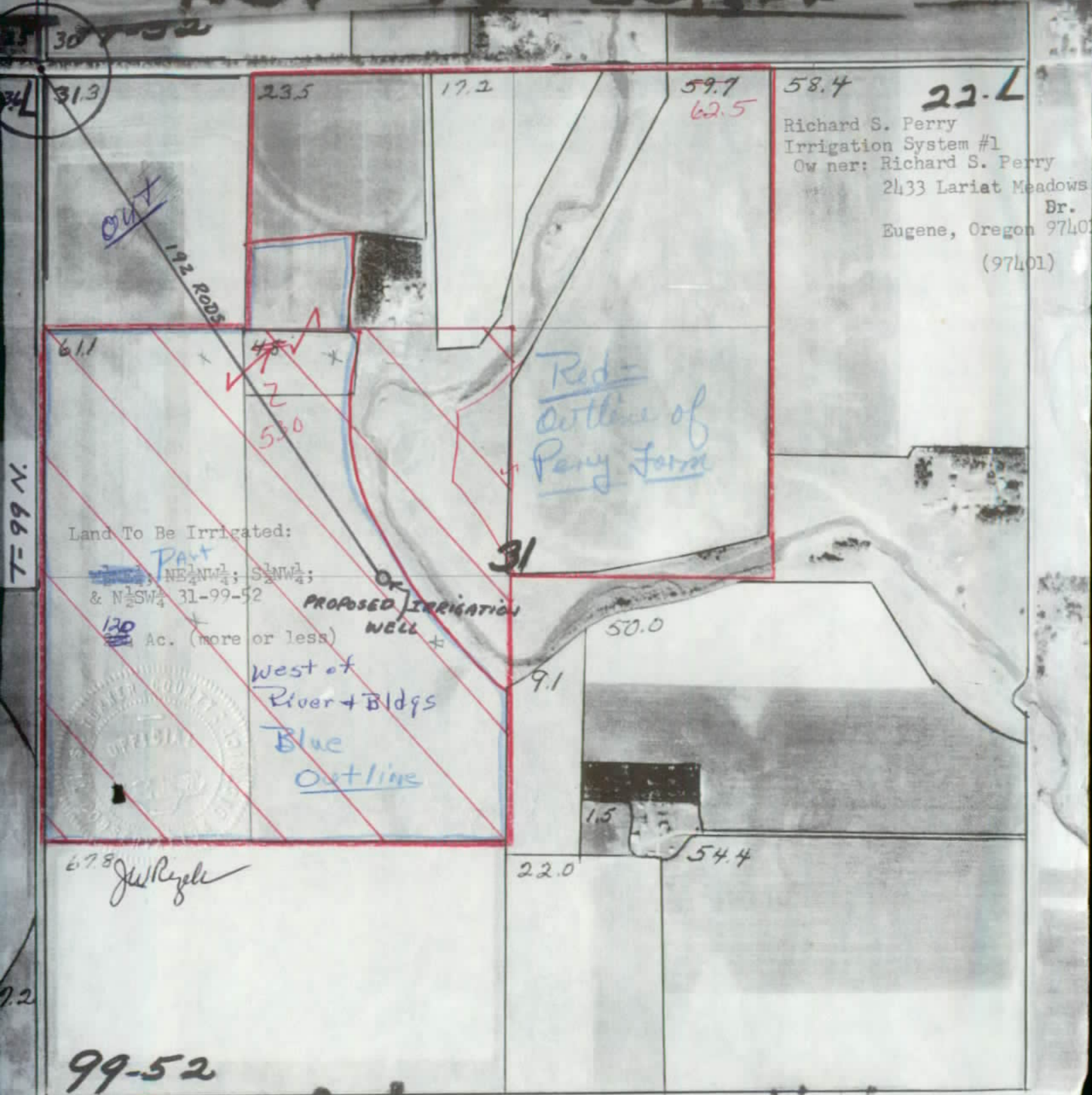
By

Chief Engineer

JOHN HATCH

R. 52 W.

NOT TO SCALE



App # 5058-3

SOUTH Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 11, 1985



Richard S. Perry
2433 Lariat Meadows Drive
Eugene, Oregon 97401

Dear Mr. Perry:

We are in receipt of your permit application to irrigate 120 acres in Turner County. The filing fee for this application is \$225.00. Also the permit application lists 120 acres and the map shows 264 acres. I am returning the application to you to correct these discrepancies. The filing fee, completed application (including soil/water approval from the Department of Agriculture) must be in our office by March 25, 1985 to be considered by the Water Management Board in May.

If you have any further questions please contact this office. I am enclosing new forms to use if you need to.

Thank you,

Kevin C. Larson

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.



JIM SAMPLE
Farm Manager
Phone 605-624-3192

Rt. #1, Box 134
Vermillion, S. Dakota 57069

12-23-85
Mr. Larson
I am sending these forms for completion or revision to Mr. James Sample, my farm manager, Farmers National Co. I am enclosing a check for the filing fee \$225.00. Please expedite so that we can irrigate in Summer 1985. Thank you.
Richard S. Perry
2433 Lariat Meadows Dr.
Eugene, OR 97401
Enclosure - check \$225.00

Equal Opportunity Employer

FARMERS

4820 Dodge St. Omaha, Nebraska 68132
NATIONAL COMPANY

TELEPHONE 553-7305
AREA CODE 402

MR. JIM SAMPLE, Farm Manager
P. O. Box 59
Vermillion, South Dakota 57069

March 1, 1985



Mr. Kevin C. Larson
Natural Resources Engineer
S.D. Department of Water & Natural Resources
Joe Foss Bldg., 523 Capitol
Pierre, S.D. 57501-3181

Dear Mr. Larson:

Attached is a corrected short form application which I hope meets your requirements. I am the managing agent for Mr. Richard Perry and he would like to develop this project in 1985 for irrigation.

Any further corrections or additions should be addressed to me at my address - RFD #1, Box 134, Vermillion, S.D., 57069. I would assume by now the water sample to be in Pierre as I personally delivered it to the laboratory in Brookings in late January.

Thank you,

Jim Sample
Jim Sample
Farm Manager

JIS:rs

Water Rights Division
605 773-3352

March 21, 1985

Farmers National Co.
ATTN: Jim Sample
Rt 1, Box 134
Vermillion SD 57069

Mr. Sample:

I received the soil/water compatibility permit for Richard Perry's application. The five acre tract listed on the permit application is not on the soil/water permit. There are two options to resolve this: delete the 5 acres from the permit and advertise for the May 15 & 16 meeting or submit another WI-1 for the five acres. That would delay consideration until July 10 & 11. Please advise before March 29, 1985.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Richard S. PerryOWNERS ADDRESS: 2433 Lariat Meadows Dr.
Eugene, Or. 97401COUNTY LAND LOCATED IN: Turner Co.PHONE: 503-343-6522TENANT'S NAME AND ADDRESS: Doyle ChristensenRR1 Box 32 Parker, S.D. 57053LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres, 2640 Ft N and 1760 Ft E of the
1. WELL LOCATION SW corner 31-99-52Depth 100 feet

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>S$\frac{1}{2}$ NW$\frac{1}{4}$ 31-99-52</u>			
<u>N$\frac{1}{2}$ SW$\frac{1}{4}$ 31-99-52</u>			
<u>(West of the Vermillion River)</u>	<u>114</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)**

OTHER: _____

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ (Specify) _____6. CROPS TO BE IRRIGATED: Corn / Bean rotation

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

7. WATER SAMPLE NUMBER: 85-0043 10. ADJUSTED (SAR): 5.908. SALINITY (EC X 10⁶): 1950 11. PERCENT SODIUM 22.50%9. SODIUM (SAR): 2.04

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 5:30 a.m./p.m., on 12/11, 1985, at the following location: test well as shown on map

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

1 DAY OF January, 1985.

(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.

#4138

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATIONNAME OF APPLICANT: Richard PerryLEGAL DESCRIPTION: 8 1/2 NW 1/4; N 1/2 SW 1/4 31-99-52 = 114 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

A buffer strip along the Vermillion River shall remain in permanent vegetation and shall be restricted from irrigation to address the erosion hazards. When the pivot passes through this area the use of an automatic sprinkler may be beneficial.

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

We recommend the use of a form of conservation tillage to conserve soil moisture and reduce erosion.

We also recommend that in your water management that additional water be applied to leach the salts from the root zone and maintain conditions which will enhance the salt movement into the gravelly material below. If this is not done the salt will accumulate just above the gravel.

You should also monitor the field for development of a water table. If a water table does develop and remain for extensive periods it will inhibit the leaching of salts. Should this occur, you may have to provide a form of artificial drainage to address this problem.

SIGNATURE John A. SmithDATE 3-14-65

MR. JIM SAMPLE, Farm Manager
R. #1, Box 134
Phone 605-624-3192
Vermillion, South Dakota 57069

FARMERS NATIONAL COMPANY

FARM MANAGEMENT SALES AND APPRAISALS
4820 DODGE ST., OMAHA, NEBRASKA 68132, (402) 553-7305

March 25, 1985

Department of Water & Natural Resources
Joe Foss Bldg.
523 E. Capitol
Pierre, South Dakota 57501

Re: your letter of 3-21-85

Dear Mr. Larson:

I received your letter of March 21st regarding the differences in the acreages of the permit application for Mr. Richard S. Perry.

Please delete the five (5) acres in question so we may advertise for the May 15-16 meeting. We do want to irrigate in 1985 if at all possible.

Thank you.

Sincerely,



James I. Sample
Farm Manager



Conversation or File Documentation

NAME OF PERSON OR FILE: Tim SampleADDRESS: RT. 1 Box 154 COUNTY _____DATE: 3-27-85 TELEPHONE _____RE: Richard Perry application

COMMENTS:

I called Tim Sample about the five acres listed on the permit application and not the Soil/Water permit. He told me to drop the five acres from the application.

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: Kevin Carson

WATER RIGHTS DIVISION
(605) 773-3352

April 4, 1985

Richard S. Perry
2433 Lariat Meadows Drive
Eugene, Oregon 97401

Dear Mr. Perry:

Your permit application No. 5058-3 will not be advertised for the May 15 and 16, 1985 meeting of the Water Management Board. The staff report for your application could not be completed before the May meeting advertising deadline. The next scheduled meeting is July 10 and 11, 1985.

If you have any questions please feel free to contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:KCL:ms

cc: Jim Sample
Rt#1, Box 134
Vermillion, SD 57069

MR. JIM SAMPLE, Farm Manager
R. #1, Box 134
Phone 605-624-3192
Vermillion, South Dakota 57069

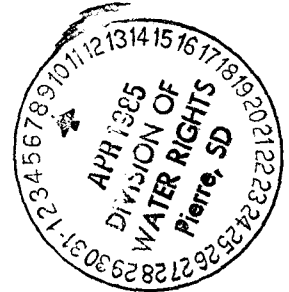


FARMERS NATIONAL COMPANY

FARM MANAGEMENT SALES AND APPRAISALS
4820 DODGE ST., OMAHA, NEBRASKA 68132, (402) 553-7305

April 5, 1985

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Bldg.
Pierre, S.D.



Dear Mr. Hatch:

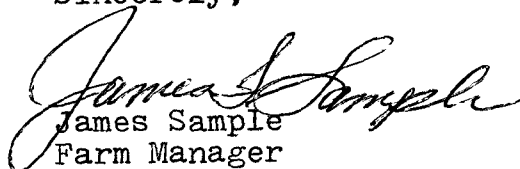
Please refer to Mr. Kevin Larson's letter of 3-21-85 regarding Water Application No. 5058-3. I responded both by letter on March 25th and also by a telephone conversation with Mr. Larson regarding this matter.

I received your letter to Mr. Perry dated April 4th today and tried to reach your office by phone and found no answer.

Please explain why this application can not be advertised for the May 15-16th meeting? It appears to me the office work load in your office is too heavy when almost no permits are being applied for.

I will call you Monday morning-April 8th for further explanation of this decision. I trust you will expedite this matter for the May meeting immediately. Thank you for your consideration.

Sincerely,


James Sample
Farm Manager

cc: Perry

Jim Sample
Farm Management Inc.

Farm Management - Sales - Rural Appraisals

R # 1 BOX 134
VERMILLION, S.D. 57069
(605) 624-3192

April 10, 1985

Senator Timothy Johnson
119 E. Main
Vermillion, S.D. 5706

re: Permit Application No 5058-3
Turner Co.

Dear Sir;

As you and I discussed, I am enclosing copies of several letters pertaining to an application for an irrigation permit in the west half of Section 31, T99N, R52W, Turner County, South Dakota.

This original application was recieved in Pierre on February 6, 1985. This application was returned for correction and again recieved in Pierre on March 7, 1985. The Soil/water compatibility was approved by the Dept. of Conservation on March 15 and forwarded to Water Rights Division for approval.

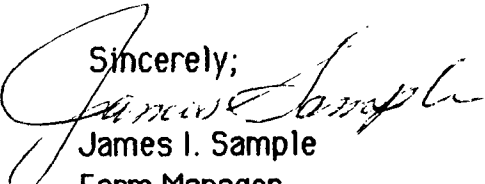
On March 21st, I was notified of a 5 acre difference in the application and the Soil/water permit. I contacted Kevin Larson who assured me we still had time to make to May 15-16 hearing. I recieved a letter from John Hatch on April 5th telling me they could not get thier paper work done for the May meeting. I Immeadiately tried to call him, the office was closed for Good Friday.

I did reach Mr. Hatch on Tuesday, April 9th. I was told that the Hydrologist was working on this but could not determine if water was available at this time.

By July 10-11 meeting, it will be too late to irrigate in 1985, further delaying progress in Turner County.

I hope I have answered some of the questions we discussed.
Thank you for your time and effort in this matter.

Sincerely;


James I. Sample
Farm Manager

cc file, Richard S. Perry.



STATE OF SOUTH DAKOTA

SENATE CHAMBERS

PIERRE

Tim Johnson
State Senator
Box 272
Vermillion, South Dakota 57069

April 11, 1985

Mr. Robert Neufeld
Water & Natural Resources
Foss Building
Pierre, South Dakota 57501

RE: Permit Application #5058-3
Turner County

RECEIVED
APR 12 1985
DEPT. OF WATER &
NATURAL RESOURCES

Dear Bob:

Enclosed is a copy of a letter I received today from a constituent, Mr. James Sample. Mr. Sample is understandably upset with the red tape he finds his application snarled in. Having begun this process early in February, he now finds that there is good possibility that his permit will not be approved until July 10 - effectively eliminating the possibility of irrigation for 1985.

Please let me know if there is anything that can be done to expedite this process. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tim Johnson', with a long, sweeping horizontal line extending to the right.

Tim Johnson
State Senator
Clay-Union

TJ*lbj
Enclosure

Application No. 5058-3
Richard S. Perry
April 18, 1985

Application No. 5058-3, Richard S. Perry, proposes to irrigate 115 acres in the S1/2 of NW1/4 and N1/2 of SW1/4 Section 31-T99N-R52W. The application intends to use a 102 foot well located in the SE1/4 of NW1/4 Section 31-T99N-R52W. The well will withdraw 1.63 cubic feet per second of ground water from the Parker Centerville aquifer.

Hydrologic Data:

The aquifer the applicant proposes to withdraw water from is the Parker-Centerville aquifer. The Parker-Centerville aquifer (PAC) is a two layer sand and gravel outwash of glacial origin. The upper sand and gravel unit extends from the surface to a depth of approximately 50 feet. The upper unit functions as a water-table aquifer. The second sand unit of the PAC is a sand and gravel unit, varies in thicknesses from less than ten feet to approximately thirty-five feet and is separated from the top unit by till. The second unit functions as an artesian aquifer. Water levels in the two units of the PAC are approximately equal when there are minimal withdrawals from the system. Directly below the PAC is the Upper Vermillion Missouri (UVM) aquifer. This aquifer is a sand and gravel aquifer of glacial origin and is separated from the PAC by glacial till. The UVM aquifer functions as an artesian aquifer.

The PAC and UVM are managed as separate aquifers, but water levels and test drilling indicate that there is a hydrological connection between the three layers (see cross-sections attached).

The PAC and UVM are monitored by forty-six observation wells. The wells in the upper sand unit of the PAC (water table) show a seasonal fluctuation of water levels with relatively high water levels in the spring and lower water levels in the fall. The wells in the lower unit of the PAC show the effects of irrigation by a rapid lowering of head pressure during the summer and rapid recovery of the head when irrigation stops. Wells in the UVM also show the effects of irrigation, but in the area of cross-section A-A' TU-77U and TU-77V have converted to water-table conditions during the irrigation season.

In all of the wells, the water levels are at an all time high. This is due to the extensive recharge event during 1983-1984 (see attached hydrographes).

Potential Problems

The applicant proposes to withdraw water from the lower unit of the Parker-Centerville aquifer. Information (see cross-section A-A') available indicates that the lower unit of the PAC does not exist at the cross-section. This could indicate that the applicant would actually be withdrawing water from the UVM aquifer. With the UVM aquifer converting to water-table conditions, there is the potential for interference with existing water rights withdrawing from the UVM aquifer. To prevent this problem, the well proposed by Application No. 5058-3 should not be drilled any deeper than 110 feet or down to a second till layer when encountered less than 110 feet deep.

Water Availability

The Parker-Centerville aquifer contains an estimated 132,900 acre-feet of recoverable water (Hedges, 1983). The value for recoverable water is based on the upper unit or water table portion of the system. For purposes of this report, the second layer of the system is included in the PAC which makes using Hedges, 1983 data invalid for determining percentages of water appropriated versus water available. Based on a review of the observation well records, existing permits and actual water use, it is apparent that water is available for this application.

Conclusions

1. There are three separate sand and gravel units that produce water for irrigation. Data indicates that the three units are hydrologically connected.
2. The lower unit converts to water-table conditions during the irrigation season. Further appropriation from the lower unit is not recommended where it has converted to water-table conditions.
3. The application can be approved with the condition that the irrigation well cannot penetrate a second till layer located at a depth of approximately 110 feet.
4. Observation wells exist and are being monitored for this hydrological system.

Gale N. Selken

Gale N. Selken
Hydrologist III

References

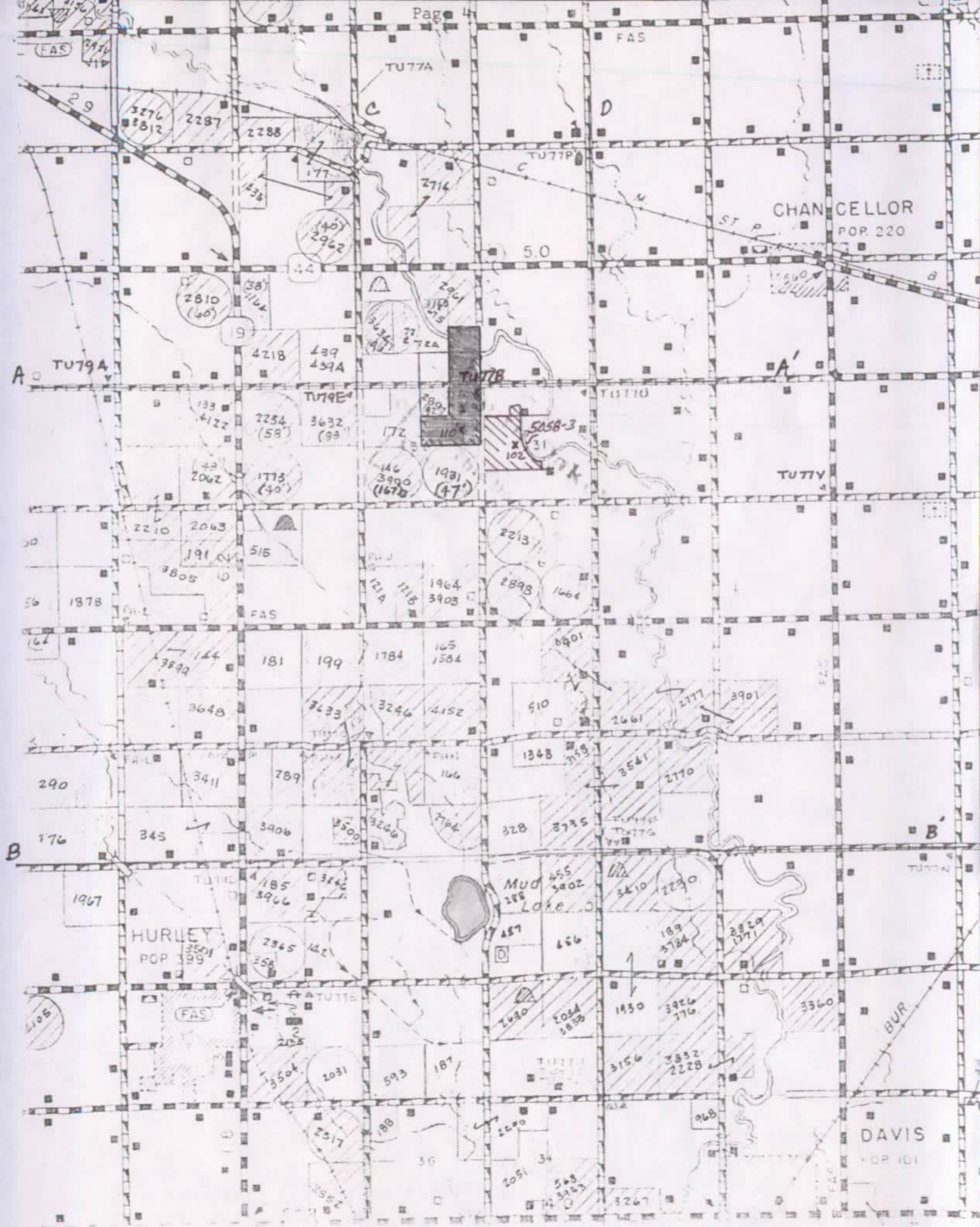
DWNR, Division of Water Rights, Observation Well files (computerized and microfiche), Water Rights Division files, Irrigation questionnaire data and well log files (unpublished).

Hedges, Burch, Iles, Evaluation of Groundwater Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, 1983.

Selken, Report on Application No. 4172-3, Presented to Water Management Board, October 1980.

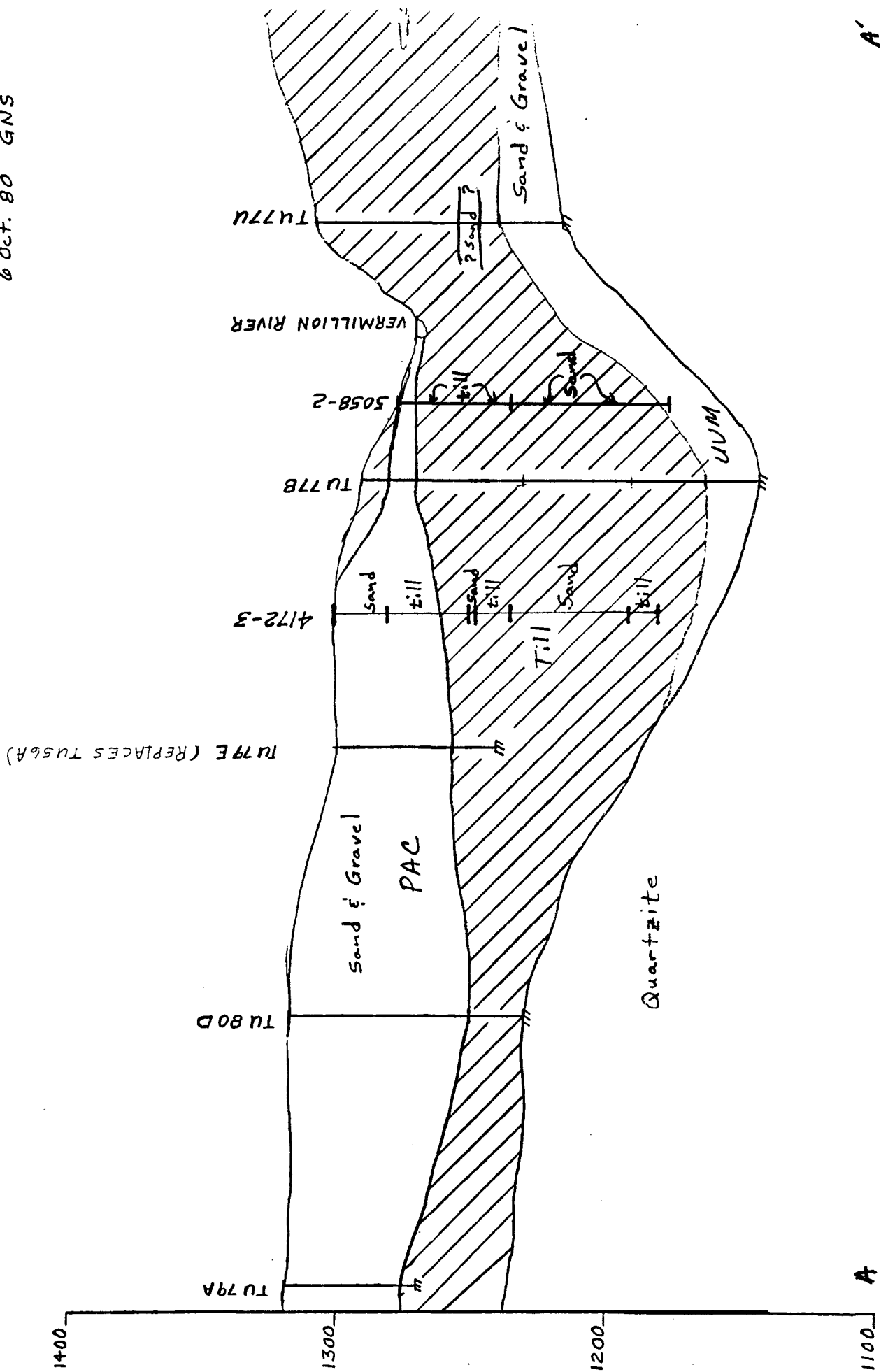
Selken, Report on Application No. 5024-3, Presented to Water Management Board, August 1984.

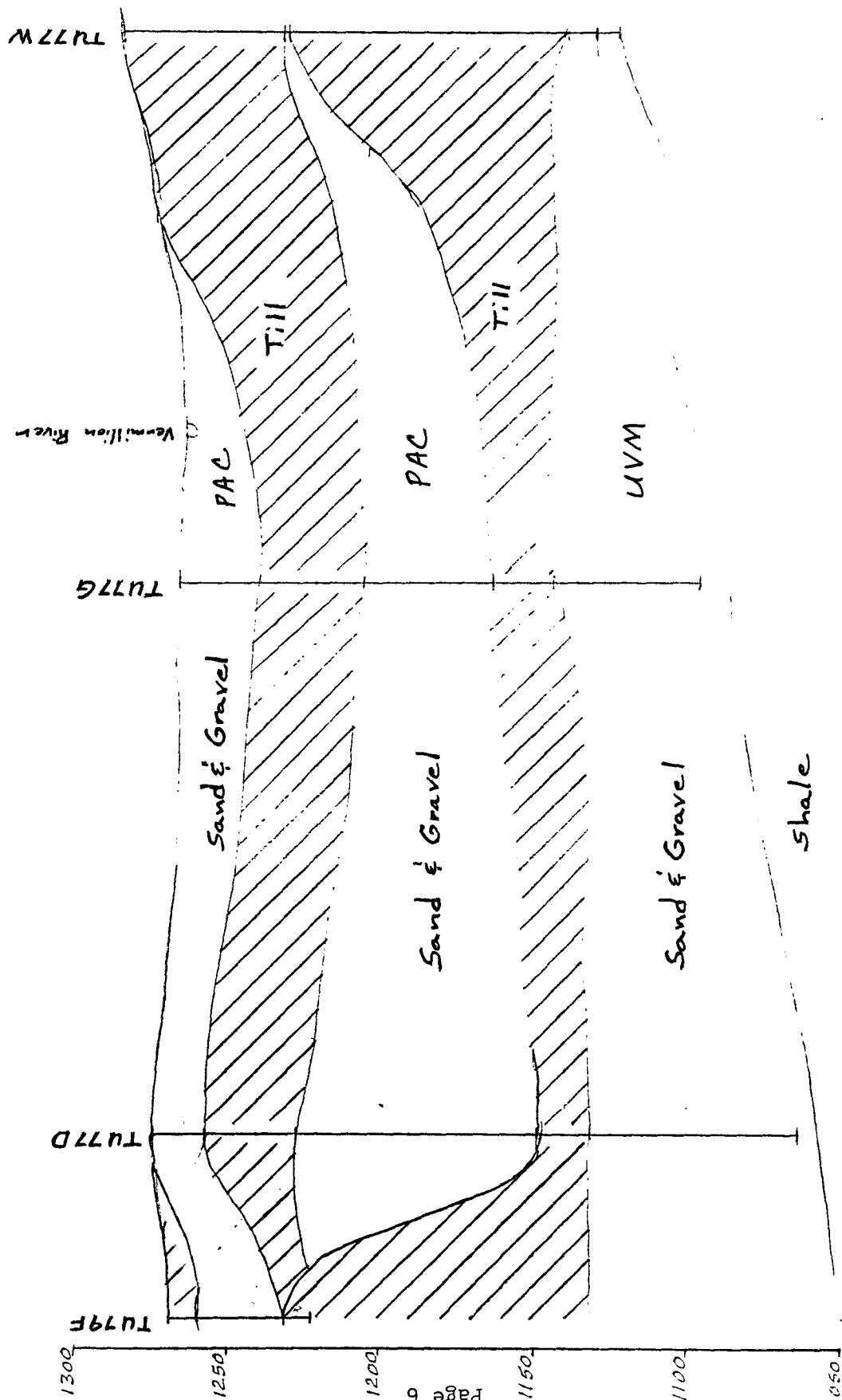
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Turner County

6 Oct. 80 GNS

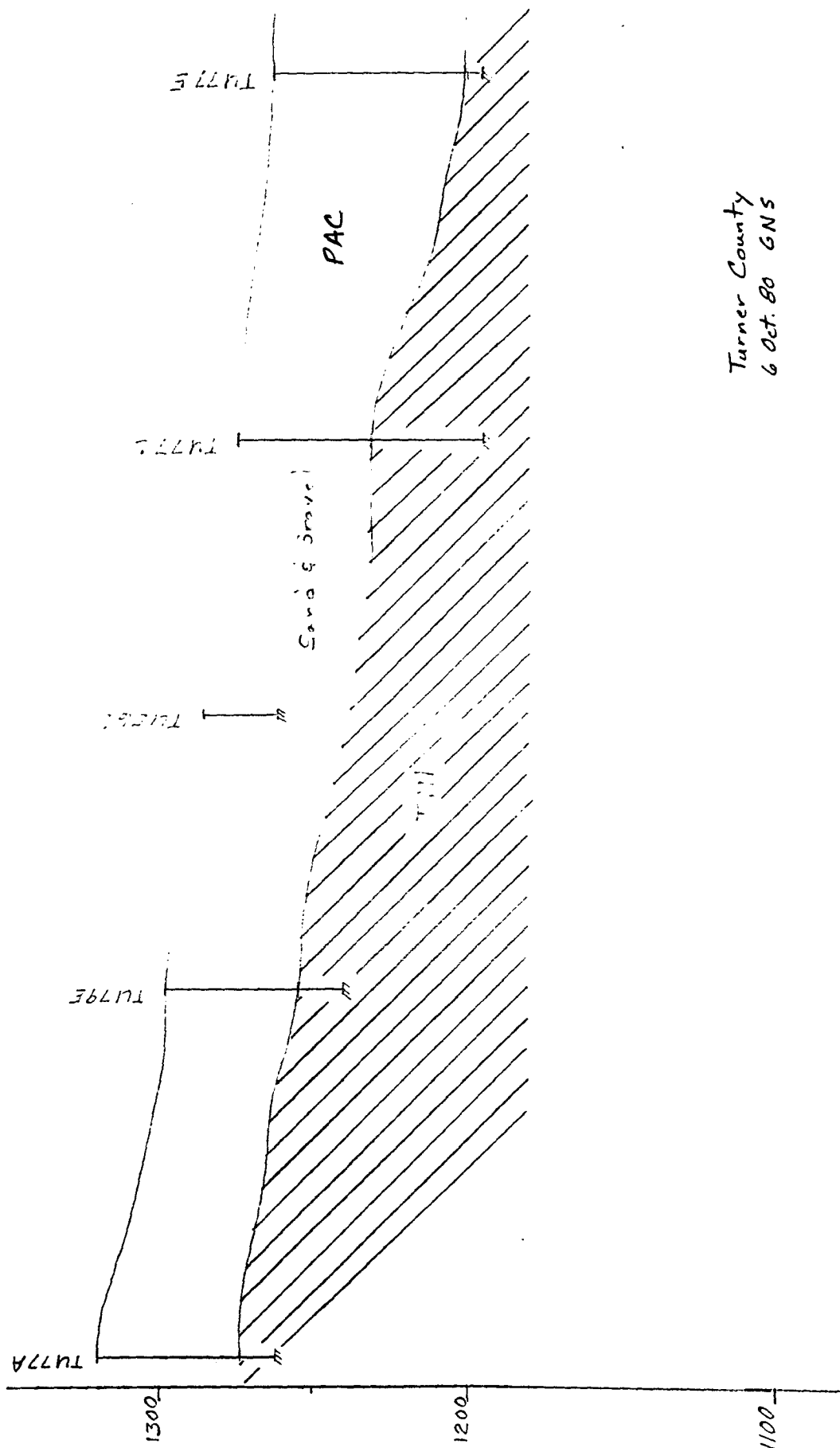


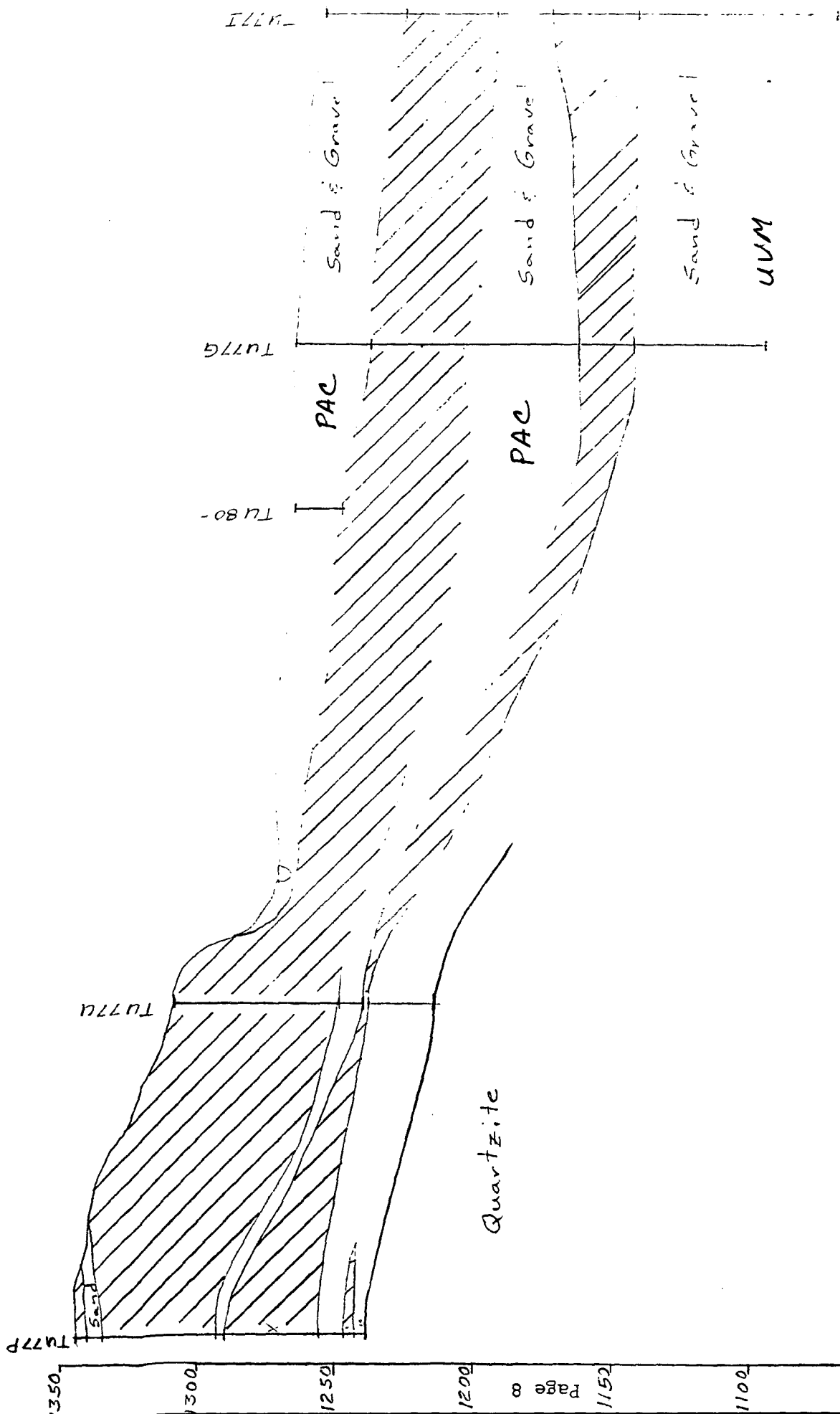


Turner County
6 Oct 80 GNS

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Turner County
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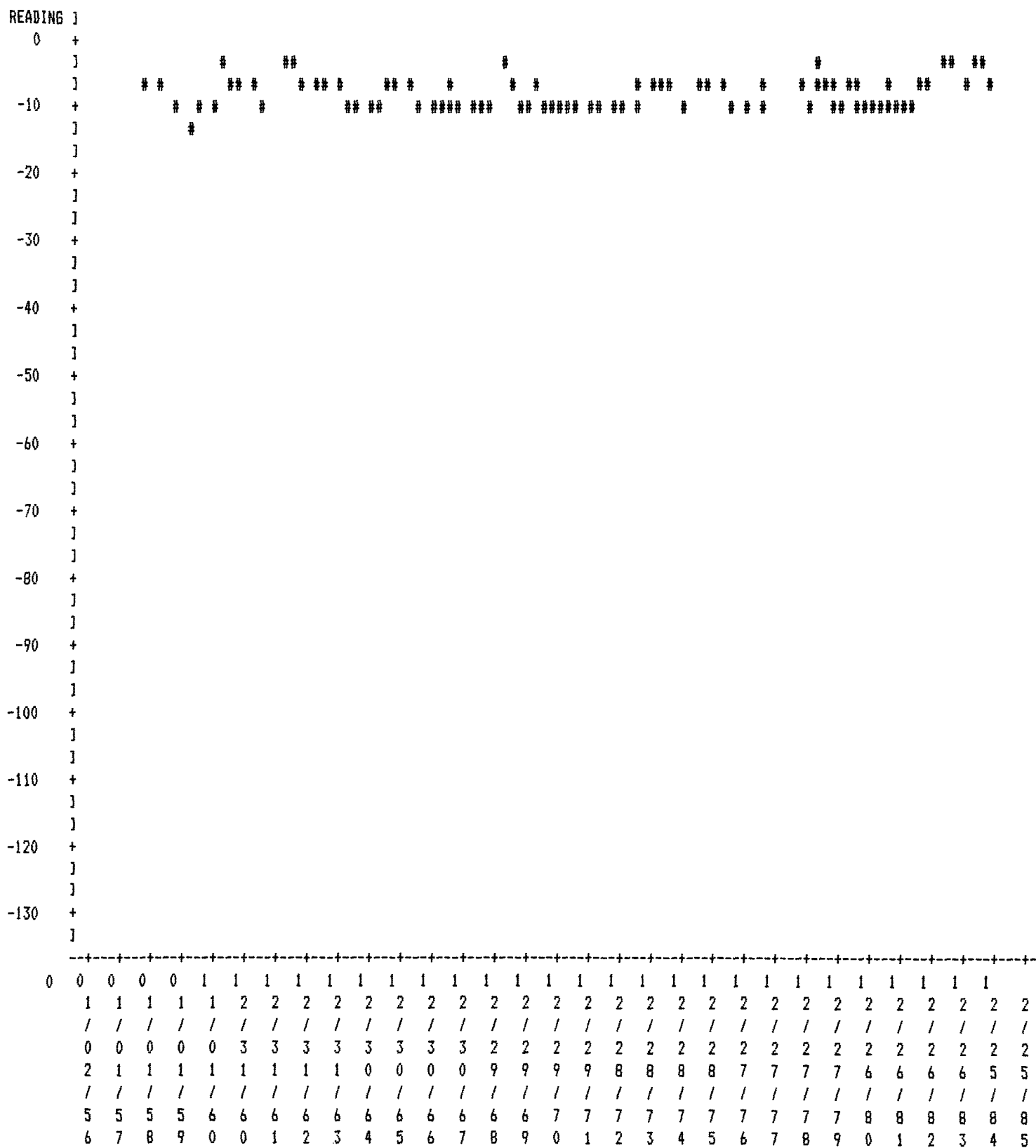
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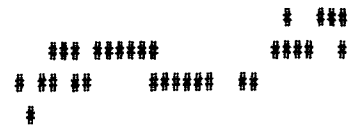
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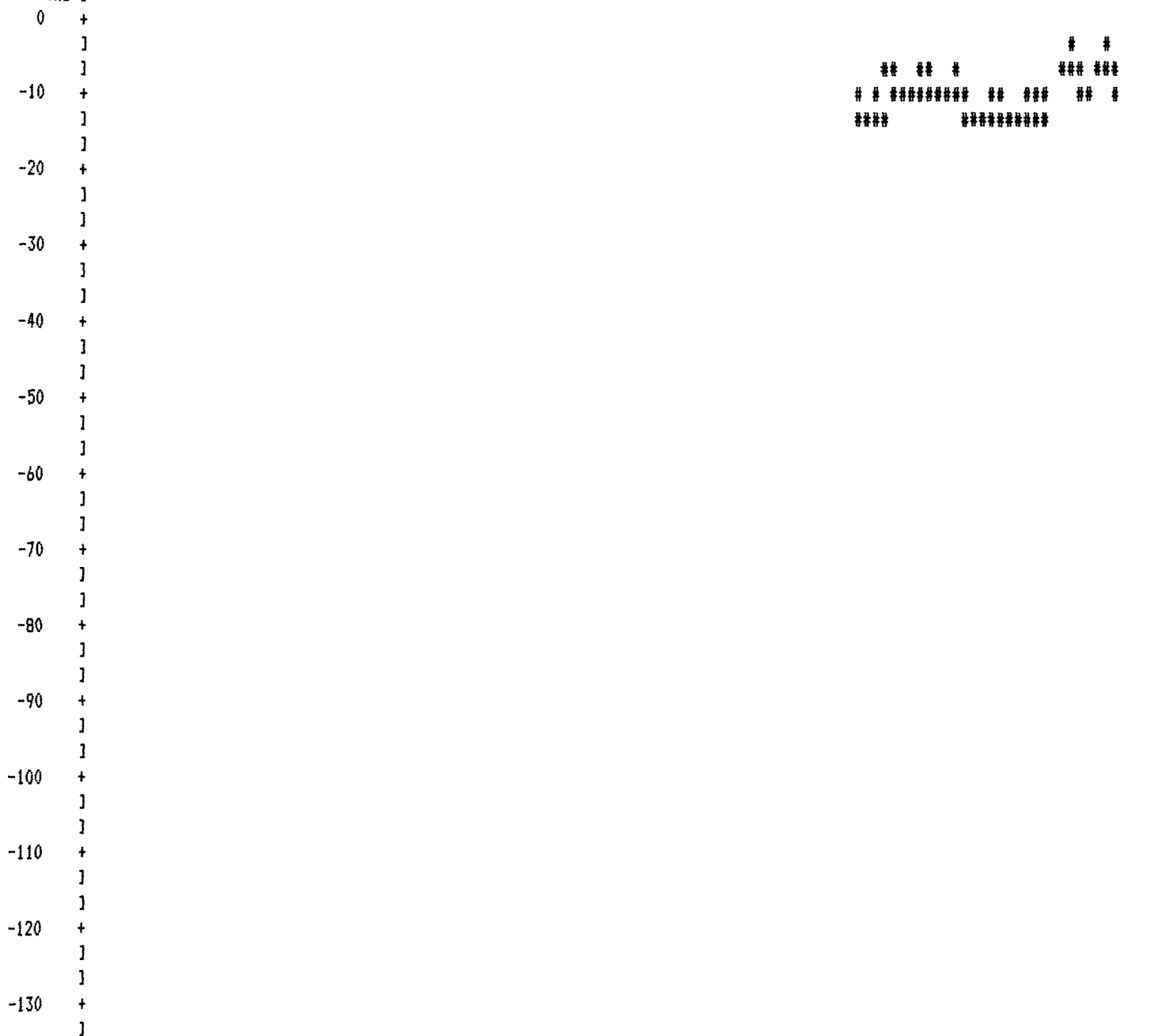
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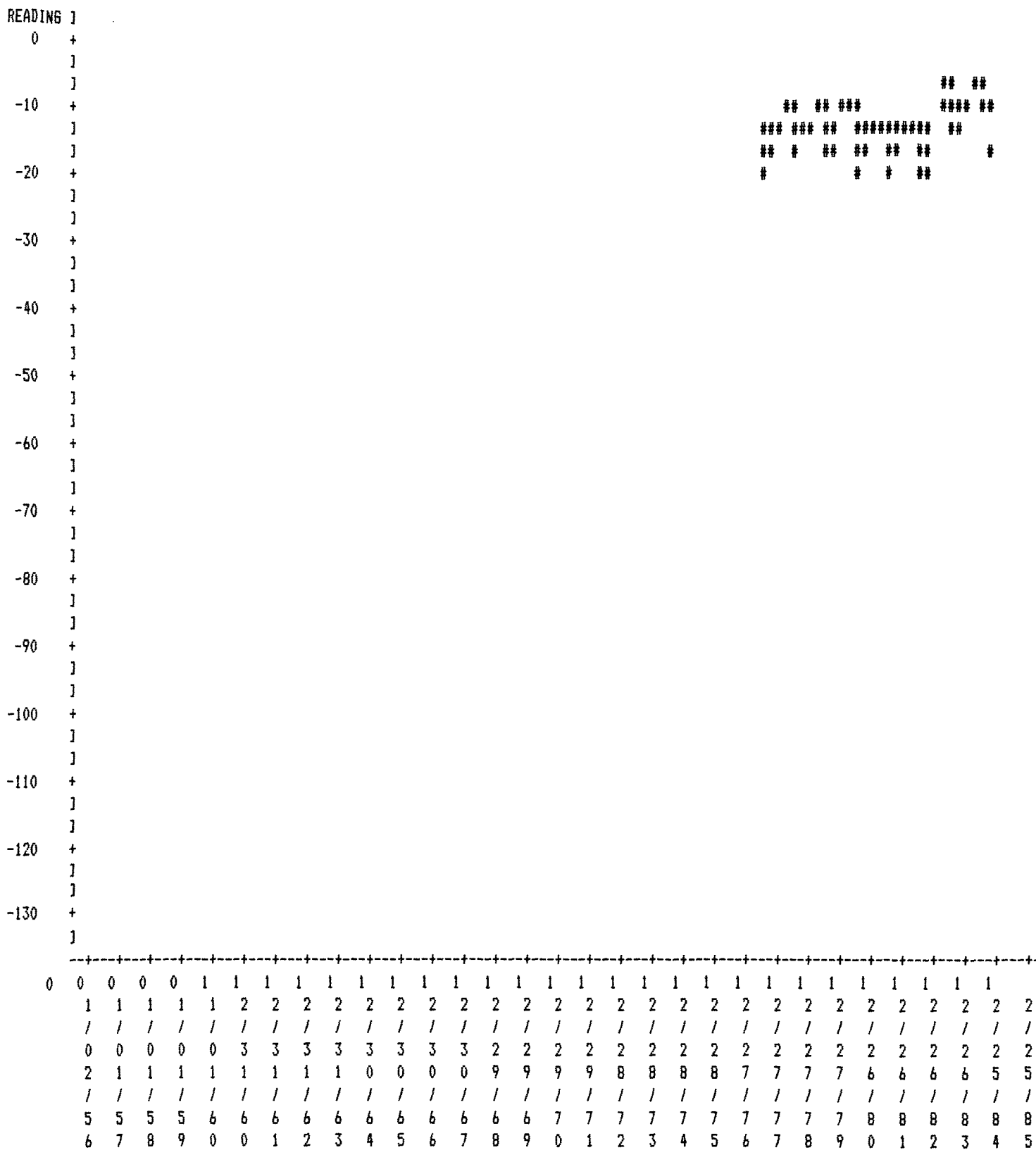
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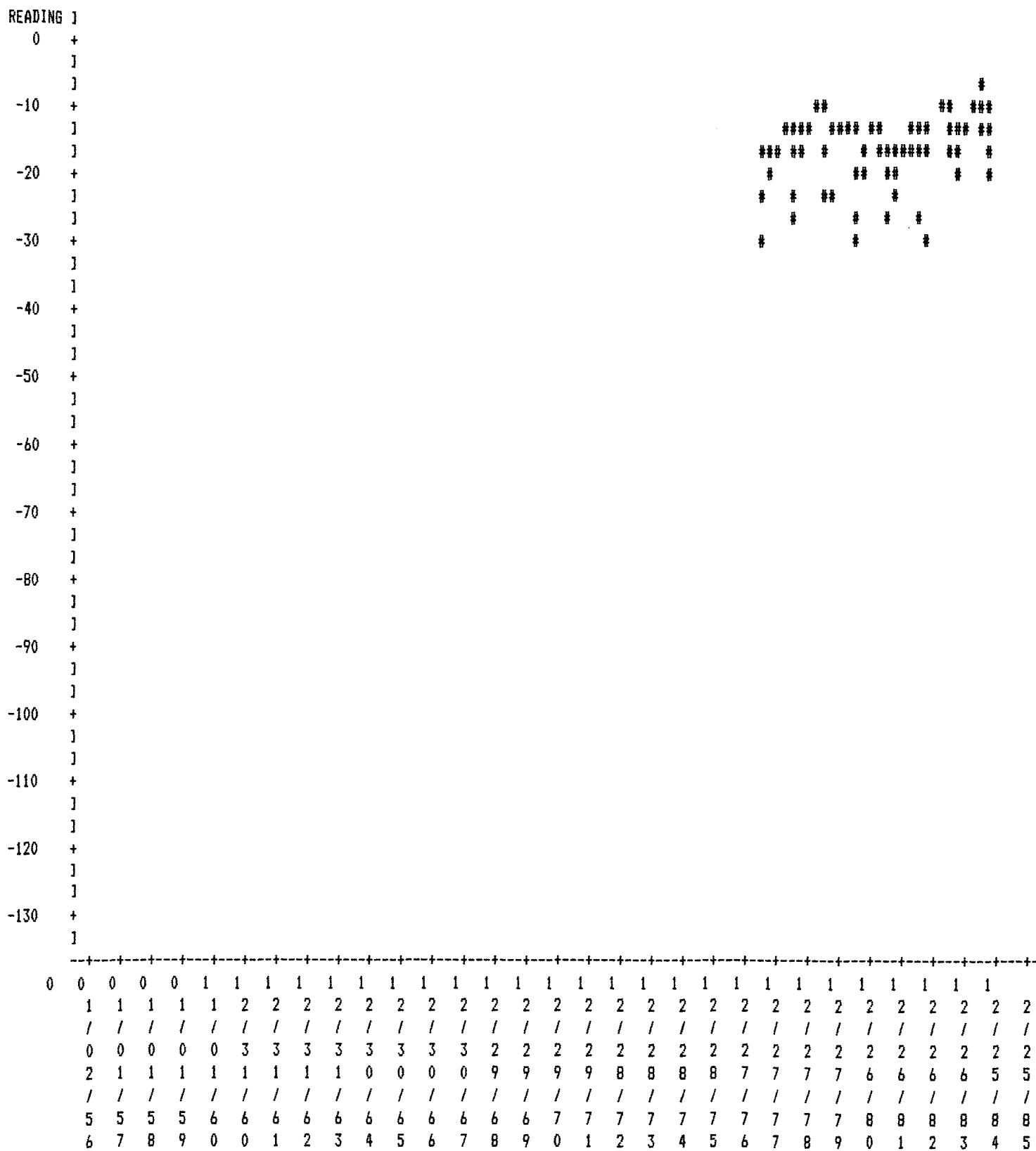
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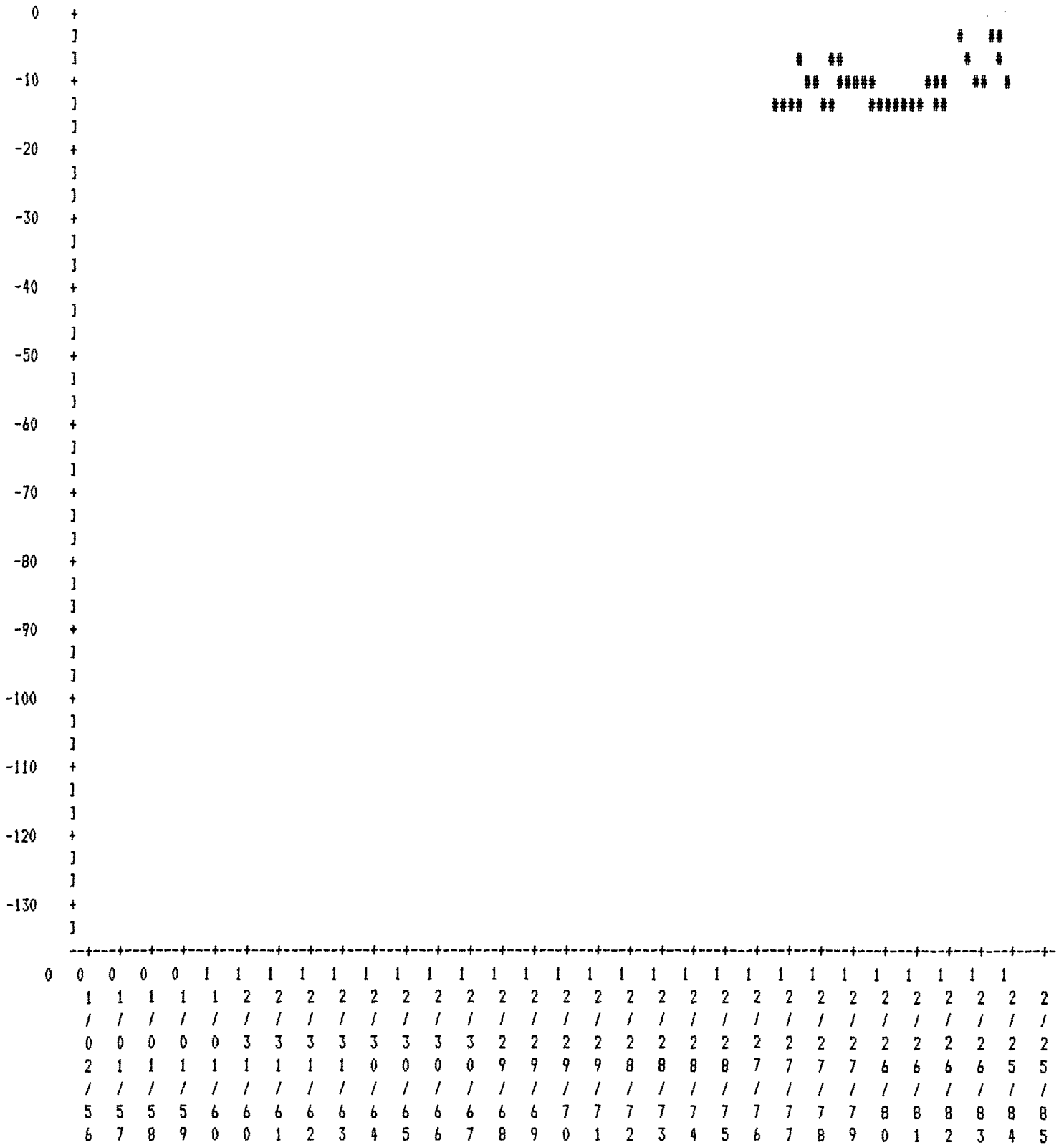
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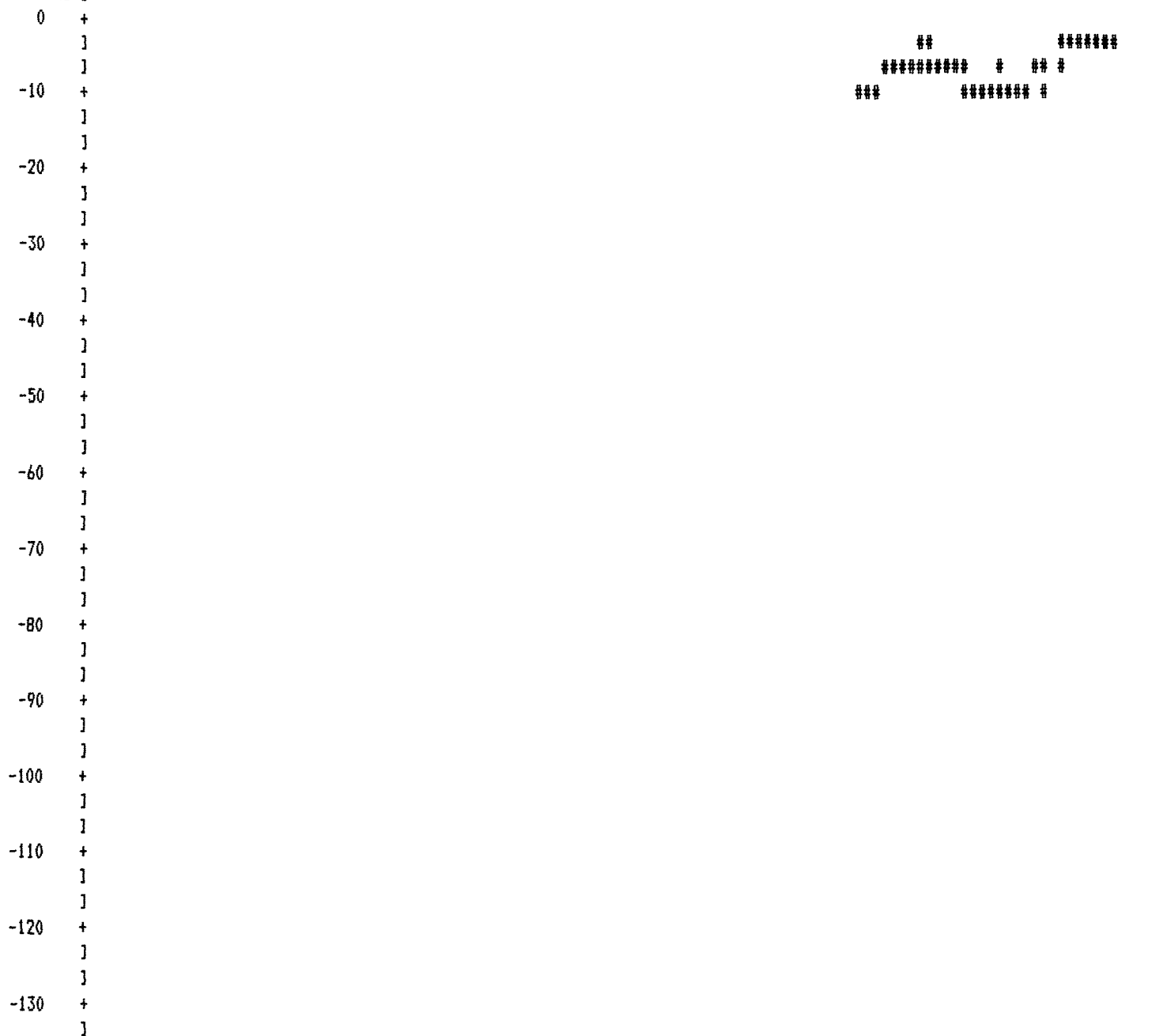
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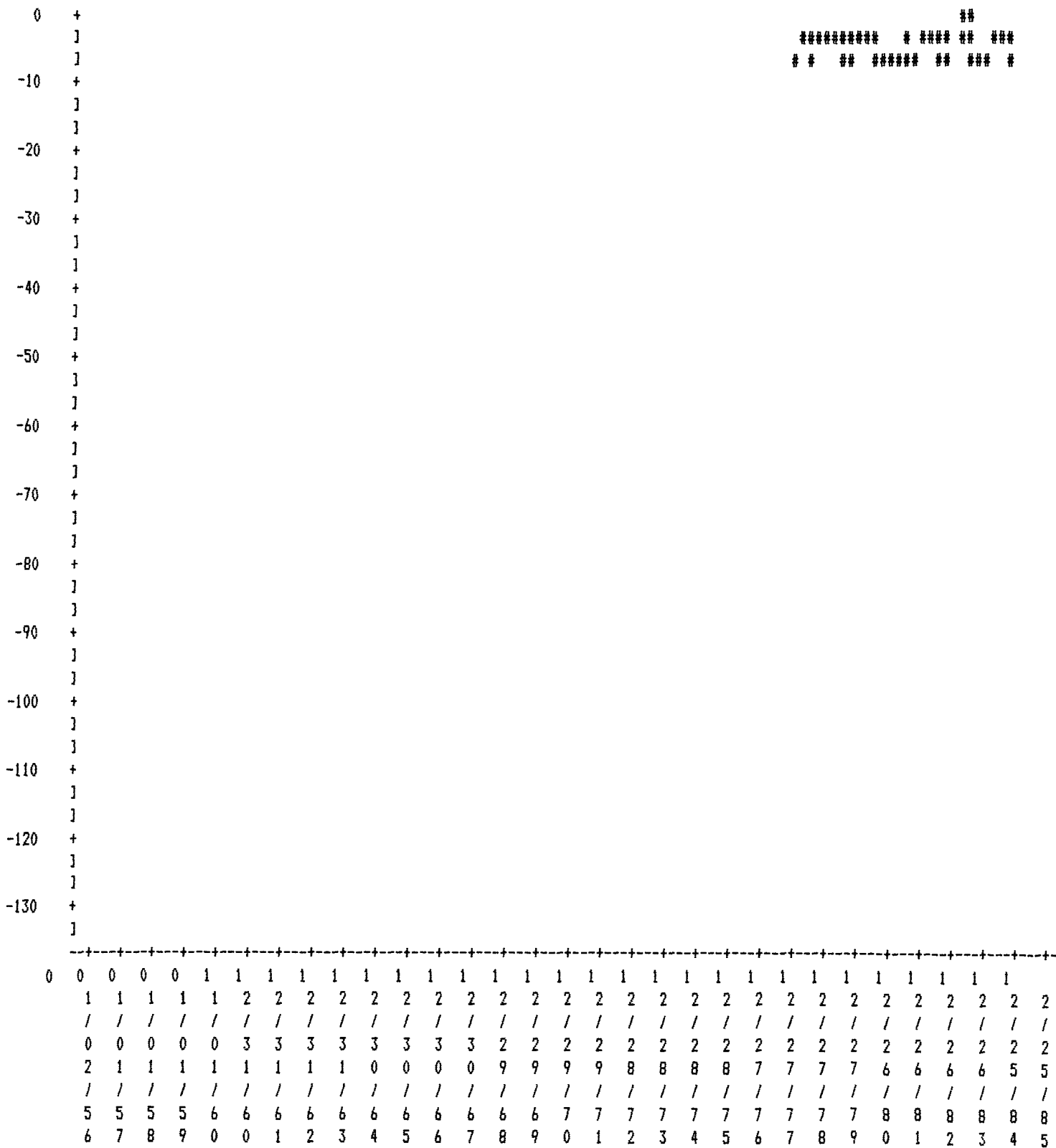
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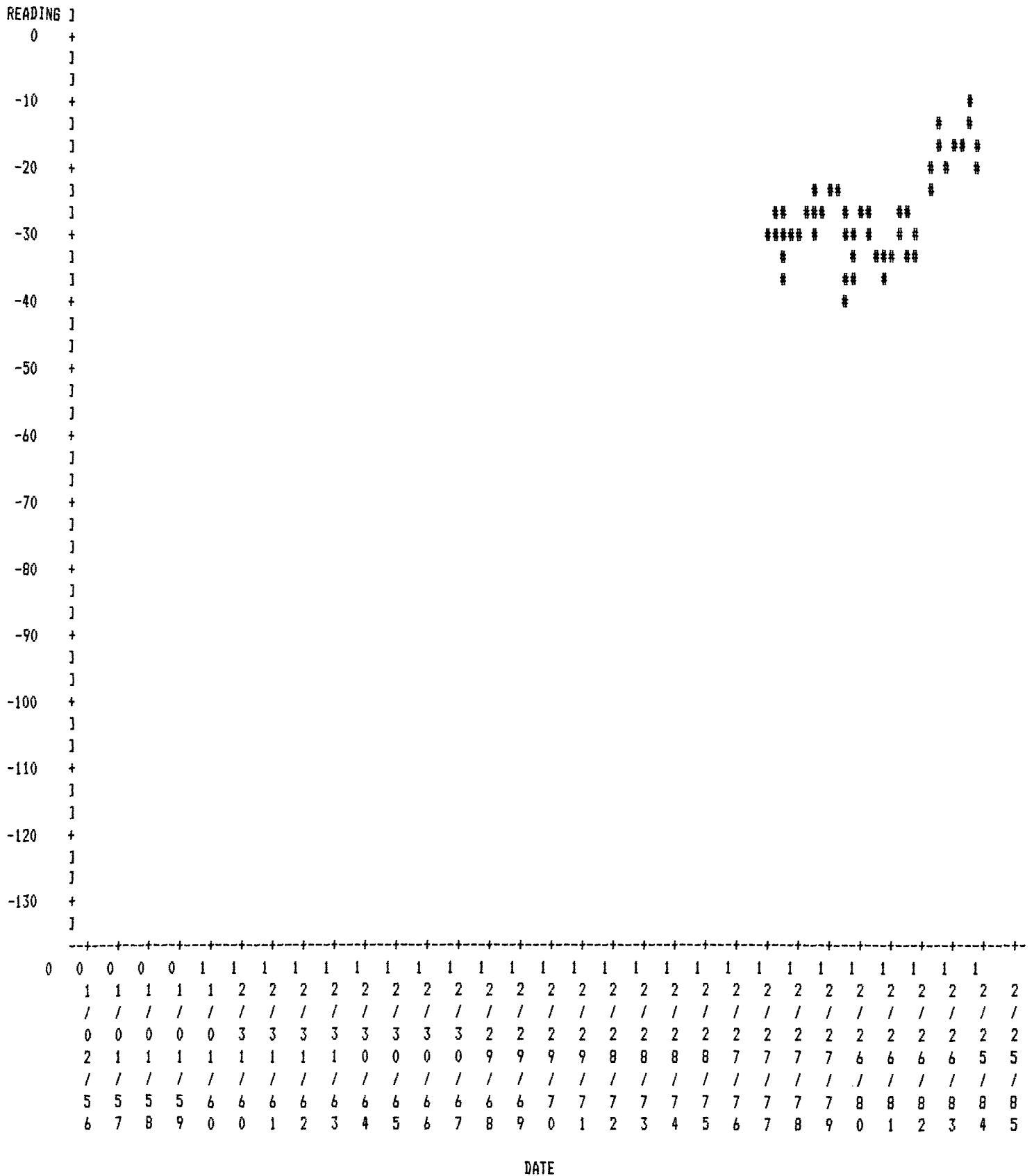
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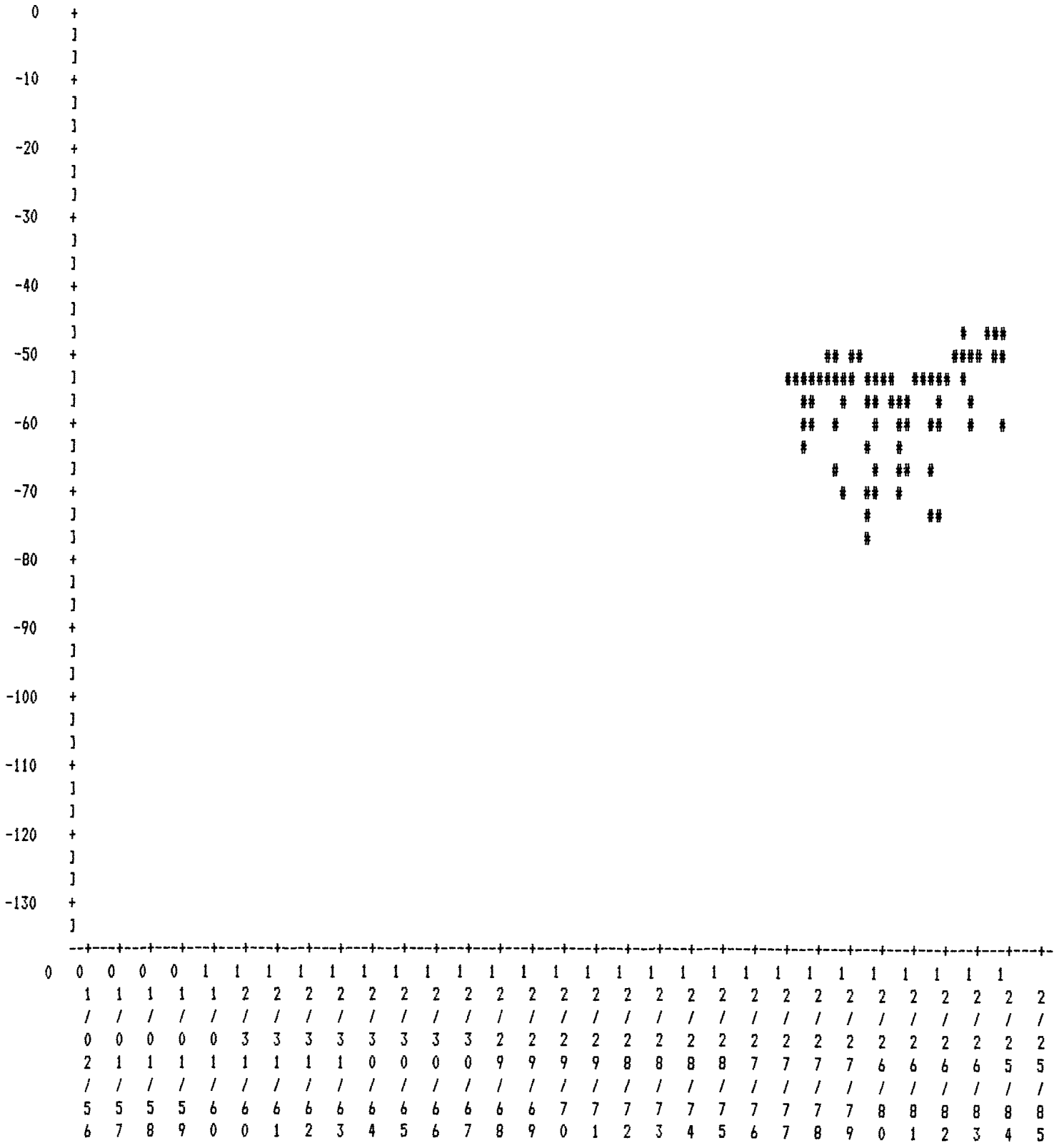
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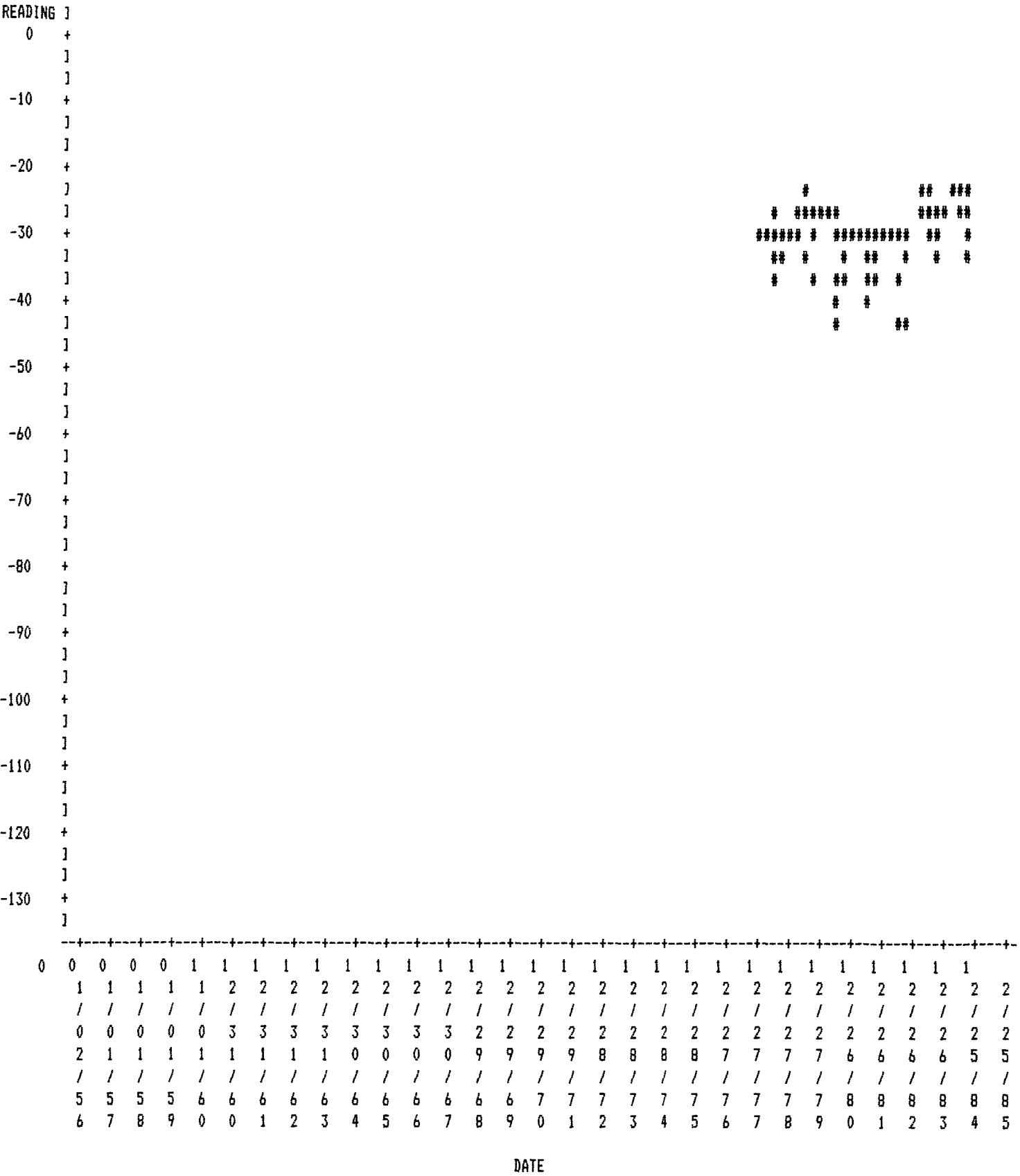
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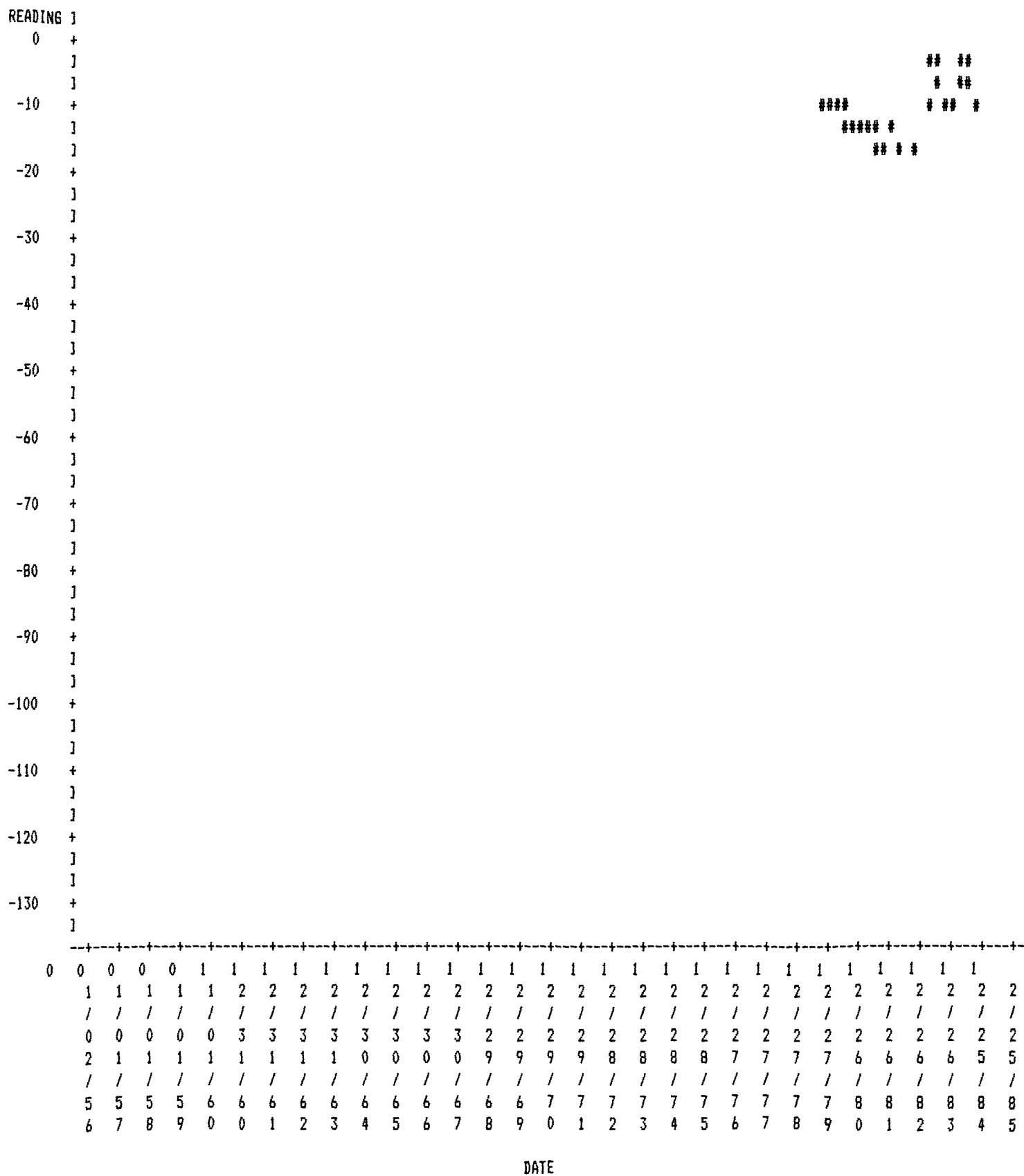
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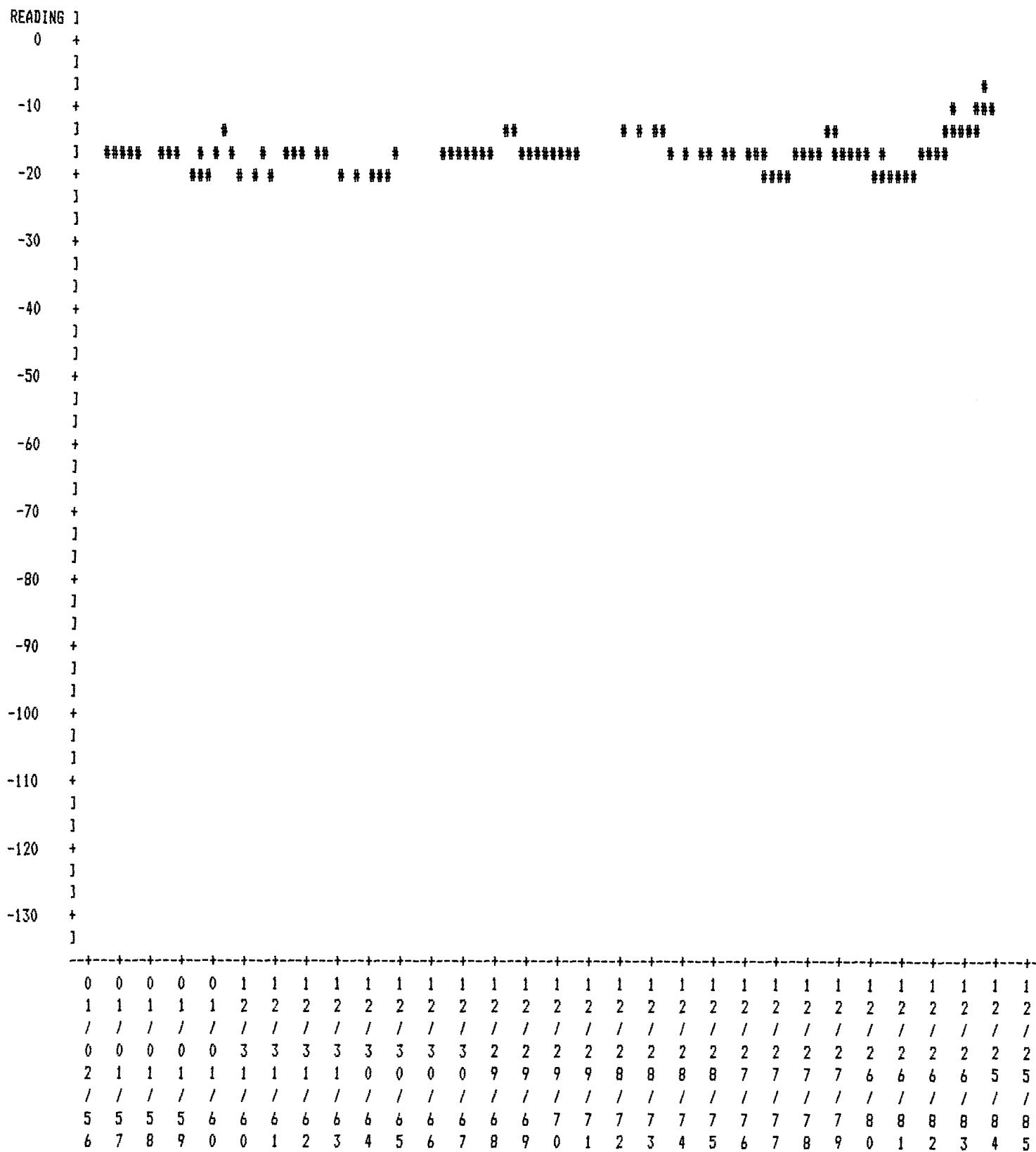


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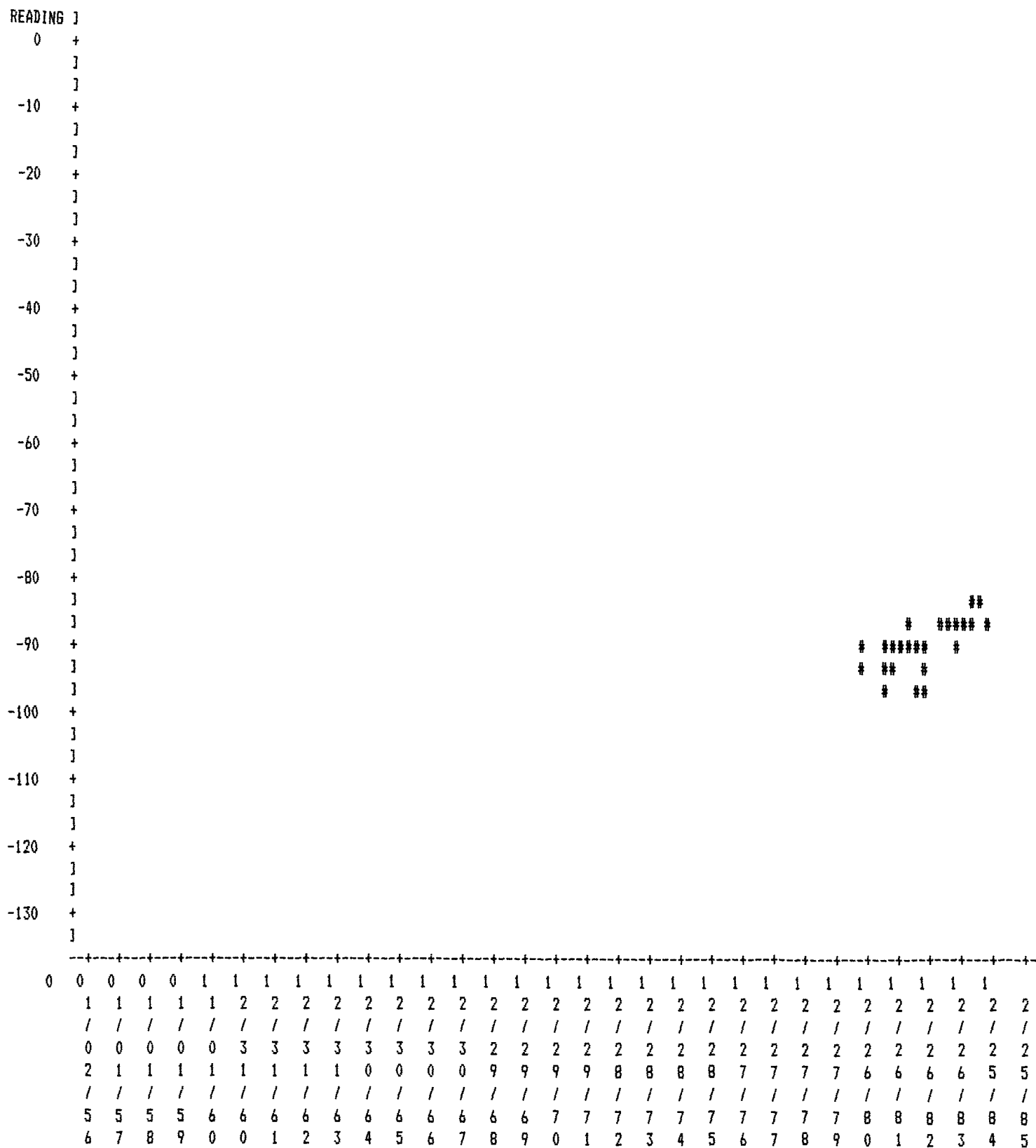
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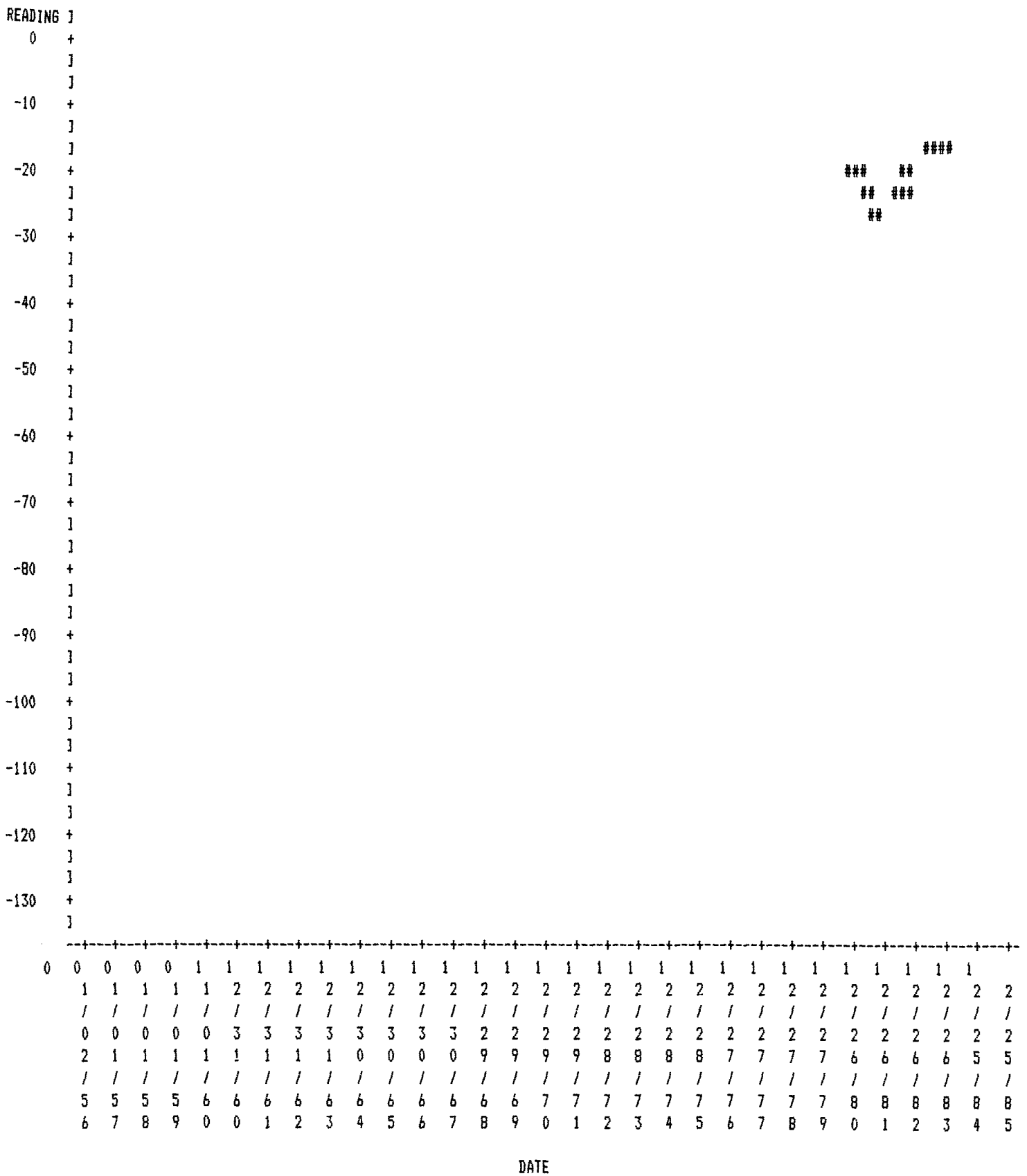
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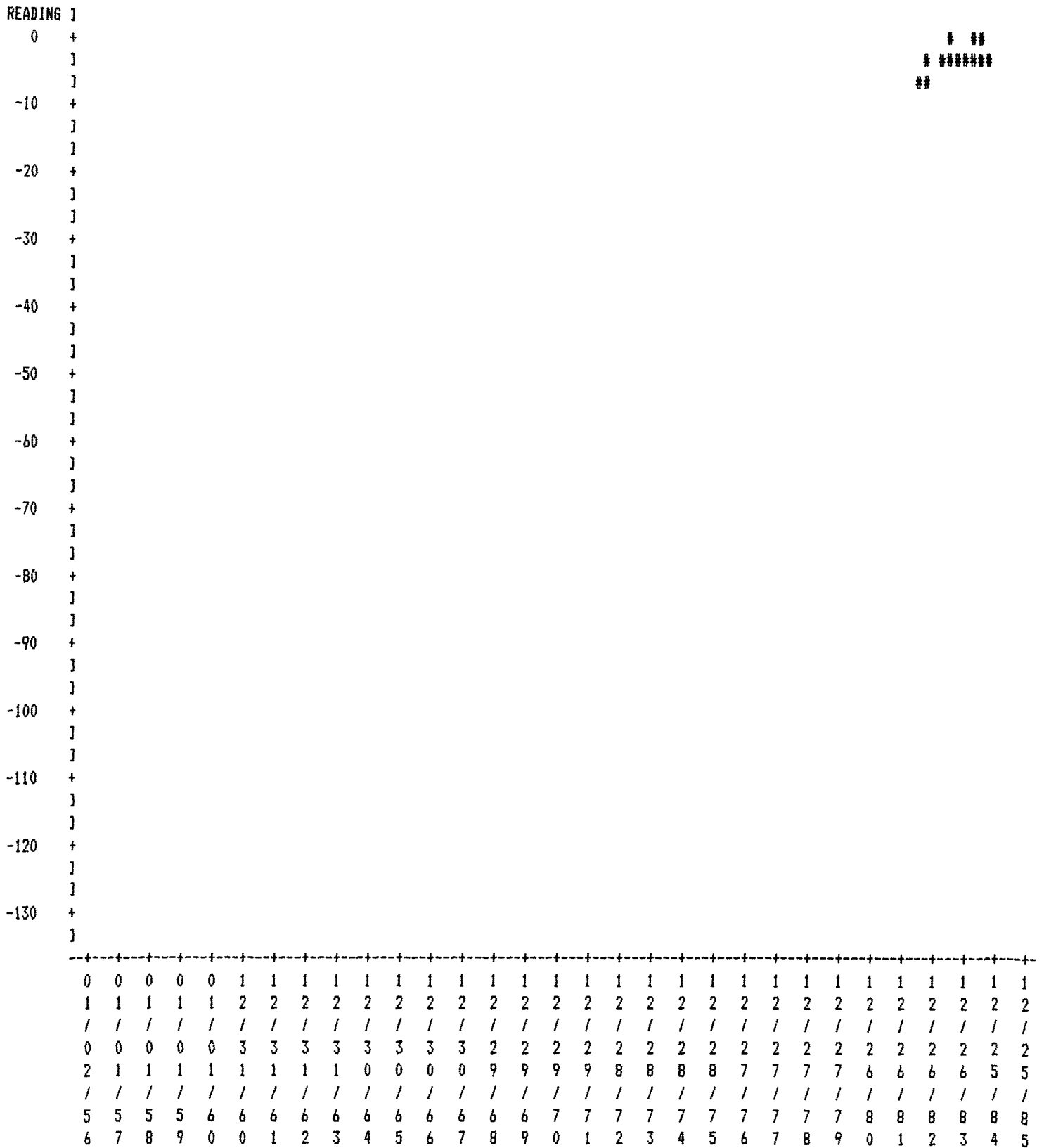
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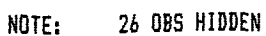
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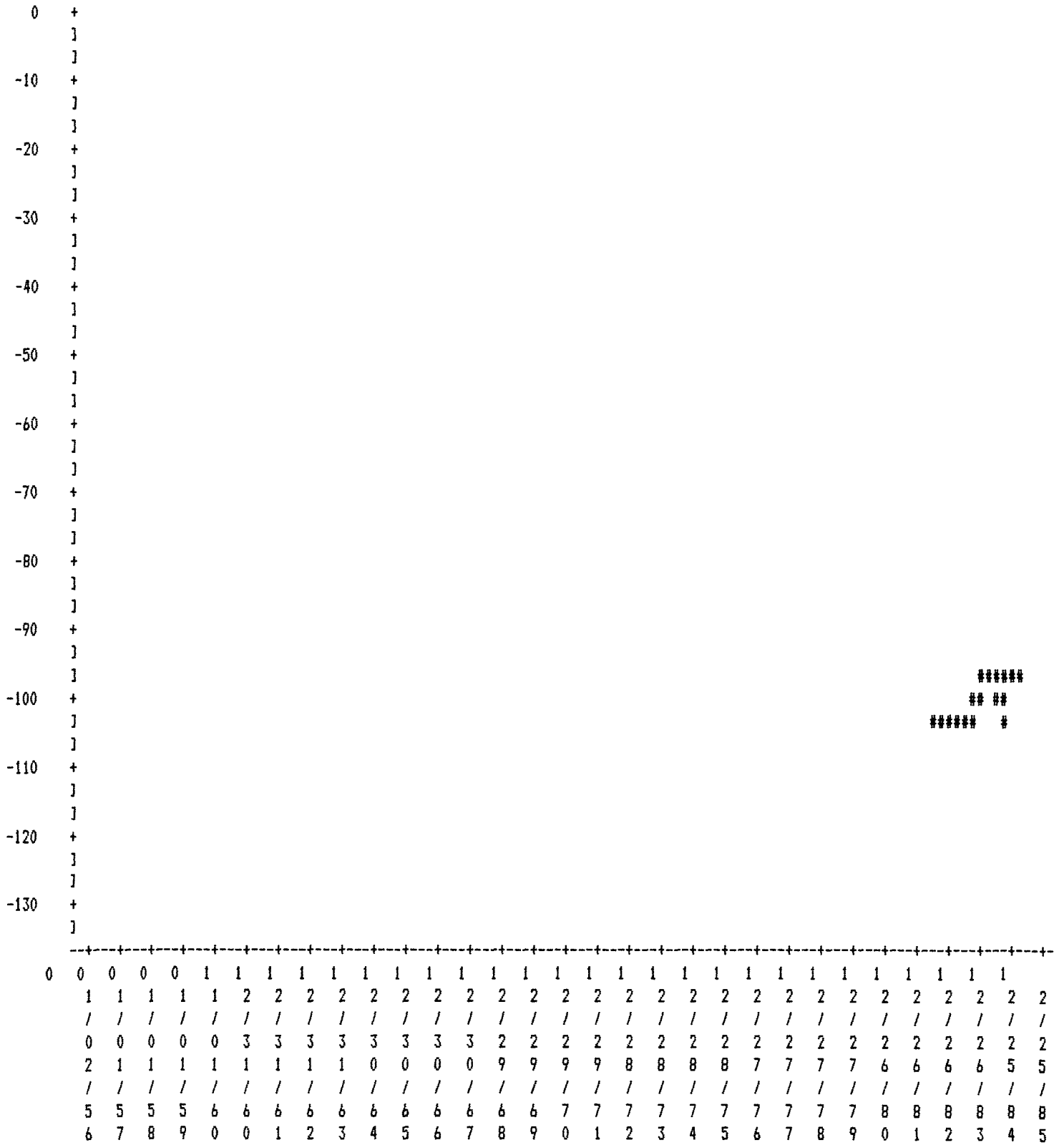
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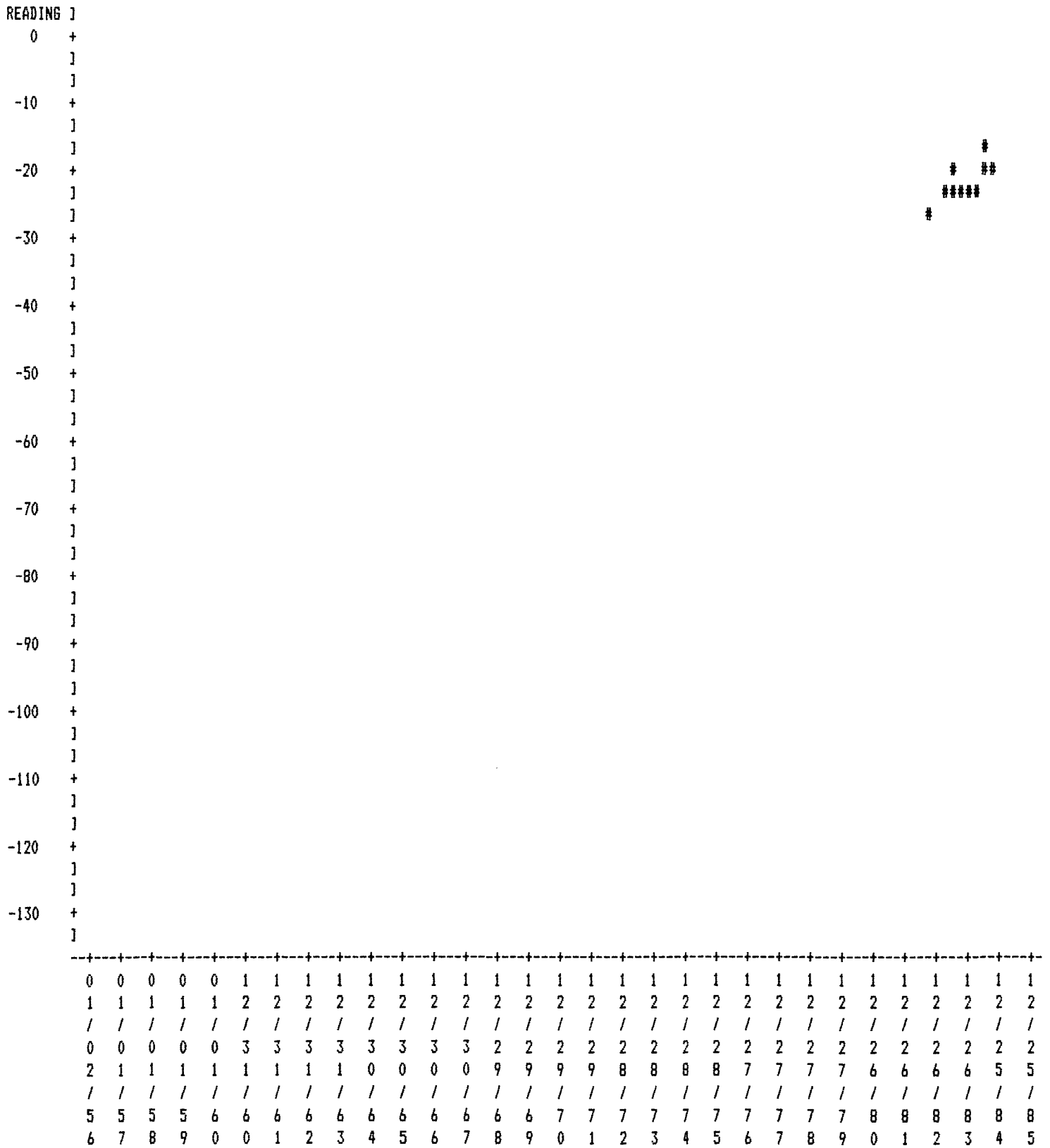
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RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5058-3, Richard S. Perry

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. 5058-3, Richard S. Perry, 2433 Lariat Meadows Drive, Eugene, Oregon.

The Chief Engineer is recommending APPROVAL of Application No. 5058-3 because 1) there is reasonable probability that there is unappropriated water available for 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:

1. That the irrigation well authorized by Permit No. 5058-3 may not penetrate the second till layer. The top of the second till layer is estimated to be 110 feet deep.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 16, 1985



Department of Water & Natural Resources

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

*Your copy
original sent
4/22/85*

April 19, 1985

Senator Tim Johnson
Box 272
Vermillion, SD 57069

Dear Tim:

Thank you for your letter concerning Mr. Sample's application. The chronological history of the application is as follows:

February 6, 1985 - Original Application received. Application signed by James Sample.

February 11, 1985 - Application returned to the property owner, Richard Perry of Eugene, Oregon. The application was not complete - no fee and the map did not agree with application.

March 4, 1985 - Mr. Sample called Jim Goodman about the corrected application. Mr. Goodman advised Mr. Sample that there was not much time to meet the advertising deadline for the May meeting.

March 7, 1985 - Corrected application received from James Sample with correct fee.

March 15, 1985 - Approved Soil-Water Compatibility permit for 114 acres received from Conservation Division, Department of Agriculture. Water permit application listed 120 acres.

March 18, 19 & 20, 1985 - Kevin Larson tried to call but was unable to contact Mr. Sample to correct the discrepancy.

March 21, 1985 - Mr. Larson wrote to Mr. Sample concerning discrepancy.

March 27, 1985 - Since he had no response from Mr. Sample, Mr. Larson called Mr. Sample and the discrepancy was corrected by deleting the difference. Completed application was given to Gale Selken, Hydrologist, to prepare report.

March 28, 1985 - Mr. Selken advised John Hatch, Chief Engineer, that he could not complete the necessary report 1) because of the number of permits in

Senator Tim Johnson

April 19, 1985

Page 2

the area, 2) available geologic data did not agree with the well driller's test log and 3) he did not know if unappropriated water was available.

March 29, 1985 - Deadline for mailing advertising to weekly Turner County paper.

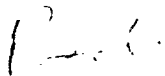
Even if Mr. Selken had the application on March 5, under the best conditions it would have been difficult to complete the report prior to the March 29 deadline.

Unfortunately Mr. Sample and Mr. Perry were the victims of a combination of circumstances: 1) the three and one-half week delay in returning the corrected application with the fee, 2) the discrepancy between the acres listed on the soil-water application and the water permit application, 3) the delay in responding to Mr. Larson's March 21 letter, and 4) a hydrological situation which was more complicated than normal.

There was not much we could do to get this application advertised for the May meeting. The statutory requirements for water permit applications must be followed. Failure to do so in the past has resulted in our own embarrassment but, most important, unnecessary cost and problems for the applicant on appeal.

The report has now been completed. A copy of the Chief Engineer's recommendation is enclosed. The application, however, must be advertised for the scheduled July 10 and 11 Water Management Board Meeting.

Sincerely,



Warren R. Neufeld
Secretary

C41608JH.WR

Conversation or File Documentation

NAME OF PERSON OR FILE:

Richard PerryADDRESS: 2433 Tariat Meadows Dr.COUNTY Eugene, ORDATE: 5-22-85

TELEPHONE _____

RE: 5 acre discrepancy on permit application

COMMENTS:

Mr. Perry called about his application. The advertisement was only for 115 acres. I told him that five acres had been deleted at the request of Tim Sample because Soil/Water had not been approved. He said ~~the~~ they do not plan on irrigating this year so he would like to have the permit approved for the entire 120 acres. I told him it would probably delay the application until Oct. I told him I would fill out a WI-1 form for the five acres and mail it to him. He said that would be fine.

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:

Kevin C. Larson

cc: applicant

NO. 5058-3

Date Wednesday, May 22nd, 1985

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

*RE. RICHARD E. PERRY, Eugene, Oregon.
Above personally cancelled this request*

We are in receipt of your letter of May 22nd, 1985 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. 5058-3 which was first published in our issue of May 30th, 1985. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME

Ed Borman

NEWSPAPER

THE NEW ERA

WNR-807-4/83

Parker, SD--57053

Water Rights Division
605 773-3352

May 23, 1985

Richard S Perry
2433 Lariat Meadows Dr.
Eugene OR 97401

Mr. Perry:

Enclosed please find a completed WI-1 for the six acres we spoke of over the phone. I talked with Jim Stukel and he said he did not foresee a problem in getting this taken care of. As soon as we receive the approved WI-1 we can advertise the 120 acres for the October Water Management Board meeting.

If you have any further questions, please contact this office.

Thank you,

KEVIN S LARSON
Natural Resources Engineer

KCL:ks

enclosure

No. 5058-3

Instruction to Newspaper - Publish first publication of the following Notice on or before May 29, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5058-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Richard S. Perry whose mailing address is
2433 Lariat Meadows Dr., Eugene, Oregon South Dakota has made an application for a permit

1271
 to appropriate ~~1.63~~ cfs from one well 110 feet deep into the lower unit of the
 Parker-Centerville Aquifer, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T99N, R52W to irrigate
~~4.35~~ acres located in the S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31-T99N-R52W.

120

NE $\frac{1}{4}$ NW $\frac{1}{4}$

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5058-3 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 Civil Defense
Room, Basement, Capitol Building, Pierre, South Dakota July 10 1985 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 June 28, 1985. 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-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.

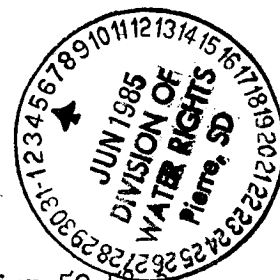
This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and 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, 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 June 28, 1985.

May 30, 1985

2433 Lariat Meadows Drive
Eugene, Oregon 97401

Mr. Kevin C. Larson
Natural Resources Engineer
Water Rights Division
South Dakota Department of Water
& Natural Resources
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181



Original

Re: Permit Application 50-50-5

Dear Mr. Larson

Enclosed is the completed WI-1 you sent me on May 23, 1985. It pertains to an additional six acres on my farm generally located in the $S\frac{1}{2}NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$ of Section 31-T99N-R52W. The total possible acres to be irrigate will now be 120.

Thank you very much for the special attention you gave to my situation and the courtesies you extended by demonstrating understanding and patience.

In your letter you mentioned an October Water Management Board meeting. Does this mean that the Board does not meet in August or September?

Sincerely yours

Richard S. Perry
Richard S. Perry

Enclosure

CC Doyle Christensen
Al Taphorn
Wayne Gregory

P.S. In accordance with your instructions I cancelled the advertisement scheduled to run in THE NEW ERA "on or before May 29."

Water Rights Division
605 773-3352

June 11, 1985

Richard S Perry
2433 Lariat Meadows Dr.
Eugene OR 97401

Mr. Perry:

Thank you for the letter concerning your water permit application. I forwarded the WI-1 to the Dept. of Agriculture and Jim Stukel has told me that he does not foresee any problems in getting it approved. The next scheduled board meeting after July is October 9 & 10, 1985. We will prepare the necessary advertisement for the October meeting. If you have any further questions, please call me.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: RICHARD S. PERRY

OWNERS ADDRESS: 2433 Lariat Meadows Dr.

Eugene, OR. 97401

COUNTY LAND LOCATED IN: Turner Co.

PHONE: 503-343-6522

TENANT'S NAME AND ADDRESS: Doyie Christiansen

Rt. 1 Box 32 Parker, S.D. 57053



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

1. WELL LOCATION 2640 ft. North & 1760 ft. East of the SW corner sec. 31 T99N-R52W

Depth 100 feet

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 NW 1/4 sec. 31 T99N-R52W</u>	<u>6.0</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: XX GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: Corn/Beans

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

7. WATER SAMPLE NUMBER: 85-0042

10. ADJUSTED (SAR): 5.90

8. SALINITY (EC X 10⁶): 1950

11. PERCENT SODIUM 22.50%

9. SODIUM (SAR): 2.04

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

31st DAY OF May, 19 85

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

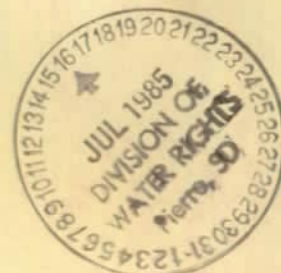
DISAPPROVED

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 Rights Management, Foss Building, Pierre.

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

Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATIONNAME OF APPLICANT: Richard S. PerryLEGAL DESCRIPTION: SW1/4 NW1/4 NW1/4 31-99-52 = 5.8 additional acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

Due to the slow intake rate of the soil and to control runoff we recommend the use of a form of conservation tillage to control erosion.

We also recommend that the management recommendation for the lands in section 31-99-52 be used for these additional acres.

Richard M. Fyfe
SIGNATURE7.12.85
DATE

No. **5058-3**

Instruction to Newspaper - Publish first publication of the following Notice on or before **August 7, 1985** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. **5058-3** to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that **Richard S. Perry** whose mailing address is
2433 Larfat Meadows Dr., Eugene, Oregon, ~~South Dakota~~ has made an application for a permit

**to appropriate 1.71 cfs from one well 110 feet deep into the lower unit of the
 Parker-Centerville Aquifer, located in the SE 1/4 NW 1/4 Section 31, T99N, R52W to irrigate
 120 acres located in the S 1/4 NW 1/4, N 1/4 SW 1/4, NE 1/4 NW 1/4 Section 31, T99N-R52W.**

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. **5058-3** 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 **Howard Johnson,**
Nebraska Room, 3300W. Russell, Sioux Falls, SD, October 16 19 **85** 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 **October 4, 1985**. 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; (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, 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 **October 4, 1985**.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County TURNER) ss.

I, Earl J. Bormann hereby

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

Water was taken from the one well 110 ft., deep

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

New Era of Parker,

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

THURSDAY, AUGUST 8th, 1985

THURSDAY, AUGUST 15th, 1985

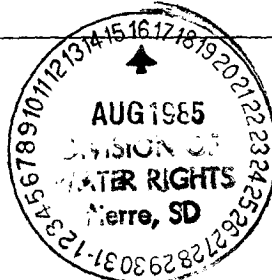
Earl J. Bormann
(Signature)

Editor
(Title)

8-1st 1985
(Date Signed)

Cost of Printing: At legal line rate--

NOTORIAL FEE, \$1.00 \$39.40



NOTICE OF HEARING
ON APPLICATION NO. 5058-3
TO APPROPRIATE WATER

Notice is hereby given that Richard S. Perry whose mailing address is 2433 Lariat Meadows Dr., Eugene, Oregon, has made an application for a permit to appropriate 1.71 cfs from one well 110 feet deep into the lower unit of the Parker-Centerville Aquifer, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T99N, R52W to irrigate 120 acres located in the S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T99N-R52W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5058-3 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 Howard Johnson, Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16, 1985 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 October 4, 1985. 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.

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46-5-110, 46-5-111, 46-5-112, 46-5-113, 46-5-114, 46-5-115, 46-5-116, 46-5-117, 46-5-118, 46-5-119, 46-5-120, 46-5-121, 46-5-122, 46-5-123, 46-5-124, 46-5-125, 46-5-126, 46-5-127, 46-5-128, 46-5-129, 46-5-130, 46-5-131, 46-5-132, 46-5-133, 46-5-134, 46-5-135, 46-5-136, 46-5-137, 46-5-138, 46-5-139, 46-5-140, 46-5-141, 46-5-142, 46-5-143, 46-5-144, 46-5-145, 46-5-146, 46-5-147, 46-5-148, 46-5-149, 46-5-150, 46-5-151, 46-5-152, 46-5-153, 46-5-154, 46-5-155, 46-5-156, 46-5-157, 46-5-158, 46-5-159, 46-5-160, 46-5-161, 46-5-162, 46-5-163, 46-5-164, 46-5-165, 46-5-166, 46-5-167, 46-5-168, 46-5-169, 46-5-170, 46-5-171, 46-5-172, 46-5-173, 46-5-174, 46-5-175, 46-5-176, 46-5-177, 46-5-178, 46-5-179, 46-5-180, 46-5-181, 46-5-182, 46-5-183, 46-5-184, 46-5-185, 46-5-186, 46-5-187, 46-5-188, 46-5-189, 46-5-190, 46-5-191, 46-5-192, 46-5-193, 46-5-194, 46-5-195, 46-5-196, 46-5-197, 46-5-198, 46-5-199, 46-5-200, 46-5-201, 46-5-202, 46-5-203, 46-5-204, 46-5-205, 46-5-206, 46-5-207, 46-5-208, 46-5-209, 46-5-210, 46-5-211, 46-5-212, 46-5-213, 46-5-214, 46-5-215, 46-5-216, 46-5-217, 46-5-218, 46-5-219, 46-5-220, 46-5-221, 46-5-222, 46-5-223, 46-5-224, 46-5-225, 46-5-226, 46-5-227, 46-5-228, 46-5-229, 46-5-230, 46-5-231, 46-5-232, 46-5-233, 46-5-234, 46-5-235, 46-5-236, 46-5-237, 46-5-238, 46-5-239, 46-5-240, 46-5-241, 46-5-242, 46-5-243, 46-5-244, 46-5-245, 46-5-246, 46-5-247, 46-5-248, 46-5-249, 46-5-250, 46-5-251, 46-5-252, 46-5-253, 46-5-254, 46-5-255, 46-5-256, 46-5-257, 46-5-258, 46-5-259, 46-5-260, 46-5-261, 46-5-262, 46-5-263, 46-5-264, 46-5-265, 46-5-266, 46-5-267, 46-5-268, 46-5-269, 46-5-270, 46-5-271, 46-5-272, 46-5-273, 46-5-274, 46-5-275, 46-5-276, 46-5-277, 46-5-278, 46-5-279, 46-5-280, 46-5-281, 46-5-282, 46-5-283, 46-5-284, 46-5-285, 46-5-286, 46-5-287, 46-5-288, 46-5-289, 46-5-290, 46-5-291, 46-5-292, 46-5-293, 46-5-294, 46-5-295, 46-5-296, 46-5-297, 46-5-298, 46-5-299, 46-5-300, 46-5-301, 46-5-302, 46-5-303, 46-5-304, 46-5-305, 46-5-306, 46-5-307, 46-5-308, 46-5-309, 46-5-310, 46-5-311, 46-5-312, 46-5-313, 46-5-314, 46-5-315, 46-5-316, 46-5-317, 46-5-318, 46-5-319, 46-5-320, 46-5-321, 46-5-322, 46-5-323, 46-5-324, 46-5-325, 46-5-326, 46-5-327, 46-5-328, 46-5-329, 46-5-330, 46-5-331, 46-5-332, 46-5-333, 46-5-334, 46-5-335, 46-5-336, 46-5-337, 46-5-338, 46-5-339, 46-5-340, 46-5-341, 46-5-342, 46-5-343, 46-5-344, 46-5-345, 46-5-346, 46-5-347, 46-5-348, 46-5-349, 46-5-350, 46-5-351, 46-5-352, 46-5-353, 46-5-354, 46-5-355, 46-5-356, 46-5-357, 46-5-358, 46-5-359, 46-5-360, 46-5-361, 46-5-362, 46-5-363, 46-5-364, 46-5-365, 46-5-366, 46-5-367, 46-5-368, 46-5-369, 46-5-370, 46-5-371, 46-5-372, 46-5-373, 46-5-374, 46-5-375, 46-5-376, 46-5-377, 46-5-378, 46-5-379, 46-5-380, 46-5-381, 46-5-382, 46-5-383, 46-5-384, 46-5-385, 46-5-386, 46-5-387, 46-5-388, 46-5-389, 46-5-390, 46-5-391, 46-5-392, 46-5-393, 46-5-394, 46-5-395, 46-5-396, 46-5-397, 46-5-398, 46-5-399, 46-5-400, 46-5-401, 46-5-402, 46-5-403, 46-5-404, 46-5-405, 46-5-406, 46-5-407, 46-5-408, 46-5-409, 46-5-410, 46-5-411, 46-5-412, 46-5-413, 46-5-414, 46-5-415, 46-5-416, 46-5-417, 46-5-418, 46-5-419, 46-5-420, 46-5-421, 46-5-422, 46-5-423, 46-5-424, 46-5-425, 46-5-426, 46-5-427, 46-5-428, 46-5-429, 46-5-430, 46-5-431, 46-5-432, 46-5-433, 46-5-434, 46-5-435, 46-5-436, 46-5-437, 46-5-438, 46-5-439, 46-5-440, 46-5-441, 46-5-442, 46-5-443, 46-5-444, 46-5-445, 46-5-446, 46-5-447, 46-5-448, 46-5-449, 46-5-450, 46-5-451, 46-5-452, 46-5-453, 46-5-454, 46-5-455, 46-5-456, 46-5-457, 46-5-458, 46-5-459, 46-5-460, 46-5-461, 46-5-462, 46-5-463, 46-5-464, 46-5-465, 46-5-466, 46-5-467, 46-5-468, 46-5-469, 46-5-470, 46-5-471, 46-5-472, 46-5-473, 46-5-474, 46-5-475, 46-5-476, 46-5-477, 46-5-478, 46-5-479, 46-5-480, 46-5-481, 46-5-482, 46-5-483, 46-5-484, 46-5-485, 46-5-486, 46-5-487, 46-5-488, 46-5-489, 46-5-490, 46-5-491, 46-5-492, 46-5-493, 46-5-494, 46-5-495, 46-5-496, 46-5-497, 46-5-498, 46-5-499, 46-5-500, 46-5-501, 46-5-502, 46-5-503, 46-5-504, 46-5-505, 46-5-506, 46-5-507, 46-5-508, 46-5-509, 46-5-510, 46-5-511, 46-5-512, 46-5-513, 46-5-514, 46-5-515, 46-5-516, 46-5-517, 46-5-518, 46-5-519, 46-5-520, 46-5-521, 46-5-522, 46-5-523, 46-5-524, 46-5-525, 46-5-526, 46-5-527, 46-5-528, 46-5-529, 46-5-530, 46-5-531, 46-5-532, 46-5-533, 46-5-534, 46-5-535, 46-5-536, 46-5-537, 46-5-538, 46-5-539, 46-5-540, 46-5-541, 46-5-542, 46-5-543, 46-5-544, 46-5-545, 46-5-546, 46-5-547, 46-5-548, 46-5-549, 46-5-550, 46-5-551, 46-5-552, 46-5-553, 46-5-554, 46-5-555, 46-5-556, 46-5-557, 46-5-558, 46-5-559, 46-5-560, 46-5-561, 46-5-562, 46-5-563, 46-5-564, 46-5-565, 46-5-566, 46-5-567, 46-5-568, 46-5-569, 46-5-570, 46-5-571, 46-5-572, 46-5-573, 46-5-574, 46-5-575, 46-5-576, 46-5-577, 46-5-578, 46-5-579, 46-5-580, 46-5-581, 46-5-582, 46-5-583, 46-5-584, 46-5-585, 46-5-586, 46-5-587, 46-5-588, 46-5-589, 46-5-590, 46-5-591, 46-5-592, 46-5-593, 46-5-594, 46-5-595, 46-5-596, 46-5-597, 46-5-598, 46-5-599, 46-5-600, 46-5-601, 46-5-602, 46-5-603, 46-5-604, 46-5-605, 46-5-606, 46-5-607, 46-5-608, 46-5-609, 46-5-610, 46-5-611, 46-5-612, 46-5-613, 46-5-614, 46-5-615, 46-5-616, 46-5-617, 46-5-618, 46-5-619, 46-5-620, 46-5-621, 46-5-622, 46-5-623, 46-5-624, 46-5-625, 46-5-626, 46-5-627, 46-5-628, 46-5-629, 46-5-630, 46-5-631, 46-5-632, 46-5-633, 46-5-634, 46-5-635, 46-5-636, 46-5-637, 46-5-638, 46-5-639, 46-5-640, 46-5-641, 46-5-642, 46-5-643, 46-5-644, 46-5-645, 46-5-646, 46-5-647, 46-5-648, 46-5-649, 46-5-650, 46-5-651, 46-5-652, 46-5-653, 46-5-654, 46-5-655, 46-5-656, 46-5-657, 46-5-658, 46-5-659, 46-5-660, 46-5-661, 46-5-662, 46-5-663, 46-5-664, 46-5-665, 46-5-666, 46-5-667, 46-5-668, 46-5-669, 46-5-670, 46-5-671, 46-5-672, 46-5-673, 46-5-674, 46-5-675, 46-5-676, 46-5-677, 46-5-678, 46-5-679, 46-5-680, 46-5-681, 46-5-682, 46-5-683, 46-5-684, 46-5-685, 46-5-686, 46-5-687, 46-5-688, 46-5-689, 46-5-690, 46-5-691, 46-5-692, 46-5-693, 46-5-694, 46-5-695, 46-5-696, 46-5-697, 46-5-698, 46-5-699, 46-5-700, 46-5-701, 46-5-702, 46-5-703, 46-5-704, 46-5-705, 46-5-706, 46-5-707, 46-5-708, 46-5-709, 46-5-710, 46-5-711, 46-5-712, 46-5-713, 46-5-714, 46-5-715, 46-5-716, 46-5-717, 46-5-718, 46-5-719, 46-5-720, 46-5-721, 46-5-722, 46-5-723, 46-5-724, 46-5-725, 46-5-726, 46-5-727, 46-5-728, 46-5-729, 46-5-730, 46-5-731, 46-5-732, 46-5-733, 46-5-734, 46-5-735, 46-5-736, 46-5-737, 46-5-738, 46-5-739, 46-5-740, 46-5-741, 46-5-742, 46-5-743, 46-5-744, 46-5-745, 46-5-746, 46-5-747, 46-5-748, 46-5-749, 46-5-750, 46-5-751, 46-5-752, 46-5-753, 46-5-754, 46-5-755, 46-5-756, 46-5-757, 46-5-758, 46-5-759, 46-5-760, 46-5-761, 46-5-762, 46-5-763, 46-5-764, 46-5-765, 46-5-766, 46-5-767, 46-5-768, 46-5-769, 46-5-770, 46-5-771, 46-5-772, 46-5-773, 46-5-774, 46-5-775, 46-5-776, 46-5-777, 46-5-778, 46-5-779, 46-5-780, 46-5-781, 46-5-782, 46-5-783, 46-5-784, 46-5-785, 46-5-786, 46-5-787, 46-5-788, 46-5-789, 46-5-790, 46-5-791, 46-5-792, 46-5-793, 46-5-794, 46-5-795, 46-5-796, 46-5-797, 46-5-798, 46-5-799, 46-5-800, 46-5-801, 46-5-802, 46-5-803, 46-5-804, 46-5-805, 46-5-806, 46-5-807, 46-5-808, 46-5-809, 46-5-810, 46-5-811, 46-5-812, 46-5-813, 46-5-814, 46-5-815, 46-5-816, 46-5-817, 46-5-818, 46-5-819, 46-5-820, 46-5-821, 46-5-822, 46-5-823, 46-5-824, 46-5-825, 46-5-826, 46-5-827, 46-5-828, 46-5-829, 46-5-830, 46-5-831, 46-5-832, 46-5-833, 46-5-834, 46-5-835, 46-5-836, 46-5-837, 46-5-838, 46-5-839, 46-5-840, 46-5-841, 46-5-842, 46-5-843, 46-5-844, 46-5-845, 46-5-846, 46-5-847, 46-5-848, 46-5-849, 46-5-850, 46-5-851, 46-5-852, 46-5-853, 46-5-854, 46-5-855, 46-5-856, 46-5-857, 46-5-858, 46-5-859, 46-5-860, 46-5-861, 46-5-862, 46-5-863, 46-5-864, 46-5-865, 46-5-866, 46-5-867, 46-5-868, 46-5-869, 46-5-870, 46-5-871, 46-5-872, 46-5-873, 46-5-874, 46-5-875, 46-5-876, 46-5-877, 46-5-878, 46-5-879, 46-5-880, 46-5-881, 46-5-882, 46-5-883, 46-5-884, 46-5-885, 46-5-886, 46-5-887, 46-5-888, 46-5-889, 46-5-890, 46-5-891, 46-5-892, 46-5-893, 46-5-894, 46-5-895, 46-5-896, 46-5-897, 46-5-898, 46-5-899, 46-5-900, 46-5-901, 46-5-902, 46-5-903, 46-5-904, 46-5-905, 46-5-906, 46-5-907, 46-5-908, 46-5-909, 46-5-910, 46-5-911, 46-5-912, 46-5-913, 46-5-914, 46-5-915, 46-5-916, 46-5-917, 46-5-918, 46-5-919, 46-5-920, 46-5-921, 46-5-922, 46-5-923, 46-5-924, 46-5-925, 46-5-926, 46-5-927, 46-5-928, 46-5-929, 46-5-930, 46-5-931, 46-5-932, 46-5-933, 46-5-934, 46-5-935, 46-5-936, 46-5-937, 46-5-938, 46-5-939, 46-5-940, 46-5-941, 46-5-942, 46-5-943, 46-5-944, 46-5-945, 46-5-946, 46-5-947, 46-5-948, 46-5-949, 46-5-950, 46-5-951, 46-5-952, 46-5-953, 46-5-954, 46-5-955, 46-5-956, 46-5-957, 46-5-958, 46-5-959, 46-5-960, 46-5-961, 46-5-962, 46-5-963, 46-5-964, 46-5-965, 46-5-966, 46-5-967, 46-5-968, 46-5-969, 46-5-970, 46-5-971, 46-5-972, 46-5-973, 46-5-974, 46-5-975, 46-5-976, 46-5-977, 46-5-978, 46-5-979, 46-5-980, 46-5-981, 46-5-982, 46-5-983, 46-5-984, 46-5-985, 46-5-986, 46-5-987, 46-5-988, 46-5-989, 46-5-990, 46-5-991, 46-5-992, 46-5-993, 46-5-994, 46-5-995, 46-5-996, 46-5-997, 46-5-998, 46-5-999, 46-6-000, 46-6-001, 46-6-002, 46-6-003, 46-6-004, 46-6-005, 46-6-006, 46-6-007, 46-6-008, 46-6-009, 46-6-010, 46-6-011, 46-6-012, 46-6-013, 46-6-014, 46-6-015, 46-6-016, 46-6-017, 46-6-018, 46-6-019, 46-6-020, 46-6-021, 46-6-022, 46-6-023, 46-6-024, 46-6-025, 46-6-026, 46-6-027, 46-6-028, 46-6-029, 46-6-030, 46-6-031, 46-6-032, 46-6-033, 46-6-034, 46-6-035, 46-6-036, 46-6-037, 46-6-038, 46-6-039, 46-6-040, 46-6-041, 46-6-042, 46-6-043, 46-6-044, 46-6-045, 46-6-046, 46-6-047, 46-6-048, 46-6-049, 46-6-050, 46-6-051, 46-6-052, 46-6-053, 46-6-054, 46-6-055, 46-6-056, 46-6-057, 46-6-058, 46-6-059, 46-6-060, 46-6-061, 46-6-062, 46-6-063, 46-6-064, 46-6-065, 46-6-066, 46-6-067, 46-6-068, 46-6-069, 46-6-070, 46-6-071, 46-6-072, 46-6-073, 46-6-074, 46-6-075, 46-6-076, 46-6-077, 46-6-078, 46-6-079, 46-6-080, 46-6-081, 46-6-082,



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5058-3

NOV 19 1985

Richard Perry
2433 Lariat Meadows Drive
Eugene, Oregon 97401

Dear Mr. Perry:

Enclosed herewith is your Water Permit No. 5058-3 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. 5058-3.

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,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

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

May 26, 1986

South Dakota Dept. of Water & Natural Resources
Division of Water Rights

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501

Attn. Maxine Stirling

Re: Water Rights
No. 5058-3



Enclosed is the completed FORM 10 applicable to the well located in the $S\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31 Township 99 Range 52, TURNER County, S.D.

Previously you should have received a completed FORM 10 pertaining to Water Right No. 4958-3 located on SE $\frac{1}{4}$ & E 30 Acres of SW $\frac{1}{4}$ of Section 22, Township 99 Range 53, TURNER County, S.D.

That should complete my obligation.

Thank you

Richard A. Perry

2433 Lariat Meadows Dr.

Eugene, OR 97401

Enclosure



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

Post Office 2433 LARIAT MEADOWS DR.
Eugene, Oregon 97401

Date May 26, 1986

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.

5058-3.

Water Right Permit No. 5058-3 states that the diversion system is to be constructed by Richard S. Perry & Vera T. Perry Tenants in Common, and that the water is put to beneficial use by Richard S. Perry & Vera T. Perry, Tenants in Common

The diversion system was completed on November 4, 1985. Applying the water to beneficial use was completed on May 13, 1986.

Construction was by Contract
paid for by Richard S.
Perry & Vera T. Perry

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.

Richard S. Perry Vera T. Perry
(Signature) Vera T. Perry
Richard S. PERRY Vera T. PERRY



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 1992

5058-3

Vera T Perry
2433 Lariat Meadows
Eugene, OR 97401

Dear Ms. Perry:

The 1992 irrigation questionnaire for Water Permit No. 4958-3 (completed by James Davis) has been received.

You noted on the questionnaire that you did not receive a form for Water Permit No. 5058-3. That particular form was mailed directly to the renter, Doyle Christensen. Mr. Christensen has already completed the 1992 questionnaire and returned it to our office.

In the past, we were either notified by you or by Mr. Christensen to mail the form to him. If you would rather it be mailed to you instead, let me know and I can change it. Mailing the questionnaire directly to a renter does not alter ownership of the permit.

Thank you for your inquiry into this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

Permit No. 5058-3

Vermillion River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Richard S. Perry of 2433 Lariat Meadows drive Eugene, OR 97401 holder of Permit No. 5058-3, bearing the priority of July 16, 1985 authorizing the diversion of 1.71 cu. ft. per second of the waters of Parker-Centerville Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

One well, 102' deep with 62' of 16" PVC casing and 40' of 16" slotted PVC screen, Western Land Roller Pump, Model No. 8605315, 12", 3 stages, 600 GPM @ 32-33 PSI, GE Motor, Model No. 5K6237XM501C, 40 HP

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

20' of 10" Aluminum pipe

C. Works used to apply water to beneficial use:

Zimmatic 7 tower center pivot system, 1280' long with end gun, low pressure, 550 GPM

The system is in the following condition good. The point of diversion is located 1352'E and 2645'N of the SW corner of Section 31-T99N-R52W. The works are capable of diverting and conveying to the place of use 1.22 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 31-T99N-R52W:

SW1/4 NW1/4 = 37 acres

SE1/4 NW1/4 = 6 acres

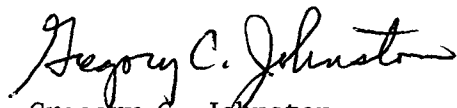
NW1/4 SW1/4 = 37 acres

NE1/4 Sw1/4 = 21 acres

comprising a total of 101 acres of land and the license should be issued for 1.22 cfs.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None Date 5/3/93



Gregory C. Johnston
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5058-3

DATE 5/3/93

Other permit(s) associated with the project none

DIVERSION POINT LEGAL LOCATION: 1352'E and 2645'N of the SW corner of Section 31-T99N-R52W

WELL INFORMATION: Well Drilling Firm Wetmore (No well completion report available)

No. of Wells 1 Depth(s) 102

a) Casing: 1) diameter 16 inches

2) length 62 feet

3) type PVC

d) Static Water Level 41 feet

e) Motor:

1) make GE

2) model No. 5K6237XM501C

3) horsepower rating 40 hp

b) Screen: 1) type slotted PVC

2) length 40 feet

1) make Western Land Roller

2) model 8605315

3) size 12 inches

4) capacity 600 GPM

5) turbine pump - No. of stages 3

6) operating pressure 32-33 PSI

DISTRIBUTION LINES OR CANALS:

a) type Aluminum

b) size 10 inches

c) length 20 feet

System Type:

a) Center pivot:

1) make Zimmatic

2) overall length 1280 feet

3) number of towers 7

4) distance between towers 175 feet

5) end gun Y (Y/N)

6) high or low pressure Low

7) capacity 550 GPM

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

All well construction information from Form 2A and farm manager Doyle Christiansen

37.3

23.5

12.7
15.8

62.5

58.4

22.4

T-4840

T-800

NO. 5058-3112

Richard S. Perry

Drawn by:

Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer II

Water Rights Division, DENR

6/8/93

Scale = 6 1/4" = 1 mile

SW 1/4 NW 1/4 =
37 acresSE 1/4 NW 1/4 =
6 acresCenter Pivot
Well31
31NW 1/4 SW 1/4 =
37 acresNE 1/4 SW 1/4 =
21 acres

1352'

2645'

All in Section 31-T99N-R52W:

SW 1/4 NW 1/4 = 37 acres

SE 1/4 NW 1/4 = 6 acres

NW 1/4 SW 1/4 = 37 acres

NE 1/4 SW 1/4 = 21 acres

Total = 101 acres

1.5

54.4

22.0

61.8

1.5

1.5

99-52

5058-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 1993

5058-3

Richard S. Perry
3004 S. Lincoln Ave.
Sioux Falls, SD 57105

Dear Mr. Perry:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5058-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

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

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

July 21, 1993



So. Dak. Dept. of Environment & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
PIERRE, South Dakota 57501-3181

Subject: Fee For Water License Water Permit No. 5058-3
Reference July 20, 1993 letter to Richard S. Perry

Enclosed is a check for \$50 as requested

Sincerely
Vera J. Perry

Enclosure: Check for \$50



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

5058-3

Richard S. Perry
3004 S. Lincoln Ave.
Sioux Falls, SD 57105

Dear Mr. Perry:

Enclosed is Water License No. 5058-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413838 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5058-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures

RECEIPT

413838

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, July 26, 19⁹³

RECEIVED OF Vera T. Perry, 3004 S. Lincoln Ave, Sioux Falls, SD 57105

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>5058-3</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 H. Hata*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 1997

5058-3

Doyle Christensen
45835 278th St
Parker, SD 57053

Dear Mr. Christensen:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 5058-3. The water right is currently listed in the name of Richard Perry.

Please review the form and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

I am also enclosing a copy of Water Right No. 5058-3 and the report of examination of works. You may keep these for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 5058-3

Date: 8-19-97

I/We request that Water Right No. 5058-3

formerly owned by: Richard S Perry

be transferred to: (name & address) Doyle Christensen 45835 278th ST.

Parker, S.D. 57053

Telephone No. (605) 647-5736

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

101 acres - S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 31, T99N, R52W

I/We understand that the validity of Water Right No. 5058-3 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 Turner)

I/We Doyle Christensen 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.

Doyle Christensen
(Signed)

Subscribed and sworn to before me this 19 day of Aug, 19 97.

W. J. SOMMERVOLD
NOTARY PUBLIC, STATE OF SO. DAK.
MY COMMISSION EXPIRES OCT. 30, 1997

W. J. Sommervold
(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

No. 5058-3

Doyle Christensen
45835 278th St.
Parker, SD 57053

Dear Mr. Christensen:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5058-3.

Our records now show you as the owner of Water Right No. 5058-3.

Sincerely,

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

enclosure

RECEIPT

Division of Water Rights

415445

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 22, 1997

RECEIVED OF _____ Doyle or Jill Christensen, 45835 278th St, Parker, SD 57053

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 _____ water right no. 5058-3	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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5058-3

(1) Richard S Perry, of 3004 S Lincoln Avenue, Sioux Falls, SD 57105 made Application No. 5058-3, March 7, 1985 for a water permit to appropriate 1.71 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5058-3, with a priority date of July 16, 1985 was approved October 16, 1985 and issued to the applicant(s) for diversion of water with construction of the described water supply system to be completed on or before October 16, 1990 and for the application to beneficial use of said water on or before October 16, 1994.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on May 29, 1986 which stated the diversion system was completed on November 4, 1985 and the water applied to beneficial use on May 13, 1986.

(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 1.22 cubic feet of water per second for beneficial use. The location of the diversion point is 1352 feet east and 2645 feet north of the SW corner of Section 31, T99N, R52W (SE¼NW¼).

(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:

T99N, R52W	Section 31	SW¼NW¼	37 acres
		SE¼NW¼	6 acres
		NW¼SW¼	37 acres
		NE¼SW¼	21 acres
		Total	101 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard S Perry of 3004 S Lincoln Ave., Sioux Falls, SD 57105 the holder and/or owner of Water Permit No. 5058-3 is issued a license to appropriate water, the right to use 1.22 cubic feet of water per second from groundwater (one well) with a priority date of July 16, 1985 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. 5058-3 and subject to South Dakota State Law.



SEP 20 1993

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