

Considered: _____

WATER PERMIT NO. 5086-3

MAP No. same

Name of Applicant Lloyd G. Duncan

Post Office Address 618 E. Pipestone Ave. Flandreau SD 57028

Amount of Water Claimed 1.50 Total Acres 106

Source of Water Supply groundwater

Water to be used for irrigation County Moody

About 1 miles SW of Flandreau

PROOF OF PUBLICATION: Received April 4, 1986 Not Received _____

APPLICATION: Approved May 14, 1986 Subject to _____

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

PRIORITY _____ Date Received Nov. 27, 1985 Fee \$225.00 Remarks returned application to correct land description & div. pt. location

Corrected Application Received Dec 18, 1985 Period of Annual Use Apr 1 - Oct. 31

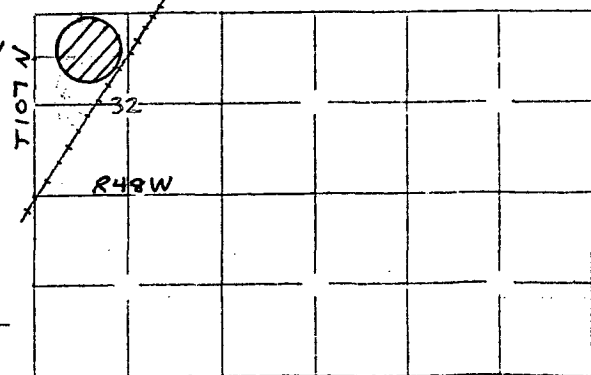
WATER QUALITY APPROVAL RECEIVED March 11, 1986 APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS corrected diversion point

had been included. Water sample was taken from the proposed well site
Diversion Point well: 4550 ft. W and 540 ft. S 6 acre difference between WI-1 and permit application

From the NE corner of sec. 32-T107N-R48W

Land to be irrigated NW 1/4, sec 32-T107N-R48W



Well Log: Driller Lacey Well Drilling Licensed YES ☒ NO _____

Depth of Well 40 ft REMARKS _____

Type of Map Aerial photo PREPARED BY John Wiersma Reviewed and the Number assigned on March 17, 1986 By Ron Duvall

No. 5086-3 Hydrologic Unit 10170203
Map No. same Basin Big Sioux
Newspaper Moody County Enterprise, Box 71**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 Lloyd G. Duncan Phone No. 605-897-2607Post Office Address 618 E. Pipestone Ave, Pierre State S.D. 57028
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.5 Total acres irrigated 1063. Source of Water supply well NE4. Location of point of diversion 4550' west and 540' south of NE corner of
Section 32-107-48County Moody5. Counties where water will be used Moody6. Annual period during which water is to be used April 1 through October 31

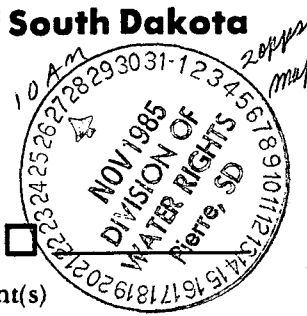
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NW 1/4 of NW 1/4 Sec 32-107-48</u>	<u>24</u>
<u>NW 1/4 of NW 1/4 " " " "</u>	<u>36</u>
<u>SW 1/4 of NW 1/4 " " " "</u>	<u>20</u>
<u>SE 1/4 of NW 1/4 " " " "</u>	<u>36</u>

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)

Center Pivot Irrigation System using water
which will be piped underground from point
of diversion.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 Brookings)^{ss}I, Lloyd G. Duncan 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 Lloyd G. DuncanSubscribed and sworn to before me this 23 day of Nov 1985John J. Williams - P.E. # 1418
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5086-3
Lloyd G. Duncan 618 E. Pipestone Ave, Flandreau
(Applicant) (Post Office Address)
SD 57028 With the following qualifications.
(State) (Zip Code)

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.

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

Date of first receipt of application November 27, 1985.
Date of return to applicant for correction, amendments or changes required December 3, 1985.
Date of receipt of corrected application Dec. 18, 1985. Approved May 14, 1986.

The Water Management Board hereby approves this Water Permit No. _____ 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 November 27, 1985.
2. One-fifth of the work is to be completed on or before October 14, 1988.
3. The whole of said work is to be completed on or before May 14, 1991.
4. The time limit for proof of beneficial use of water is May 14, 1995.
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 1.50 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 May 14, 1995; said water to be used during the following described annual period: Apr 1 - Oct. 31.

WATER MANAGEMENT BOARD

By: John Hated
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

JUN 20 1986, 1986

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 41'
- b) Casing Type Steel Diameter 12" Thickness 3/16"
- c) Screen Type Continuous Slot Diameter 12" Thickness 3/16"
- d) Gravel Pack Thickness 2" Length of Gravel Pack 18'
- e) Depth to Top of Water Bearing Material 2.5'
- f) Depth of Water (ground surface to water level) 11'
- g) Distance to nearest existing domestic well:
- On applicants property 110' S On property owned by others 600' S

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 _____

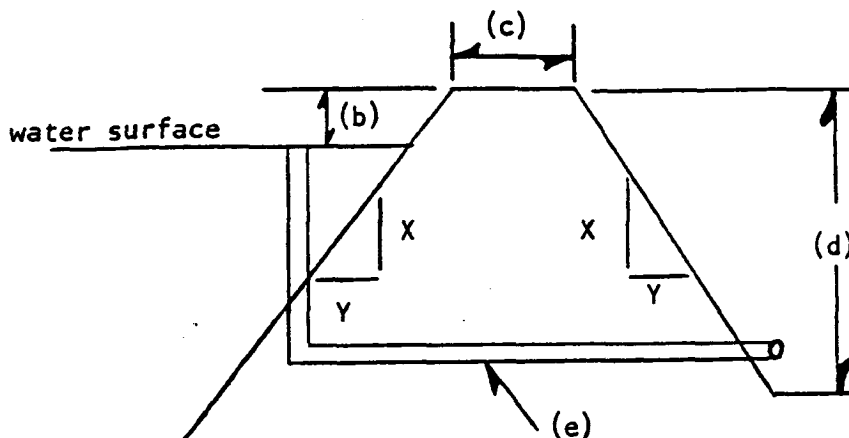
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

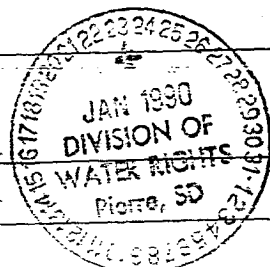
Storage _____ acre feet

Drainage area above dam _____



[Signature]
Signature of Applicant

523



In Water Since 1946

LACEY WELL DRILLING

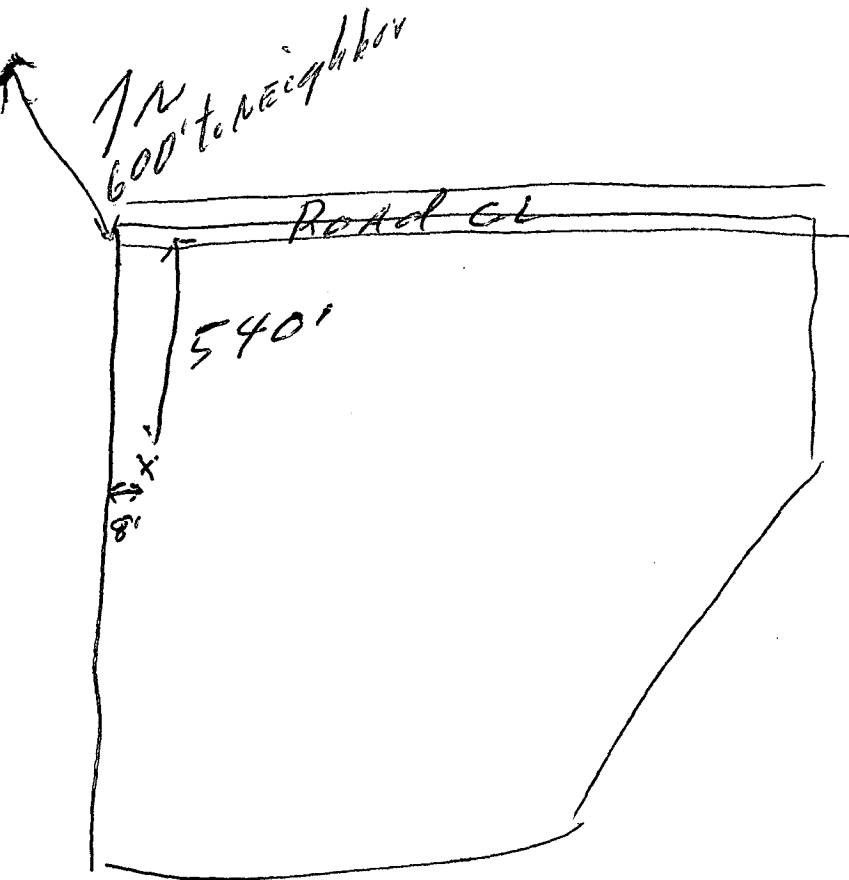
Wells
Test Drilling
Irrigation Supplies

Box 796
Trent, South Dakota 57065
Telephone 428-5686 or 428-5979

Pumps
Water Specialists
Water Source Heat Pumps

11-17-85

Following is log of TEST WELL
on Lloyd Duncan property SW of
Flandreau 8' East of West Fence +
540' S of North Centerline



0-3 Blacktop soil
3-25' Gravel/rocks
25-40' VERY COARSE
GRAVEL
S.W.L 10-12'

Drilled & pumped
11-17-85

James J. Lacey



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

December 3, 1985



Lloyd G. Duncan
618 E. Pipestone Avenue
Flandreau, South Dakota 57028

Dear Mr. Duncan:

I am returning your application and map to you. The map showing the well and the land to be irrigated does not agree with the legal descriptions on the permit application. A \$225.00 filing fee is also required. Please make the proper corrections and return the forms and the filing fee to us for further processing. If you have any questions please contact this office.

Thank you,

A handwritten signature in cursive script that reads "Kevin C. Larson".

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.

RECEIPT

Division of Water Rights

No 410259 -

South Dakota Department of Water and Natural Resources

Pierre, December 18, 1985

RECEIVED OF Lloyd G Duneas, 618 E Pipestone Ave, Flandreau SD 57028

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 John Hatch
Chief Engineer JOHN HATCH (ks)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Wayne H. Dierksen

OWNERS ADDRESS: 618 E. Lincoln Ave

COUNTY LAND LOCATED IN: Moody County

PHONE: 605-997-2607

TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION: 4350' East and 50' South of SW corner of Sec 32-107-48

Depth: 41' Sec 5

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 Sec. 32-107-48</u>	<u>100</u>		

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

LEGAL DESCRIPTION: None

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: ☒ GUN: _____ OTHER: (Specify) _____

6. CROPS TO BE IRRIGATED: corn & soybeans

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

7. WATER SAMPLE NUMBER: 85-1090 10. ADJUSTED (SAR): 0.33

8. SALINITY (EC X 10⁶): 510 11. PERCENT SODIUM: 3.99

9. SODIUM (SAR): 0.15

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 8:00 a.m./p.m., on Mar 11, 1985, at the following location: prepared well location by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

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

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF Mar, 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.



Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Lloyd G. Duncan

LEGAL DESCRIPTION: NW1/4 32-107-48 = 100

SOIL REQUIREMENTS:

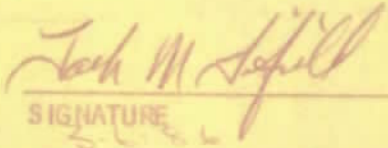
Wet
Adequate internal drainage must be provided if a water table develops through the application of irrigation waters. To achieve this necessary drainage, should this problem occur, would require a form of artificial drainage i.e. tile drainage.

RECOMMENDED MANAGEMENT:

We recommend that a form of conservation tillage be used to control erosion and to conserve the soil moisture holding capability of the more droughty soils.

We recommend that your water management plan be based on the needs and limitations of the mapping unit of Davis loam (0-2%) which dominates the area.

We also recommend that the small area of Clarno be addressed by the use of a deep ripper (greater than 24 inches) or remain in grass to address wetness hazards.


SIGNATURE

DATE

REPORT ON APPLICATION NO. 5086-3

LLOYD G. DUNCAN

March 19, 1986

Application No. 5086-3 proposes to appropriate 1.50 cfs from a well 40 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T107N, R48W. The water is to be used to irrigate 106 acres located in the NW $\frac{1}{4}$ Section 32, T107N, R48W.

Aquifer: Big Sioux-Moody

Geology and Aquifer Characteristics

The Big Sioux-Moody is an alluvium-mantled outwash confined to the fairly narrow Big Sioux River Valley in the Coteau des Prairies physiographic province. The outwash, which is composed of silt, fine to coarse sand, and gravel, underlies approximately 33,100 acres of Moody County, and contains an estimated 124,130 acre-feet of recoverable water in storage (Hedges, 1982). The Big Sioux-Moody is under water table conditions with a static water level of approximately 10 feet below the land surface in this area. The configuration of the potentiometric surface of the aquifer is controlled by the topography of the area, with a gradient of 1-5 ft/mile following the course of the Big Sioux River. Koch (1980) estimates the hydraulic conductivity of the Big Sioux Aquifer is 400-2000 ft/day and the specific yield is 0.10-0.17, depending on the location. The driller's log which accompanies this application indicates the saturated thickness of the aquifer in this area is at least 30 feet. Driller's reports from this area indicate a specific capacity of 20 gpm/ft or greater can be expected from an adequate well in this area (Water Rights Division Files, 1986).

Recharge to the aquifer is through infiltration of precipitation and possibly through streamflow from the Big Sioux River. Discharge from the aquifer is through pumping, evapotranspiration and seepage to the Big Sioux River.

The Division of Water Rights monitors 26 observation wells in the Big Sioux-Moody in Moody County. Observation wells MY-63D and MY-82E are each within one mile on either side of the applicant's well (hydrographs included).

The water level measurements in the area show seasonal fluctuations, but no definite decline.

Review of Existing Permits

<u>Permit No.</u>	<u>Owner</u>	<u>Diversion Rate</u>	<u>Use</u>	<u>Diversion Point</u>
2952-3	William Headrick	2.15 cfs	irri.(150 acres)	NW $\frac{1}{4}$ Sec 29-T107N-R48W
3977-3	City of Flandreau	5.00 cfs	F/U	N $\frac{1}{2}$ Sec 27, N $\frac{1}{2}$ Sec 28, SW $\frac{1}{4}$ Sec 28, E $\frac{1}{2}$ Sec 29, S $\frac{1}{2}$ Sec 21-T107N-R48W

The only qualification on Permit No. 2952-3 is the domestic well interference clause. Qualifications on Permit No. 3977-3 include the domestic well interference clause, and the additional qualifications that before development occurs, a permit is required and specific plans must be submitted and that the permit is subject to review every seven years by the Water Management Board.

There are two surface water permits in the area, diverting water from the Big Sioux River. They include:

<u>Permit No.</u>	<u>Owner</u>	<u>Diversion Rate</u>	<u>Use</u>	<u>Diversion Point</u>
597-3	Floyd A Johnson	2.52 cfs	irri.(176.5 ac)	NW $\frac{1}{4}$ Sec 5-T106N-R49W
1175-3	Harold Boever	2.20 cfs	irri.(154.5 ac)	NW $\frac{1}{4}$ Sec 29-T107N-R48W

Conclusions

1. The Big Sioux-Moody is a viable source of groundwater in the area.
2. A properly constructed well should be capable of supplying the required water for this permit.
3. Water level measurements indicate withdrawal from the aquifer does not exceed the average annual recharge.
4. Well interference should not be a problem in this area.
5. The Big Sioux-Moody is hydrologically connected with the Big Sioux River. Water from the Big Sioux River is appropriated immediately upstream and immediately downstream of the applicant's well site.
6. The well should be constructed in compliance with the South Dakota Well Construction Standards.



KENT BUHLER

Natural Resource Engineer

References

Hedges, L.S., Burch, S.L., Barari, R.A, Schoon, R.A., 1982, Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, DWNr, U.S. Army Corps of Engineers Contract No. DACW 45-80-C-0195.

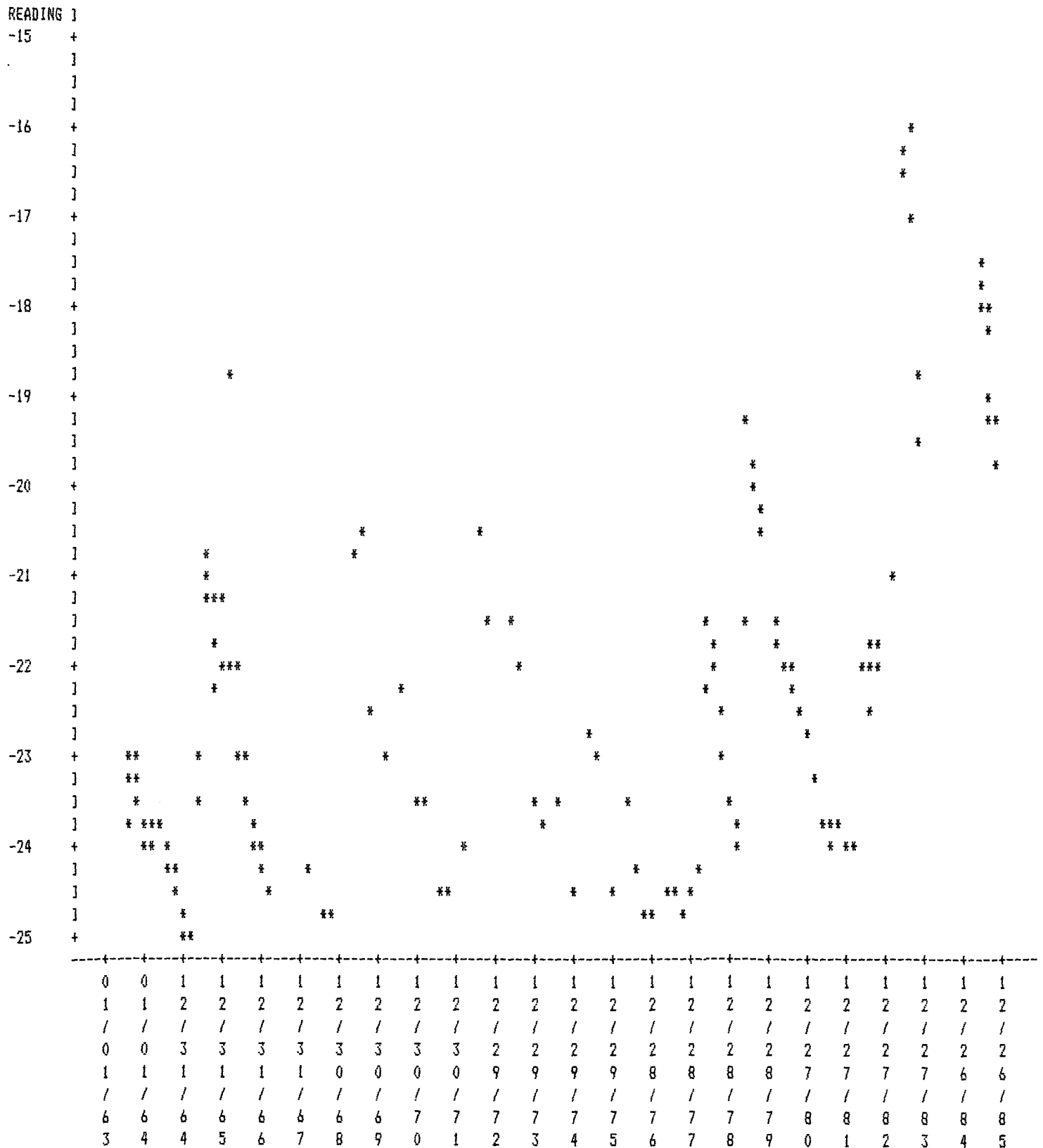
Koch, N.C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel and Hamlin Counties, South Dakota, U.S. Geological Survey, Water-Resources Investigations 80-100.

Division of Water Rights, "Water Permit, Domestic Well Log, and Observation Well Files", 1986, DWNr, Pierre SD.

OBSERVATION WELL WATER LEVELS
OBS_WELL=MY-63D

10:40 WEDNESDAY, MARCH 19, 1986 4

PLOT OF READING*DATE SYMBOL USED IS *

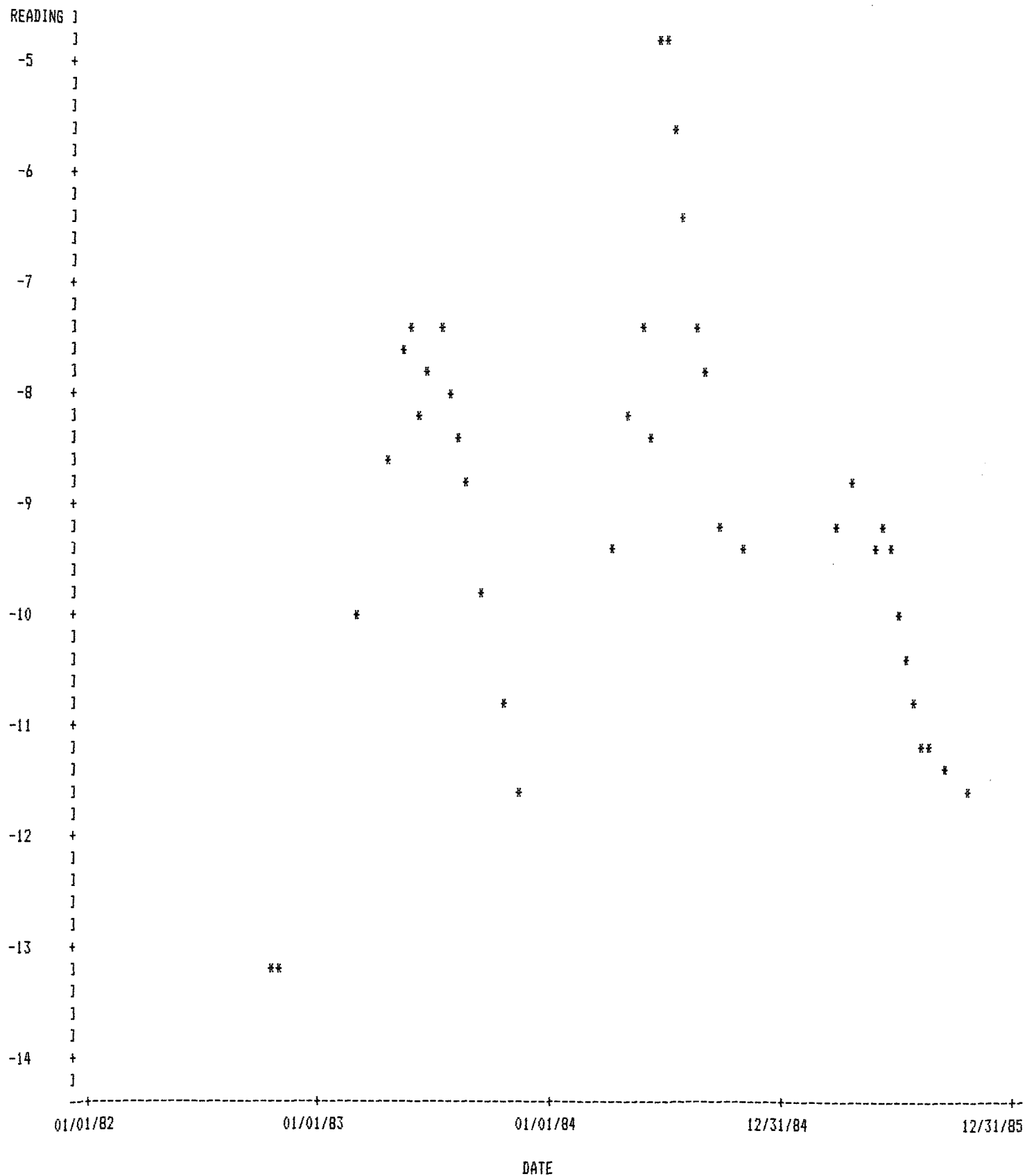


NOTE: 18 OBS HIDDEN

OBSERVATION WELL WATER LEVELS
OBS_WELL=MY-82E

10:56 WEDNESDAY, MARCH 19, 1986 2

PLOT OF READING*DATE SYMBOL USED IS *



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 5086-3, Lloyd G. Duncan

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. 5086-3, Lloyd G Duncan, 618 East Pipestone Avenue, Flandreau SD.

The Chief Engineer is recommending APPROVAL of Application No. 5086-3 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:

1. 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.

2. 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
March 20, 1986

No. 5086-3

Instruction to Newspaper - Publish first publication of the following Notice on or before March 26, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5086-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Lloyd G. Duncan whose mailing address is 618 E. Pipestone Ave., Flandreau, South Dakota has made an application for a permit to appropriate 1.50 cubic feet of water per second from one well 40 feet deep to irrigate 106 acres. The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32-T107N-R48W. Lands to be irrigated are located in the NW $\frac{1}{4}$ of Section 32-T107N-R48W.

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

APPROVAL of Application No. 5086-3 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, South Dakota, May 14 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 May 2, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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, 46-5-30.4, 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 May 2, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

I, Angela Nibbelink hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Moody County Enterprise

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 Flandreau

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

March 26, 1986

April 2, 1986

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

April 2, 1986
(Date Signed)

Cost of Printing: \$33.85



**NOTICE OF HEARING
On Application No. 5086-3
To Appropriate Water**

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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, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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 May 2, 1986.

(March 26-April 2, 1986)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5086-3

JUN 20 1986

Lloyd C. Duncan
618 E. Pipestone Avenue
Flandreau, South Dakota 57028

Dear Mr. Duncan:

Enclosed herewith is your Water Permit No. 5086-3 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. 5086-3.

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: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

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

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

February 8, 1989

LLOYD G DUNCAN
618 E PIPESTONE
FLANDREAU, SD 57028

NOTICE

RE: Violation of Water Permit No(s). 5086-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 5086-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 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). 5086-3 qualification:

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

The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

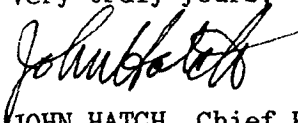
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 5086-3 until the 1988 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 March 1st 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,



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



South Dakota Department of
Water & Natural Resources

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

February 24, 1989

5086-3

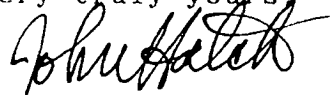
Lloyd G Duncan
618 E Pipestone
Flandreau, SD 57028

Dear Mr. Duncan:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 5086-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

cc: Thomas & Scott Duncan, PO Box 231, Flandreau, SD 57028



Department of Water & Natural Resources

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

April 24, 1989

5086-3

Thomas B & Scott J Duncan
PO Box 231
Flandreau, SD 57028

Dear Sirs:

I am contacting you in regard to ownership of Water Permit No. 5086-3. Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 5086-3. The form is being sent to you in response to the 1988 irrigation questionnaire.

Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to your names.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-1-89

This is to notify you that the title to the lands described as follows:

106 acres - NW $\frac{1}{4}$ Section 32, T107N, R48W

formerly owned by Lloyd Duncan, 618 E Pipestone Ave, Flandreau, SD

has been transferred to Thomas B. Duncan P.O. Box 231 Flandreau SD 57028
Scott J. Duncan P.O. Box 231 Flandreau SD 57028

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water ~~Rights~~ Permit No. 5086-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Moody) ss.

WEX, Thomas B. Duncan 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 I know of my own personal knowledge that the information herein stated is true.

Thomas B. Duncan
Scott J. Duncan
(Signed)

Subscribed and sworn to before me this 5th Day of May, 1989.

Lori L. Sutton
(Notary Public)

My Commission Expires: 10-24-93

 **Department of
Water & Natural Resources**

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

July 19, 1989

Thomas B Duncan
Scott J Duncan
PO Box 231
Flandreau SD 57028

Dear Sirs:

Enclosed is the receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5086-3.

Our records now show you as the owners of this Water Permit.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 9, 1989

RECEIVED OF Thomas B. Duncan, PO Box 231, Flandreau, SD 57028

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5086-3</u>	2	50
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	2 50

By John Hatch/mra
Chief Engineer John Hatch/mra



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 1994

5086-3

Thomas B. & Scott J. Duncan
P.O. Box 231
Flandreau, SD 57028-0231

Dear Sirs:

This letter is in response to receipt of the enclosed check for \$50.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure

Permit No. 5086-3**Big Sioux** - 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, **June 10, 1996**, made a thorough examination of the water use system constructed by **Thomas B and Scott J Duncan** of **PO Box 231, Flandreau SD 57028** holder of Permit No. **5086-3**, bearing the priority of **November 27, 1985** authorizing the diversion of **1.50** cu. ft. per second of the waters of **Big Sioux:Moody aquifer** for **irrigation** purposes, in **Moody** County.

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

A. Works used to divert the water:

20 hp submersible -- make unknown

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

1,060 feet of 8 inch PVC pipeline

C. Works used to apply water to beneficial use:

Center pivot:Make **Pierce**Number of towers **8**End gun **Y**Low pressure **32 psi**Capacity **500** GPM

The system is in the following condition **good**. The point of diversion is located **775 feet E and 625 feet S from NW corner of section 32-T107N-R48W (NW¼NW¼)**. The works are capable of diverting and conveying to the place of use **1.11** 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 32-T107N-R48W:

Legal Description	Acreage	Legal Description	Acreage
NE¼NW¼	37	SE¼NW¼	22
NW¼NW¼	16	*NW¼NE¼	3
SW¼NW¼	7	Total	85

comprising a total of **85** acres of land and the license should be issued for **1.11** cfs.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **none** Date report completed: **June 25, 1996**


 Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

*See attached file documentation to license acreage developed outside of permitted area.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5086-3

DATE OF INVESTIGATION:	June 10, 1996
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Scott Duncan
NAME & ADDRESS OF PERMIT HOLDER	Thomas B and Scott J Duncan PO Box 231 Flandreau SD 57028
DIVERSION POINT LEGAL LOCATION	775 feet E and 625 feet S from NW corner of section 32-T107N-R48W

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 39 feet
- 4) Well log is available Y

Screen:

- 1) Type stainless steel
- 2) Length 8 feet
- 3) Static water level 13 feet

Casing:

- 1) Diameter 14 inches
- 2) Length 31 feet
- 3) Type steel

Motor/Pump:

- 1) Make Unknown
- 2) Model submersible
- 3) Size 20 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,060 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Pierce
- 2) Number of towers 8
- 3) End gun Y
- 4) Low pressure 32 psi
- 5) Capacity 500 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS:

- 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

Licensing of Acreage Outside of Permitted Area

NAME: Thomas B and Scott J Duncan

ADDRESS: PO Box 231, Flandreau SD 57028

DATE: June 25, 1996 **COUNTY:** Moody

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 85 acres as compared to 106 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The unpermitted acreage is 3 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 32-T107N-R48W. This acreage is a portion of a center pivot located in the permitted area in the NW $\frac{1}{4}$ of the same section.

- **Owned by Same Property Owner**

According to Brenda Duncan, wife of Scott, the land in the NE $\frac{1}{4}$ west of the abandoned railroad bed is owned by the Duncan's. The 3 acres is located in this area. A few tenths of an acre is also located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ but is not included due to the very small area involved.

- **Developed Prior to Expiration of Construction Period**

According the irrigation questionnaires and well completion report, the acreage was developed for irrigation prior to the end of the construction period.

RECOMMENDED ACTION

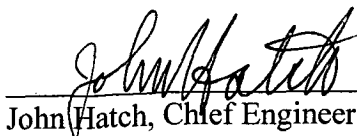
Based on the above criteria, it is recommended that the unpermitted 3 acre area be included in the water license.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 1996

5086-3

Thomas B. and Scott J. Duncan
P.O. Box 231
Flandreau, SD 57028

Dear Sirs:

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. 5086-3, 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.

**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 number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 17 1996

5086-3

Thomas B. and Scott J. Duncan
P.O. Box 231
Flandreau, SD 57029-0231

Dear Sirs:

Enclosed is Water License No. 5086-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415002 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. 5086-3, 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

gm
enclosures

RECEIPT

415002

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 11 _____, 19 96

RECEIVED OF Fergen Farm Account, PO Box 165, Flandreau SD 57028

the following amount in fees for services rendered as provided for by law: for Thomas & Scott Duncan

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>5986-3</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 JOHN HATCH (ks)

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5086-3

(1) Lloyd G Duncan made Application No. 5086-3, November 27, 1985 for a water permit to appropriate 1.50 cubic feet of water per second from ground water (one well), Moody County, South Dakota for irrigation purposes. Permit No. 5086-3, with a priority date of November 27, 1985 was approved May 14, 1986 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 14, 1991 and for the application to beneficial use of said water on or before May 14, 1995.

On May 9, 1989, Water Permit No. 5086-3 was transferred to Thomas B and Scott J Duncan.

A June 10, 1996, investigation of the water use system found three acres developed outside of the permitted area. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that the acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is 775'E and 625'S of the NW corner of Section 32, T107N, R48W (NW¼ NW¼)

(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 **85 acres of land, all in Section 32, T107N, R48W**

NE¼ NW¼	37 acres
NW¼ NW¼	16 acres
SW¼ NW¼	7 acres
SE¼ NW¼	22 acres
NW¼ NE¼	3 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thomas B & Scott J Duncan of PO Box 231, Flandreau, SD 57029-0231 the holders and/or owners of Water Permit No. 5086-3 are issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from ground water (one well) with a priority date of November 27, 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. 5086-3 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 17 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

5086-3

Scott Duncan
RR 3 Box 164
Flandreau, SD 57028

Dear Mr. Duncan:

I am contacting you in regard to the 1997 irrigation questionnaire and ownership of Water Right No. 5086-3. I visited with Tom Duncan this morning and he indicated the water right should be transferred to your name.

Enclosed, is a partially completed "Notice of Transfer of Ownership" form for use in filing the change. Please complete the form as needed and then sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

Also enclosed is a 1997 irrigation questionnaire pertaining to any irrigation that may have taken place during 1997. **Please complete the form and return it prior to February 20, 1998.**

If you have any questions, please contact me.

Sincerely,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

I also wish to receive the following services (for an extra fee): 1998

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

THOMAS B & SCOTT J DUNCAN
PO BOX 231
FLANDREAU SD 57028 0231

4a. Article Number

119 141 210

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

17 Jan 98

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Tom Duncan

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: THOMAS B & SCOTT J DUNCAN, PO BOX 231, FLANDREAU, SD 57028 0231
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5086-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5086-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5086-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1998

5086-3

Scott J Duncan
RR 3 Box 164A
Flandreau, SD 57028

Dear Mr. Duncan:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and "Notice of Transfer of Ownership" form.

You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 5086-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The ownership change has been filed and the Water Right is now listed in your name. Enclosed is Receipt No. 415640 in the amount of \$2.50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415640

Pierre, February 9, 19 98

RECEIVED OF Scott Duncamp RR 3, Box 164A, Flandreau, SD 57028
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 Right No. 5086-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John H. H. H. H.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5086-3



Date: _____

I/We request that Water Right No. 5086-3

formerly owned by: Thomas B & Scott J Duncan

be transferred to: (name & address) Scott J Duncan

Telephone No. 997-2326

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

85 acres - NW¼ and NW¼ NE¼ Section 32, T107N, R48W

I/We understand that the validity of Water Right No. 5086-3 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.

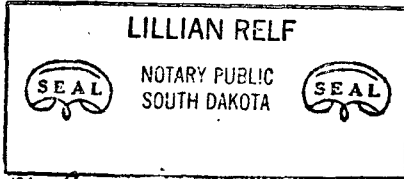
STATE OF SOUTH DAKOTA)

County of Moody)

I/We Moody Scott Duncan 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.

Scott Duncan
(Signed)

Subscribed and sworn to before me this 5th day of February, 19 98.



Lillian Relf
(Notary Public)

My Commission Expires 10-24-03

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.



5086-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: SCOTT J DUNCAN, RR 3 BOX 164A, FLANDREAU, SD 57028

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5086-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5086-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5086-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

SCOTT J DUNCAN
RR 3 BOX 164A
FLANDREAU SD 57028

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) Scott J Duncan B. Date of Delivery 1-23-01
- C. Signature Scott J Duncan ☐ Agent
☐ Addressee
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2577

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2001

5086-3

Scott J Duncan
RR 3 Box 164A
Flandreau, SD 57028

Dear Mr. Duncan:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5086-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Don Juvall
Natural Resources Engineer
6/25/96

1" = 660'



NOT TO SCALE



Permit No. 5086-3

NOT TO SCALE

107-48

50'

well

87-2

Lloyd G. Duncan
Irrigation Project
618 E Pipestone Ave.
Flandreau S. Dakota
Moody County

Land to be irrigated - Part of NW¹ sec 32-32
Acres irrigated - 106
Water claimed - 1.5 cfs

107-48

107-48

John L. Williams
P.E. 1918

Appl 5086-3

NOT TO SCALE

07-48

87-L

Lloyd G. Duncan
Irrigation Project
Moody County

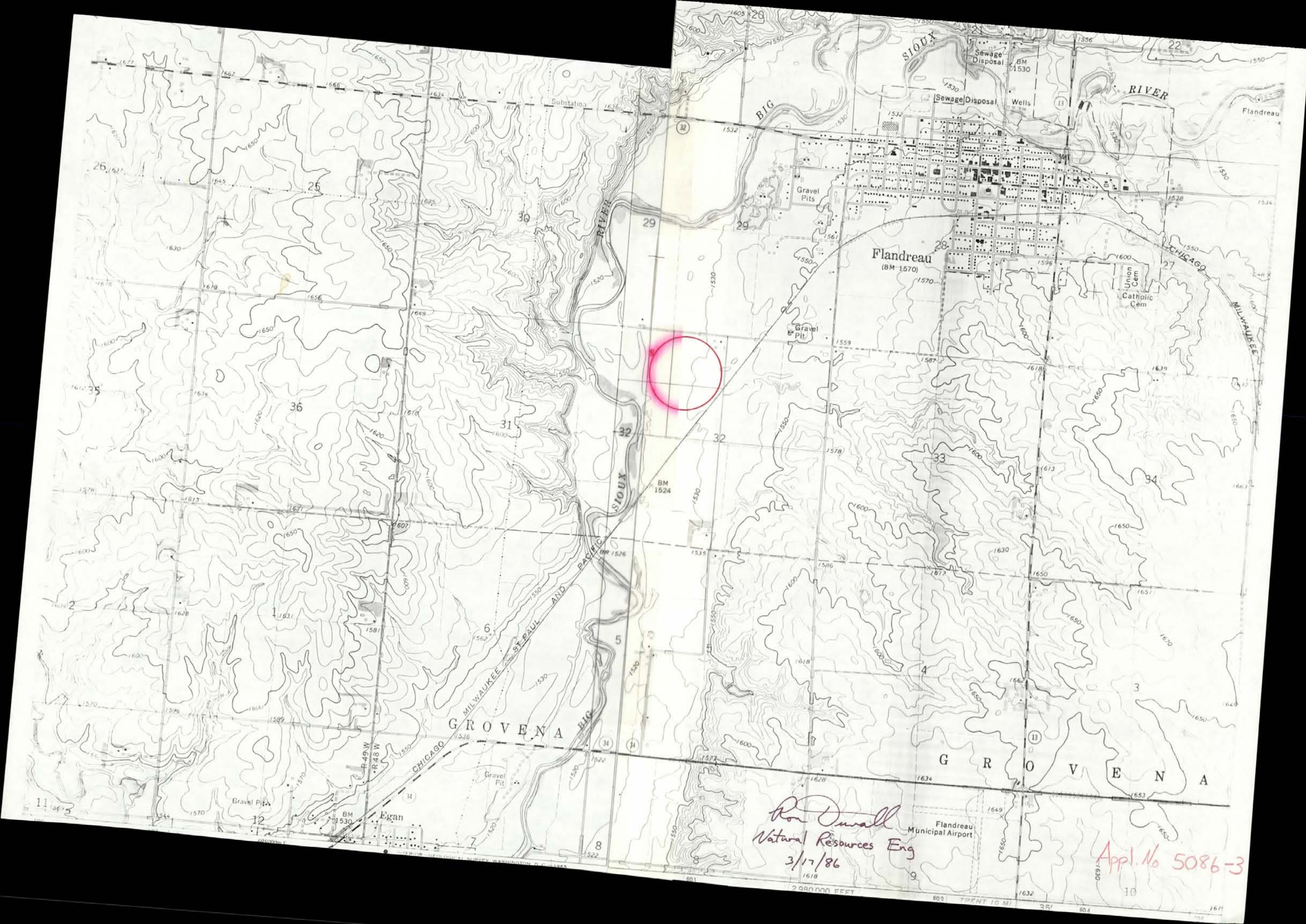
Land Irrigated - Part of NW⁴ sec 32-07-48
Acres Irrigated - 106
Water Claimed - 1.5 c & s.

32

107-48

Appl. 5086-3

John S. Williams
PEH 1918



Ron Durrall
Natural Resources Eng
3/17/86

Appl. No 5086-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2010

5086-3

Scott J Duncan
618 E Pipestone Ave
Flandreau SD 57028-1311

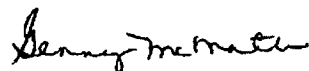
Dear Mr. Duncan:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 47995 231st St, Flandreau SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


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

enclosures