

Considered: _____

WATER PERMIT NO. 5237-3

HAP No. same

Name of Applicant James Arthur

Post Office Address RR1, Box 56, Clark SD 57225

Amount of Water Claimed 1.88 cfs Total Acres 132

Source of Water Supply ground water - 1 well

Water to be used for irrigation County Hamlin

About 7 miles W of Estelline.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 3/2/89 Subject to _____

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

PRIORITY _____ Date Received Dec 28, 1988 Fee _____ Remarks _____

12/28/88

Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 1/18/89 APPROVED/CONDITIONAL (Circle one)

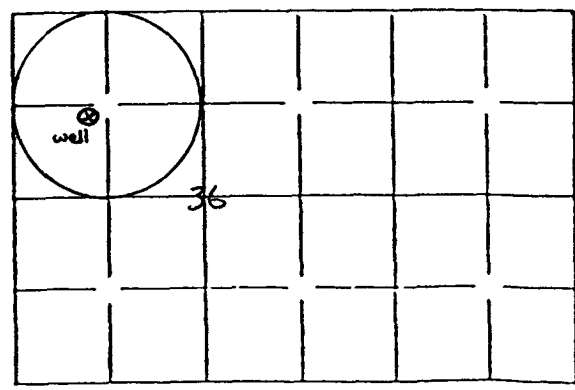
WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point well: SW 1/4 NW 1/4 section 36-

T113N-R52W

Land to be Irrigated NW 1/4 section 36-T113N-

R52W



Well Log: Driller Lacey Licensed YES ☒ NO _____

Depth of Well 45 feet REMARKS _____

Type of Map plat PREPARED BY Alan R. Bender Reviewed and the Number

assigned on January 9, 1989 By Ron D. Swall

(See instructions)

No. 5237-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Hamlin Co. Herald Enterprise &
Hayti

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant James Arthur Phone No. 57225
Post Office Address RR 1 Box 56,
RFD -1, Box -7, South Shore Clark State SD Zip Code 57263
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 1.88 Total acres irrigated 132

3. Source of Water supply well

4. Location of point of diversion 255' west + 15' south of center of NW $\frac{1}{4}$ S36 113N 52W

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

County Hamlin

5. Counties where water will be used Hamlin

6. Annual period during which water is to be used May 1 - 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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ S36 113N 52W	33
NE $\frac{1}{4}$ NW $\frac{1}{4}$ S36 113N 52W	33
SW $\frac{1}{4}$ NW $\frac{1}{4}$ S36 113N 52W	33
SE $\frac{1}{4}$ NW $\frac{1}{4}$ S36 113N 52W	33

Attach sheet if more space is needed

Land Description	No. Acres Irr.

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____

9. Crops to be Irrigated: Corn, soybeans, small grains, and alfalfa

10. Give a description of proposed project. (Attach sheet if more space is needed)

The center pivot will be located with the pivot at the middle of the pivot in the center of the NW $\frac{1}{4}$ S36 113N 52W. The well will be located on the quarter approximately 250 ft West of the center pivot. No other wells are located on the quarter and the aquifer is adequate to handle the demand without causing problems.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of CODINGTON)^{ss}

I, JAMES D. ARTHUR, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed James D. Arthur

Subscribed and sworn to before me this 7th day of January 1989

Sh. J. L. L. L. L. L.
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5237-3 FOR IRRIGATION

Date of first receipt of application December 28, 1988.

Date Soil/Water Compatibility Permit received January 18, 1989.

Date of return of applicant for correction, amendments or changes required January 4, 1989.

Date of receipt of corrected application January 10, 1989.

The Water Management Board approved Water Permit Application No. 5237-3 on March 2, 1989 for James Arthur, RR 1, Box 56, Clark SD 57225 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5237-3 appropriates 1.88 cfs from one well, 45 feet deep, to irrigate 132 acres. The well is to be located in the SW 1/4 NW 1/4 and the acreage to be irrigated is to be located in the NW 1/4; all in Section 36 T13N-R5W
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - October 31.
3. The date from which applicant may claim right is December 28, 1988.
4. One-fifth of the construction is to be completed on or before September 2, 1991.
5. All construction is to be completed on or before March 2, 1994.
6. Water is to be put to beneficial use on or before March 2, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
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.

WATER MANAGEMENT BOARD

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

JUN 13 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 16" Depth 45 ft
- b) Casing Type plastic Diameter 16" Thickness _____
- c) Screen Type Johnson Diameter 16" Thickness _____
- d) Gravel Pack Thickness 4" Length of Gravel Pack 25 ft
- e) Depth to Top of Water Bearing Material 10 ft
- f) Depth of Water (ground surface to water level) 10 ft
- g) Distance to nearest existing domestic well:
 On applicants property > 2000' On property owned by others > 3000'

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 _____

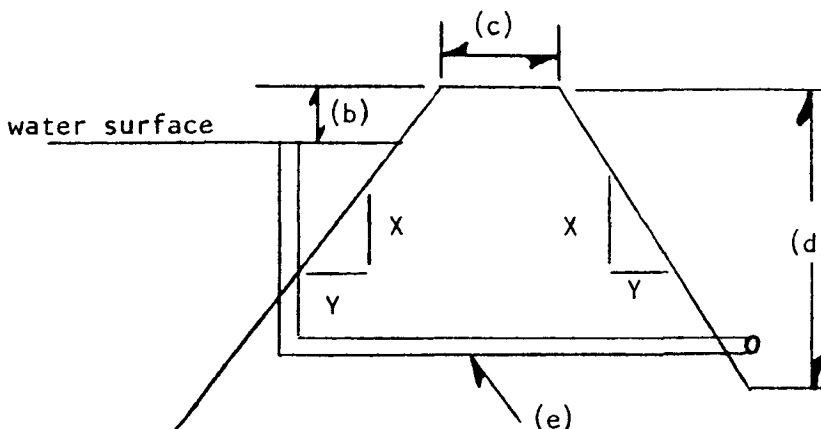
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



James D. Arthur
 Signature of Applicant

SOUTH Dakota Department of
Water & Natural Resources

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

January 4, 1989

James Arthur
RFD 1, Box 7
South Shore SD 57263

Dear Mr. Arthur:

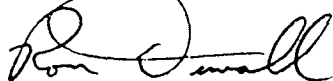
This letter is in response to your water permit application received on December 28, 1988. The following information is needed to complete the water permit application:

- 1) The application fee to irrigate 132 acres with a water appropriation of 1.88 cfs (850 gpm) is \$250.00. The fee needs to be submitted with the application.
- 2) The application also needs to be notarized by a notary public. The professional engineer stamp does not qualify as a notary seal. Enclosed are two revised application forms which need to be signed and notarized. Please sign the forms in the presence of a notary and return the forms to the Division of Water Rights.

The water permit application can not be processed for consideration by the Water Management Board until the application is complete. The application can be scheduled for the March 1, 1989 Board meeting if the \$250.00 fee and notarized applications are returned by January 9, 1989.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

END .



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411586

Pierre, January 10, 19 89

RECEIVED OF James Arthur, RR 1, Box 56, Clark SD 57225

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

Fee for Application for Permit No. <u>5237-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By

Chief Engineer

John H. Hester
1/15

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4316

WR#

OWNERS NAME: James Arthur OWNERS ADDRESS: RFD 1, Box 7
South Shore, SD 57263

COUNTY LAND LOCATED IN: Hamlin PHONE: _____

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 255' W & 15' S of Center of NW $\frac{1}{4}$ Sec. 36-T113N-R52W

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36-T113N-R52W	33		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ " "	33		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ " "	33		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ " "	33	TOTAL ACRES =	132

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

3. CROPS TO BE IRRIGATED: corn, soybeans, small grains, and alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0525 7. ADJUSTED (SAR): 1.22

5. SALINITY (EC X 10⁶): 1000 8. PERCENT SODIUM: 9.65

6. SODIUM (SAR): 0.48

Requirements:



[Signature]
Director, Division of Conservation

Date 1/19/89

☒ APPROVED _____ REQUIREMENTS

DISAPPROVED

WAIVER

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



CONSERVATION COMMISSION MEETING

DATE: January 12, 1989

Page 1 - APPROVED

NAME: James Arthur

WATER QUALITY: 88-0525

ADDRESS: RFD 1, Box 7

SALINITY: 1000

ADDRESS: South Shore, SD 57263

SAR: 0.48

SODIUM: 9.65

COUNTY: Hamlin

ADJ SAR: 1.22

LEGAL DESCRIPTION: NW1/4 NW1/4; NE1/4 NW1/4; SW1/4 NW1/4; SE1/4 NW1/4; all in Sec. 36-T113N-R52W = 132 acres

APPLICATION #: 4316

TYPE OF IRRIGATION: Center pivot

WATER SOURCE: Ground

REQUIREMENTS:

MANAGEMENT RECOMMENDATIONS:

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

The areas mapped as Divide loam are subject to wetness and a possible seasonal high water table. We recommend that these areas be maintained in permanent vegetation grass or alfalfa to address the wetness and trafficability hazards.

TYPE OF PERMIT GRANTED AND REASON:

The approved recommendation is based on the water quality and the dominant soils of the area. The staff has determined that, with good management, no long term hazard should develop.

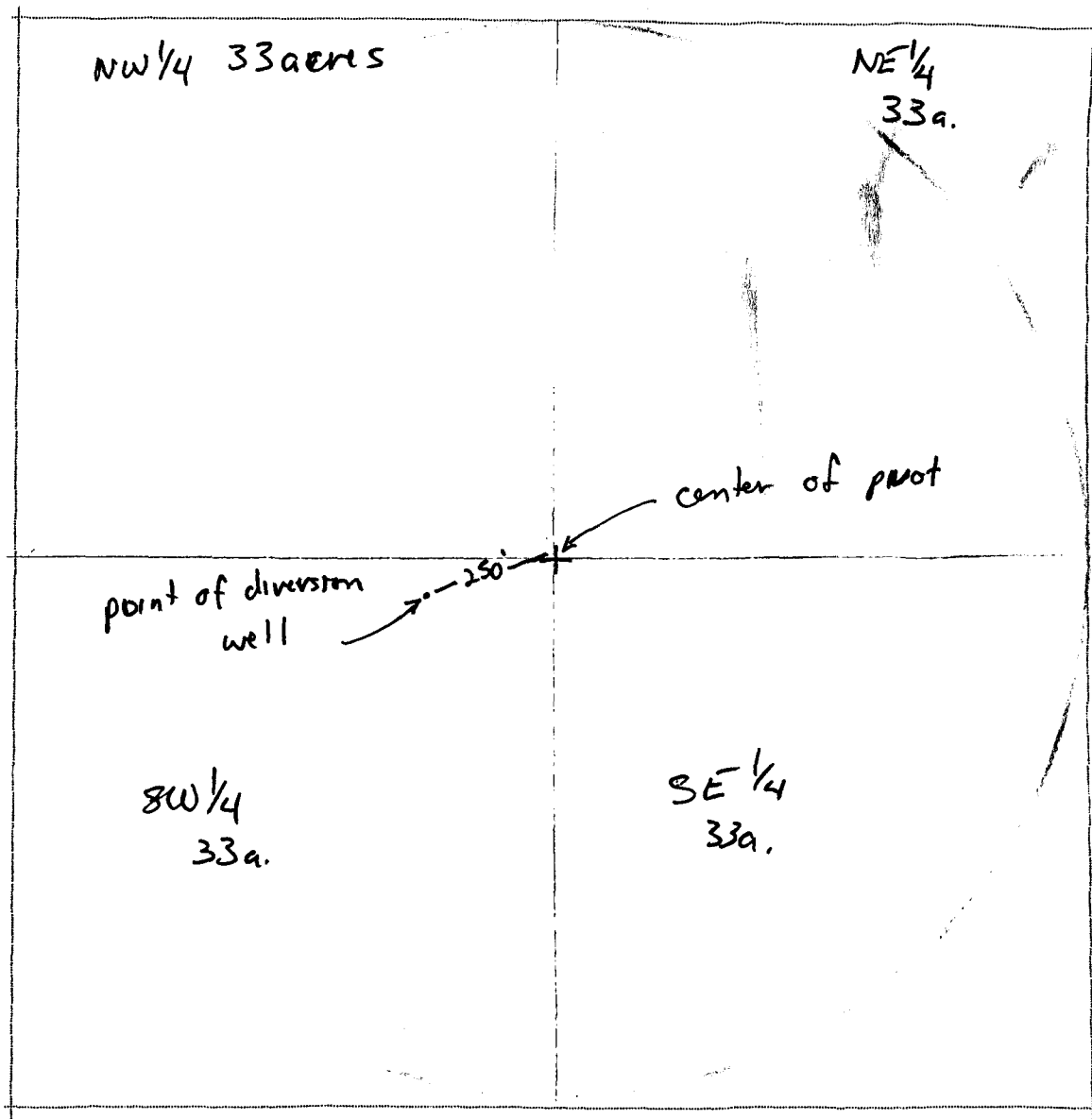
APPLICATION FOR IRRIGATION WATER PERMIT

Name of owner: James D. Arthur

Applicant: James D. Arthur

lands to be irrigated and point of diversion:

Legal Description: NW 1/4 S36 T113N R52W
County of Hamlin



Certified by Alan R. Bender, P.E.

Signature

Alan R. Bender

Date

23 DEC 1988

Appl. No. 5237-3

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

11-25-88
DAVE. HERE'S A LOG ON THE TEST WELL
in the property owned by Tim Author
from Clark. The well site will be
255' West + 15' South of the center of
the NW 1/4 36.113 N - 51-52 W
#1

0-2 Topsoil (sand)
2-10 Brown sand
10-20 Good grey sand
20-37 Good gravel
37-39 Fine sand
39-41 Good gravel

#2
Center
0-2 Topsoil
2-10 Brown Sand
10-20 Good Grey Sand
20-34 Good Grey Gravel

you already HAVE THE WATER SAMPLE

Thanks
Jim
Lacey

Report on Application No. 5237-3
James Arthur
January 16, 1989

This application proposes to appropriate 1.88 cfs from one well 45 feet deep to irrigate 132 acres. The well is to be located in the SW 1/4 NW 1/4 and the acreage to be irrigated in the NW 1/4; all in Section 36, T113N R52W, in Hamlin County.

Aquifer - Big Sioux-Brookings (BS-B)

The Big Sioux-Brookings is a Pliocene outwash (sand and gravel) and alluvium which is under water table conditions in this area. The BS-B underlies 88, 500 acres and contains 331, 880 acre-feet of recoverable water in Hamlin County (Hedges, 1982). The BS-B Aquifer extends into Brookings and Deuel counties and also is connected with the Big Sioux-North Aquifer in Hamlin and Codington counties. The BS-B Aquifer is also hydraulically connected with the Big Sioux River and Lake Poinsett. The Big Sioux Aquifer averages 30 feet in thickness and well yields can exceed 1,000 GPM (Kume, 1985). Test hole data submitted with the application indicates sand and gravel from 2 feet to 41 feet below land surface.

The Division of Water Rights monitors 22 observation wells completed into the Big Sioux Aquifer system in Hamlin County. Water level data is available for a few wells from 1957 to the present (Water Rights, 1989). Two observation wells, HN-77G and HN-76A, are located within 2 miles of this proposed application and hydrographs for these wells are included with this report. The record indicates ground water levels respond according to seasonal climatic changes and the extremes of wet and dry years. The effects of pumping for irrigation purposes are not evident from the hydrographs.

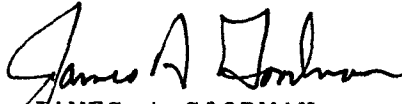
Review of Existing Water Permits

There are no other water permits in the immediate area. The nearest water permit diversion is over two miles away. Interference will not be a problem as the aquifer is under water table conditions and drawdowns do not extend very far from the production well. The observation well records illustrate this very well.

Conclusions

1. Water is available from the BS-B Aquifer.
2. Interference will not be a problem. There are no other nearby permits.

3. The well must be completed in accordance with SD Well Construction Standards.
4. Observation well records indicate the aquifer easily sustains the demands placed upon the aquifer by pumping, which is mostly for irrigation.


JAMES A GOODMAN
Hydrologist

Bibliography

Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069

Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, SD, USGS, WRI 84-4069, USGS, Huron, SD 57350

Water Rights, 1989, Observation Wells in Hamlin County, SD, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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15:46 TUESDAY, JANUARY 17, 1999 1

HN-776	113N-51W-19CCCC	11/08/77	-13.0
HN-776	113N-51W-19CCCC	01/17/78	-14.1
HN-776	113N-51W-19CCCC	05/09/78	-13.4
HN-776	113N-51W-19CCCC	05/29/78	-12.9
HN-776	113N-51W-19CCCC	08/11/78	-12.6
HN-776	113N-51W-19CCCC	09/01/78	-12.7
HN-776	113N-51W-19CCCC	10/05/78	-12.9
HN-776	113N-51W-19CCCC	11/09/78	-12.8
HN-776	113N-51W-19CCCC	12/13/78	-13.4
HN-776	113N-51W-19CCCC	03/01/79	-12.0
HN-776	113N-51W-19CCCC	04/04/79	-13.3
HN-776	113N-51W-19CCCC	05/15/79	-12.7
HN-776	113N-51W-19CCCC	05/27/79	-12.3
HN-776	113N-51W-19CCCC	07/31/79	-12.2
HN-776	113N-51W-19CCCC	08/21/79	-11.9
HN-776	113N-51W-19CCCC	10/03/79	-12.1
HN-776	113N-51W-19CCCC	11/09/79	-11.6
HN-776	113N-51W-19CCCC	02/21/80	-11.9
HN-776	113N-51W-19CCCC	04/17/80	-12.6
HN-776	113N-51W-19CCCC	05/15/80	-12.1
HN-776	113N-51W-19CCCC	05/30/80	-11.8
HN-776	113N-51W-19CCCC	06/17/80	-12.0
HN-776	113N-51W-19CCCC	07/01/80	-12.0
HN-776	113N-51W-19CCCC	07/15/80	-11.9
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HN-776	113N-51W-19CCCC	12/20/80	-12.4
HN-776	113N-51W-19CCCC	03/09/81	-12.7
HN-776	113N-51W-19CCCC	04/16/81	-12.2
HN-776	113N-51W-19CCCC	06/05/81	-12.5
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HN-776	113N-51W-19CCCC	08/31/82	-13.3
HN-776	113N-51W-19CCCC	10/27/82	-12.9
HN-776	113N-51W-19CCCC	03/03/83	-13.1
HN-776	113N-51W-19CCCC	04/07/83	-13.0
HN-776	113N-51W-19CCCC	05/17/83	-12.9
HN-776	113N-51W-19CCCC	05/25/83	-12.8
HN-776	113N-51W-19CCCC	06/06/83	-12.5
HN-776	113N-51W-19CCCC	06/21/83	-12.9
HN-776	113N-51W-19CCCC	07/07/83	-12.6
HN-776	113N-51W-19CCCC	07/20/83	-12.7
HN-776	113N-51W-19CCCC	08/02/83	-12.7
HN-776	113N-51W-19CCCC	08/19/83	-12.9
HN-776	113N-51W-19CCCC	09/06/83	-12.9
HN-776	113N-51W-19CCCC	10/12/83	-13.2
HN-776	113N-51W-19CCCC	11/07/83	-12.9
HN-776	113N-51W-19CCCC	04/12/84	-12.3

OBSERVATION WELL WATER LEVELS

16:46 TUESDAY, JANUARY 17, 1989

2

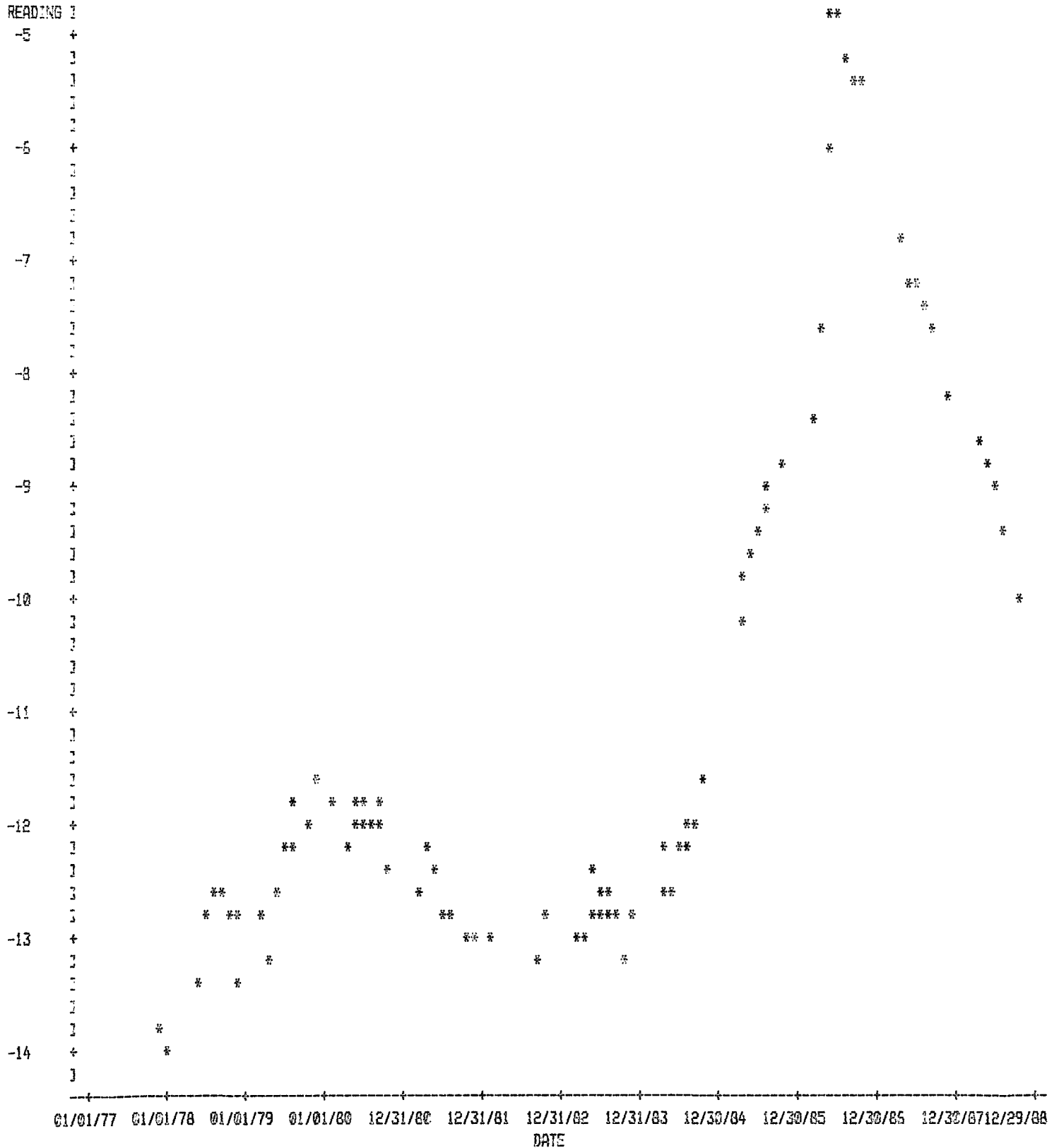
OBS_WELL	LOCATION	DATE	READING
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HN-77G	113N-51W-190000	05/20/84	-12.3
HN-77G	113N-51W-190000	07/11/84	-12.2
HN-77G	113N-51W-190000	07/26/84	-12.2
HN-77G	113N-51W-190000	08/09/84	-12.1
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HN-77G	113N-51W-190000	04/22/85	-5.5
HN-77G	113N-51W-190000	05/04/85	-9.7
HN-77G	113N-51W-190000	07/02/85	-9.5
HN-77G	113N-51W-190000	08/01/85	-5.1
HN-77G	113N-51W-190000	08/20/85	-9.3
HN-77G	113N-51W-190000	10/21/85	-8.0
HN-77G	113N-51W-190000	03/26/86	-8.5
HN-77G	113N-51W-190000	04/09/86	-7.6
HN-77G	113N-51W-190000	05/07/86	-6.0
HN-77G	113N-51W-190000	05/12/86	-4.9
HN-77G	113N-51W-190000	07/10/86	-4.9
HN-77G	113N-51W-190000	07/31/86	-5.2
HN-77G	113N-51W-190000	08/08/86	-5.2
HN-77G	113N-51W-190000	09/02/86	-5.4
HN-77G	113N-51W-190000	10/27/86	-5.5
HN-77G	113N-51W-190000	04/05/87	-6.8
HN-77G	113N-51W-190000	05/04/87	-7.2
HN-77G	113N-51W-190000	07/02/87	-7.3
HN-77G	113N-51W-190000	08/13/87	-7.4
HN-77G	113N-51W-190000	08/17/87	-7.7
HN-77G	113N-51W-190000	11/20/87	-8.2
HN-77G	113N-51W-190000	04/11/88	-9.6
HN-77G	113N-51W-190000	05/24/88	-9.9
HN-77G	113N-51W-190000	05/23/88	-9.0
HN-77G	113N-51W-190000	07/20/88	-9.5
HN-77G	113N-51W-190000	10/14/88	-10.0

N= 91

OBSERVATION WELL WATER LEVEL
OBS_WELL=HN-77C

16:46 TUESDAY, JANUARY 17, 1985 3

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 9 OBS HIDDEN

OBSERVATION WELL WATER LEVELS

ORG_WELL	LOCATION	DATE	READING
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15:47 TUESDAY, JANUARY 17, 1983 1

HN-75A	113N-52W-35CDDO	11/23/75	-38.5
HN-76A	113N-52W-35CDDO	02/08/77	-38.5
HN-75A	113N-52W-35CDDO	04/21/77	-35.8
HN-76A	113N-52W-35CDDO	05/10/77	-38.9
HN-75A	113N-52W-35CDDO	08/10/77	-39.3
HN-76A	113N-52W-35CDDO	11/08/77	-38.7
HN-76A	113N-52W-35CDDO	01/17/78	-38.5
HN-76A	113N-52W-35CDDO	05/09/78	-37.2
HN-75A	113N-52W-35CDDO	05/29/78	-35.1
HN-76A	113N-52W-35CDDO	08/11/78	-35.8
HN-75A	113N-52W-35CDDO	09/01/78	-35.0
HN-76A	113N-52W-35CDDO	10/05/78	-35.2
HN-75A	113N-52W-35CDDO	11/05/78	-35.5
HN-75A	113N-52W-35CDDO	12/13/78	-35.9
HN-76A	113N-52W-35CDDO	03/01/79	-35.6
HN-75A	113N-52W-35CDDO	04/24/79	-36.7
HN-75A	113N-52W-35CDDO	05/15/79	-35.8
HN-75A	113N-52W-35CDDO	05/27/79	-35.4
HN-75A	113N-52W-35CDDO	07/31/79	-35.3
HN-75A	113N-52W-35CDDO	08/21/79	-35.0
HN-75A	113N-52W-35CDDO	10/03/79	-35.2
HN-75A	113N-52W-35CDDO	11/08/79	-34.8
HN-76A	113N-52W-35CDDO	02/21/80	-35.3
HN-76A	113N-52W-35CDDO	04/17/80	-35.7
HN-75A	113N-52W-35CDDO	05/15/80	-35.0
HN-76A	113N-52W-35CDDO	05/04/80	-35.6
HN-76A	113N-52W-35CDDO	05/17/80	-35.6
HN-75A	113N-52W-35CDDO	07/01/80	-35.8
HN-76A	113N-52W-35CDDO	07/15/80	-35.8
HN-76A	113N-52W-35CDDO	07/29/80	-35.0
HN-76A	113N-52W-35CDDO	08/12/80	-35.2
HN-76A	113N-52W-35CDDO	08/21/80	-35.1
HN-76A	113N-52W-35CDDO	09/03/80	-35.1
HN-76A	113N-52W-35CDDO	10/20/80	-35.5
HN-75A	113N-52W-35CDDO	03/09/81	-37.0
HN-76A	113N-52W-35CDDO	04/15/81	-35.7
HN-76A	113N-52W-35CDDO	05/05/81	-37.3
HN-76A	113N-52W-35CDDO	05/16/81	-37.5
HN-76A	113N-52W-35CDDO	05/29/81	-37.7
HN-76A	113N-52W-35CDDO	07/21/81	-37.7
HN-76A	113N-52W-35CDDO	08/01/81	-37.8
HN-76A	113N-52W-35CDDO	09/01/81	-38.1
HN-76A	113N-52W-35CDDO	10/01/81	-38.1
HN-76A	113N-52W-35CDDO	11/25/81	-38.2
HN-76A	113N-52W-35CDDO	02/22/82	-38.4
HN-76A	113N-52W-35CDDO	05/10/82	-38.7
HN-76A	113N-52W-35CDDO	07/09/82	-39.0
HN-76A	113N-52W-35CDDO	08/04/82	-35.1
HN-76A	113N-52W-35CDDO	08/31/82	-39.0
HN-76A	113N-52W-35CDDO	10/27/82	-36.6
HN-76A	113N-52W-35CDDO	03/03/83	-36.2
HN-76A	113N-52W-35CDDO	04/07/83	-38.1
HN-76A	113N-52W-35CDDO	05/17/83	-37.4
HN-76A	113N-52W-35CDDO	06/08/83	-37.2
HN-76A	113N-52W-35CDDO	07/07/83	-37.3

OBSERVATION WELL WATER LEVELS

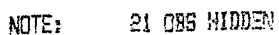
OBS_WELL	LOCATION	DATE	READING
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16:47 TUESDAY, JANUARY 17, 1989 2

HN-76A	113N-52W-36CDDO	09/02/83	-37.4
HN-76A	113N-52W-36CDDO	09/08/83	-37.7
HN-76A	113N-52W-36CDDO	11/07/83	-38.1
HN-76A	113N-52W-36CDDO	04/12/84	-37.0
HN-76A	113N-52W-36CDDO	05/12/84	-36.5
HN-76A	113N-52W-36CDDO	07/11/84	-35.6
HN-76A	113N-52W-36CDDO	08/09/84	-35.4
HN-76A	113N-52W-36CDDO	09/27/84	-35.0
HN-76A	113N-52W-36CDDO	04/02/85	-31.3
HN-76A	113N-52W-36CDDO	04/23/85	-29.8
HN-76A	113N-52W-36CDDO	05/21/85	-30.5
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HN-76A	113N-52W-36CDDO	07/17/85	-30.0
HN-76A	113N-52W-36CDDO	09/01/85	-30.1
HN-76A	113N-52W-36CDDO	09/15/85	-29.0
HN-76A	113N-52W-36CDDO	09/20/85	-29.7
HN-76A	113N-52W-36CDDO	09/16/85	-28.0
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HN-76A	113N-52W-36CDDO	03/25/86	-25.8
HN-76A	113N-52W-36CDDO	04/09/86	-24.9
HN-76A	113N-52W-36CDDO	05/07/86	-22.6
HN-76A	113N-52W-36CDDO	05/12/86	-21.7
HN-76A	113N-52W-36CDDO	06/22/86	-21.9
HN-76A	113N-52W-36CDDO	07/10/86	-22.2
HN-76A	113N-52W-36CDDO	07/23/86	-22.5
HN-76A	113N-52W-36CDDO	07/31/86	-22.7
HN-76A	113N-52W-36CDDO	08/08/86	-22.7
HN-76A	113N-52W-36CDDO	08/17/86	-23.0
HN-76A	113N-52W-36CDDO	10/27/86	-22.8
HN-76A	113N-52W-36CDDO	04/06/87	-23.6
HN-76A	113N-52W-36CDDO	05/22/87	-23.5
HN-76A	113N-52W-36CDDO	05/24/87	-23.9
HN-76A	113N-52W-36CDDO	06/18/87	-24.1
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HN-76A	113N-52W-36CDDO	07/17/87	-21.4
HN-76A	113N-52W-36CDDO	07/29/87	-24.2
HN-76A	113N-52W-36CDDO	08/12/87	-24.7
HN-76A	113N-52W-36CDDO	08/28/87	-25.0
HN-76A	113N-52W-36CDDO	09/17/87	-25.0
HN-76A	113N-52W-36CDDO	11/20/87	-25.6
HN-76A	113N-52W-36CDDO	04/11/88	-25.8
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HN-76A	113N-52W-36CDDO	05/09/88	-26.6
HN-76A	113N-52W-36CDDO	05/23/88	-26.9
HN-76A	113N-52W-36CDDO	07/07/88	-27.3
HN-76A	113N-52W-36CDDO	07/20/88	-27.7
HN-76A	113N-52W-36CDDO	07/29/88	-27.9
HN-76A	113N-52W-36CDDO	10/21/88	-27.6

16:47 TUESDAY, JANUARY 17, 1985 3

PLOT OF READING*DATE SYMBOL USED IS *



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5237-3, James Arthur

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. 5237-3, James A. Arthur, RR 1, Box 56, Clark SD.

The Chief Engineer is recommending APPROVAL of Application No. 5237-3 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 authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
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
January 24, 1989

 **Department of
Water & Natural Resources**

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

January 25, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

James Arthur
RR 1, Box 56
Clark SD 57225

Dear Mr. Arthur:

Your Application No. 5237-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Hamlin Co. Herald Enterprise printed at Hayti SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

January 25, 1989

Hamlin Co. Herald Enterprise
Box 207
Hayti SD 57241

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5237-3 to be published twice. Please publish the first notice on or before February 1, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is James Arthur, RR 1, Box 56, Clark SD 57225.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper -- Publish first Notice on or before February 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5237-3 to Appropriate Water

Notice is given that James Arthur, RR 1, Box 56, Clark SD 57225 has filed an application for a water permit to appropriate 1.88 cubic feet of water per second from one well (Big Sioux-Brookings Aquifer) 45 feet deep to irrigate 132 acres. The well is to be located in the SW 1/4 NW 1/4 and the acreage to be irrigated in the NW 1/4; all in Section 36-T113N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5237-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

This application is made pursuant to 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.

No. 5237-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Lois K. Latt hereby

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

Water was taken from the Herald 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

Town of Hart

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

February 1, 1989

February 8, 1989

Lois K. Latt
(Signature)

Publisher
(Title)

February 8, 1989
(Date Signed)

Cost of Printing: 37.62

NOTICE OF HEARING

NOTICE OF HEARING ON
APPLICATION NO. 5237-3
TO APPROPRIATE WATER

Notice is given that James Arthur, RR1, Box 56, Clark, SD 57225 has filed an application for a water permit to appropriate 1.88 cubic feet of water per second from one well (Big Sioux-Brookings Aquifer) 45 feet deep to irrigate 132 acres. The well is to be located in the SW 1/4 NW 1/4 and the acreage to be irrigated in the NW 1/4; all in Section 36-T113N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5237-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Howard Johnson's, Room 1-90 at LaCrosse, Rapid City, SD on March 1, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

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This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

This application is made pursuant to 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.



Department of Water & Natural Resources

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

JUN 13 1989

James Arthur
RR 1, Box 56
Clark SD 57225

Dear Mr. Arthur:

Enclosed is Water Permit No. 5237-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.





5237-3

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 8, 1991

JOE, JOHN ARTHUR
RR1 BOX 56
CLARK SD 57225

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1990 chemigation report for Water Right No.(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3. You may disregard the February 1, 1991, Notice of failure to report chemical use for 1990. With receipt of the chemigation report, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall,
Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

5237A-3

James Arthur
104 4th Ave. NE
Clark, SD 57225

Dear Mr. Arthur:

Enclosed is Water License No. 5237A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414116 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. 5237A-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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 5237-3 have been incorporated into this Water License No. 5237A-3.



5237-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: JAMES ARTHUR, LEASOR, 104 4TH AVE NE, CLARK, SD 57225 1230

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit Nos. 775-3 & 5237A-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires 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 Nos. 775-3 & 5237A-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Nos. 775-3 & 5237A-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 questionnaires are received in this office on/or before February 25, 2005, 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 questionnaires, please contact Genny McMath at (605) 773-3352.

c: Mark & Mary Mack, 17432 US Highway 81, Watertown SD 57201

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.



5237-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

775-3
5237A-3

James Arthur
104 4th Ave NE
Clark SD 57225-1230

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 775-3 and 5237A-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

c: Joe Arthur
Mark & Mary Mack