

Considered: _____

WATER PERMIT NO. 5253-3M.P. No. same 966-5897Name of Applicant Robert NortonPost Office Address Box 388, Jefferson SD 57038Amount of Water Claimed 1.09 Total Acres 76.4 acresSource of Water Supply 1 well - ground waterWater to be used for irrigation County UnionAbout 8 miles S of Elk Point.

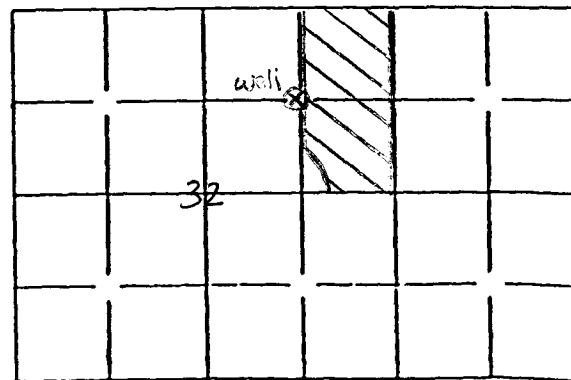
PROOF OF PUBLICATION: Received _____ Not Received _____

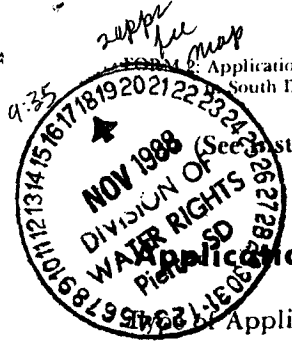
APPLICATION: Approved 1/25/89 Subject to _____

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

PRIORITY _____ Date Received Nov 18, 1988 Fee \$225.00 Remarks _____11/18/88Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____Diversion Point well: near center of NE 1/4section 32 - T90N - R49WLand to be Irrigated Lots 4 and 5 section 32 -T90N - R49WWell Log: Driller Wetmore Licensed YES NODepth of Well 105 feet REMARKS _____Type of Map aerial photo PREPARED BY Louie DeSmet Reviewed and the Numberassigned on December 12, 1988 By Ron D. Swall



9:35
2000 2: Application for irrigation (type or print)
South Dakota

No. 5253-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Elk Point Leader - Courier, Box 310
Thurs

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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

- 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 Robert Norton Phone No. 9665897
2. Post Office Address Box 388 Jefferson State SD Zip Code 57038
(Street, RR or Box) (City)
3. Amount of water claimed (c.f.s) 1.09 Total acres irrigated 76.4
4. Source of Water supply 1 Well
5. Location of point of diversion Lots 4 & 5 Section 32 Township 90
Range 49
Jefferson SD County Union
6. Counties where water will be used Union
7. Annual period during which water is to be used April - Oct 31
8. 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>Lot 4 32-90-49</u>	<u>41.37</u>
<u>Lots 5 32-90-49</u>	<u>35.03</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

9. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: ☒ Other: _____
(Specify)
10. Crops to be Irrigated: Corn Beans Oats Wheat
11. Give a description of proposed project. (Attach sheet if more space is needed)
Well - Diesel Powered - Irrigation Gun

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 Union)^{ss}

I, Robert Norton, 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 Robert Norton
Subscribed and sworn to before me this 24 day of November 1988
[Signature]
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application November 18, 1988

Date Soil/Water Compatibility Permit received January 18, 1989

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

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 5253-3

on January 25, 1989 for Robert Norton
(Applicant)

Box 388 Jefferson SD 57038
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

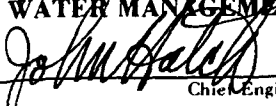
1. Water Permit No. 5253-3 appropriates 1.09 cubic feet of water per second (Missouri-Elk Point Aquifer) 105 feet deep to irrigate 76.4 acres. The well is located near the center of the NE 1/4 and the acreage to be irrigated is located in Lots 4 and 5; all in Section 32, T90N-R49W.
2. The amount of the 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: April 1 - October 31.
3. The date from which applicant may claim the right is November 18, 1988.
4. One-fifth of the construction is to be completed on or before July 25, 1991.
5. All construction is to be completed on or before January 25, 1994.
6. Water is to be put to beneficial use on or before January 25, 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 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.

WATER MANAGEMENT BOARD

MAR 10 1989

By: 
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 105'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type SLOTTED PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 61'
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
On applicants property NONE On property owned by others 1400'

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

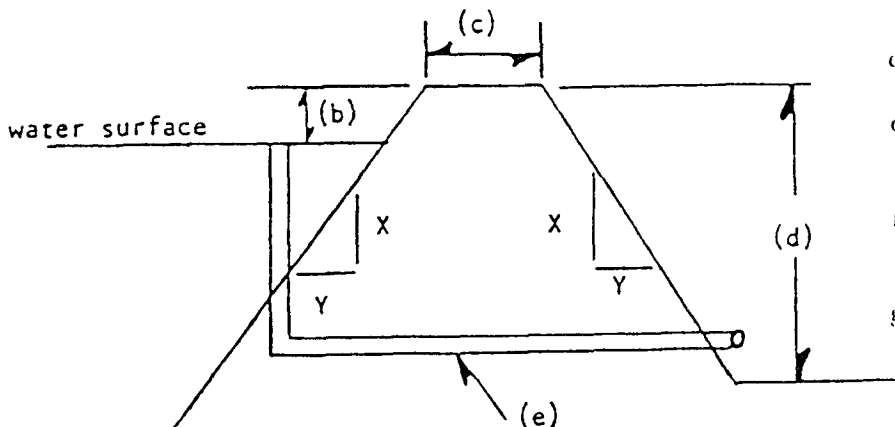
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

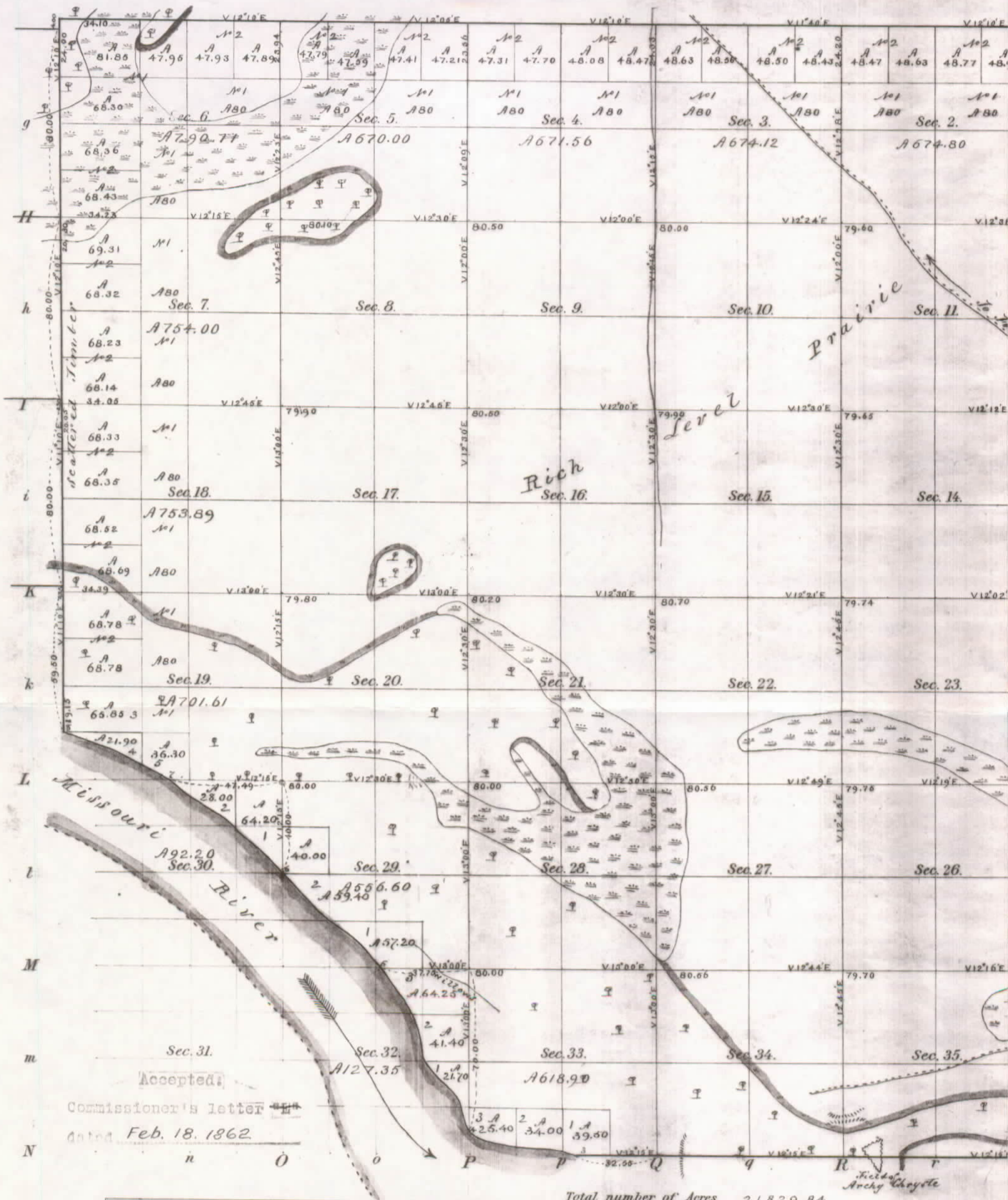
Drainage area above dam _____



Robert M. [Signature]

Signature of Applicant

TOWNSHIP N^o 90 North RANGE N^o 49 West of the 5th Principal Meridian



Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Bass	Aug 1 st 1860	M. Ch ^s Lk ^s	Nov 1860
Subdivisions	Cortez Henderson	July 24 th 1861	61-23-45	Oct 1861

The above Map, Principal Meridian notes of the survey, Surveyor Geo. Chukton D.

Appl. No. 5253-3

C *b* *B* *a* *A*



Surveyor Generals Office
Washington D.C. Dec 28th 1861

49

NOT TO SCALE

2

← IL

39.0
T2425

29 28
32 33

214

32

76.4
T=2424

Well*

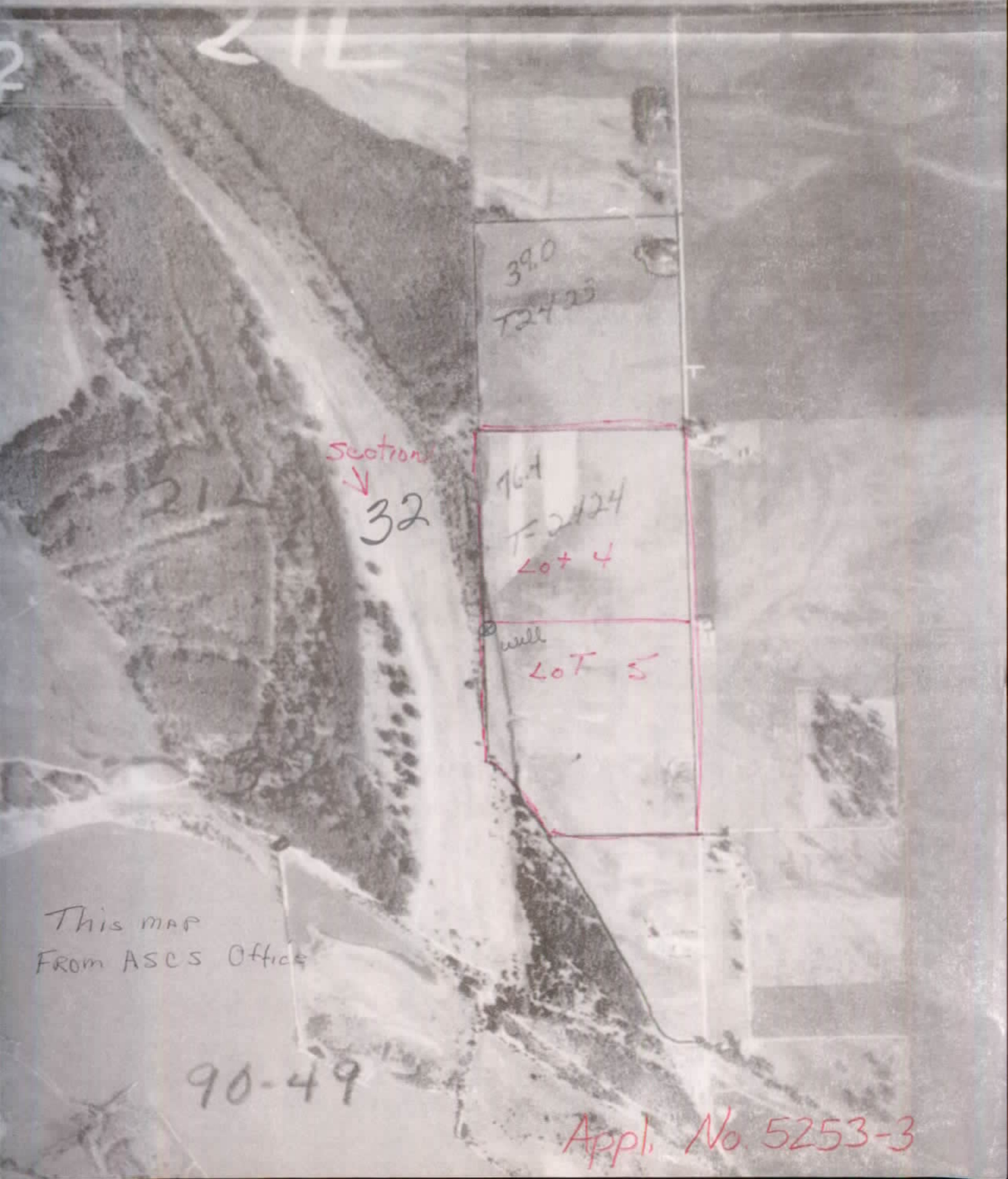
↑
North

Prepared by
Louie E DeSmet
Union Co Agent
For Bob Norton
11/10/88
Louie E DeSmet

Appl. No. 5253-3

Use this photo for insp.

NOT TO SCALE



This map
From ASCS Office

90-49

Appl. No. 5253-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411499

Pierre, November 21, 1988

RECEIVED OF Robert Norton, Box 388, Jefferson, SD 57038

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

Fee for Application for Permit No. <u>5253-3</u> 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 MS

10-85

11-14-88

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4312

WR#

OWNERS NAME: Robert Norton OWNERS ADDRESS: Box 388

Jefferson, SD 57038

COUNTY LAND LOCATED IN: Union PHONE: 966-5897

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION Lots 4 & 5 Sec. 32-90-49

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>Lot 4 Sec. 32-90-49</u>	<u>41.37</u>		
<u>Lot 5 Sec. 32-90-49</u>	<u>35.03</u>		
<u>TOTAL ACRES = 76.4</u>			

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

3. CROPS TO BE IRRIGATED: corn, beans, oats, wheat

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0522, 88-0523 7. ADJUSTED (SAR): 4.31, 2.10

5. SALINITY (EC X 10⁶): 1250, 1150 8. PERCENT SODIUM: 24.83, 14.07

6. SODIUM (SAR): 1.56, 0.76

Requirements: The area mapped as Albaton depressional is subject to excessive wetness and ponding, which may result in crops drowning out. This area shall be maintained in permanent vegetation. We recommend that the project be designed to avoid this area, if at all possible.



☒

APPROVED

DISAPPROVED

WAIVER

☒

REQUIREMENTS

Pete Churick
Director, Division of Conservation

1/13/89
Date

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 WITH REQUIREMENTS

NAME: Robert Norton

WATER QUALITY: 88-0522, 88-0523

ADDRESS: Box 388

SALINITY: 1250, 1150

ADDRESS: Jefferson, SD 57038

SAR: 1.56, 0.76

SODIUM: 24.83, 14.07

COUNTY: Union

ADJ SAR: 4.31, 2.10

LEGAL DESCRIPTION: Lot 4 & Lot 5; Sec. 32-90-49 = 76.4 acres

APPLICATION #: 4312

TYPE OF IRRIGATION: Gun

WATER SOURCE: Ground

REQUIREMENTS:

The area mapped as Albaton depressional is subject to excessive wetness and ponding, which may result in crops drowning out. This area shall be maintained in permanent vegetation. We recommend that the project be designed to avoid this area, if at all possible.

MANAGEMENT RECOMMENDATIONS:

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

In using a gun to apply the water, you may have a runoff or ponding problem in areas of slow intake, due to the high volume of water being applied in short intervals.

TYPE OF PERMIT GRANTED AND REASON:

The approved with requirements recommendation is based on the clay contents of some of the soils in the project area.



Department of Water & Natural Resources

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

November 21, 1988

Robert Norton
Box 388
Jefferson SD 57038

Dear Mr. Norton:

This letter is in response to your water permit applications received on November 18, 1988. The water permit applications are complete and a copy of the permits have been forwarded to the Division of Conservation. The soil/water compatibility applications will be processed by the Division of Conservation.

A correction also needs to be made to your applications. The amount of water claimed should be 1.09 cubic feet of water per second (cfs) for each application. This figure is based on SDCL 46-5-6 which allows 1 cfs for each 70 irrigated acres ($76.4/70 = 1.09$). I will make the needed correction to each application unless you specify otherwise.

I am also returning your two \$50.00 checks for the inspection fees. The inspection fees will be assessed after the inspections have been completed.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



REPORT ON APPLICATION NO. 5253-3

Robert Norton
December 14, 1988

This application proposes to appropriate 1.09 cfs from 1 well approximately 105 feet deep to irrigate 76.4 acres. The well is to be located near the center of the NE 1/4 and the acreage to be irrigated is located in Lots 4 and 5; all in Section 32, T90N, R49W in Union County.

Aquifer - Missouri-Elk Point (M-EP) previously called Missouri Aquifer (M)

The Missouri-Elk Point (M-EP) is an alluvium mantled outwash (sand and gravel) which is under water table conditions in this area. The M-EP underlies 99,600 acres and contains an estimated 1.5 million acre feet of recoverable water in Union County (Hedges, 1982). The aquifer is hydraulically connected to the Big Sioux and Missouri Rivers, the Big Sioux-South Aquifer in Union County and the Lower Vermillion Missouri and the M-EP Aquifers in Clay County. The aquifer is generally greater than 100 feet in saturated thickness. There are numerous high capacity wells in the area and the driller's report submitted with this application indicates the well is capable of 1100 gpm with 45 feet of drawdown (specific capacity = 24 gpm/ft of drawdown).

The Division of Water Rights monitors 26 observation wells in the M-EP or Big-Sioux South Aquifers in Union County (Water Rights, 1988). Water levels in these wells respond seasonally to wet and dry climatic conditions. Pumping by irrigation in the area is affecting water levels in the aquifer to some extent, however, the aquifer is sustaining withdrawals and recharge has occurred in excess of demands upon the aquifer in the long term. Included with this report is a hydrograph of observation well UN-77R which is located about 2 mile southeast of this application.

Review of Existing Water Permits

There are 215 irrigation permits in Union County from the M-EP aquifer (Irrigation Report, 1987) with a reported water use of 9,082 acre feet in 1987. The Union County area is fairly intensively irrigated area and well spacing has not been a problem because of the aquifer thickness and permeability. Water level changes in the aquifer do not adversely affect existing diversions. This particular well is located within 1/2 mile of the Missouri River, under water table conditions, and interference will not be a problem.

Conclusions

1. Water is available from the M-EP Aquifer.
2. Interference is not expected to be a problem. Water levels are not expected to fluctuate to any significant degree.
3. The well is completed and tested. The well is completed in accordance to SD Well Construction Standards.
4. There is no soil water compatability included with this permit application at this time.

James A. Goodman KS

JAMES A GOODMAN
Hydrologist III

Bibliography

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

Water Rights, 1988, Observation Well Records for Union County SD, DWNR, Division of Water Rights, Joe Foss Bldg, Pierre SD 57501.

Water Rights, 1988, Irrigation Report by County (1987), DWNR, Division of Water Righrs, Joe Foss Building, Pierre SD.

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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11:38 TUESDAY, DECEMBER 13, 1988 1

UN-77R	089N-49W-10ABBB	05/06/79	-21.4
UN-77R	089N-49W-10ABBB	06/06/79	-21.2
UN-77R	089N-49W-10ABBB	06/21/79	-20.8
UN-77R	089N-49W-10ABBB	07/04/79	-21.0
UN-77R	089N-49W-10ABBB	07/18/79	-21.4
UN-77R	089N-49W-10ABBB	07/31/79	-21.6
UN-77R	089N-49W-10ABBB	08/15/79	-21.7
UN-77R	089N-49W-10ABBB	08/30/79	-21.5
UN-77R	089N-49W-10ABBB	09/19/79	-21.5
UN-77R	089N-49W-10ABBB	10/17/79	-21.5
UN-77R	089N-49W-10ABBB	11/14/79	-20.8
UN-77R	089N-49W-10ABBB	01/15/80	-21.6
UN-77R	089N-49W-10ABBB	03/11/80	-22.0
UN-77R	089N-49W-10ABBB	04/23/80	-21.7
UN-77R	089N-49W-10ABBB	05/29/80	-21.8
UN-77R	089N-49W-10ABBB	06/11/80	-21.8
UN-77R	089N-49W-10ABBB	06/25/80	-22.1
UN-77R	089N-49W-10ABBB	07/09/80	-22.4
UN-77R	089N-49W-10ABBB	07/23/80	-22.8
UN-77R	089N-49W-10ABBB	08/06/80	-22.6
UN-77R	089N-49W-10ABBB	08/21/80	-22.4
UN-77R	089N-49W-10ABBB	09/03/80	-22.4
UN-77R	089N-49W-10ABBB	09/16/80	-22.4
UN-77R	089N-49W-10ABBB	10/22/80	-22.1
UN-77R	089N-49W-10ABBB	03/06/81	-23.0
UN-77R	089N-49W-10ABBB	03/25/81	-23.2
UN-77R	089N-49W-10ABBB	05/05/81	-23.1
UN-77R	089N-49W-10ABBB	06/02/81	-22.8
UN-77R	089N-49W-10ABBB	06/23/81	-22.9
UN-77R	089N-49W-10ABBB	07/07/81	-22.8
UN-77R	089N-49W-10ABBB	07/23/81	-22.9
UN-77R	089N-49W-10ABBB	07/29/81	-22.9
UN-77R	089N-49W-10ABBB	08/11/81	-23.1
UN-77R	089N-49W-10ABBB	08/26/81	-23.0
UN-77R	089N-49W-10ABBB	09/16/81	-23.2
UN-77R	089N-49W-10ABBB	10/28/81	-22.9
UN-77R	089N-49W-10ABBB	12/09/81	-23.3
UN-77R	089N-49W-10ABBB	03/01/82	-23.1
UN-77R	089N-49W-10ABBB	06/15/82	-22.8
UN-77R	089N-49W-10ABBB	07/13/82	-22.9
UN-77R	089N-49W-10ABBB	08/10/82	-23.3
UN-77R	089N-49W-10ABBB	09/09/82	-23.5
UN-77R	089N-49W-10ABBB	11/08/82	-22.6
UN-77R	089N-49W-10ABBB	05/31/83	-19.8
UN-77R	089N-49W-10ABBB	06/27/83	-19.1
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UN-77R	089N-49W-10ABBB	08/21/83	-19.8
UN-77R	089N-49W-10ABBB	10/18/83	-19.9
UN-77R	089N-49W-10ABBB	04/11/84	-18.7
UN-77R	089N-49W-10ABBB	05/22/84	-17.5
UN-77R	089N-49W-10ABBB	06/18/84	-17.1
UN-77R	089N-49W-10ABBB	07/17/84	-16.9
UN-77R	089N-49W-10ABBB	08/13/84	-18.0
UN-77R	089N-49W-10ABBB	10/02/84	-18.3
UN-77R	089N-49W-10ABBB	03/19/85	-20.3

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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11:38 TUESDAY, DECEMBER 13, 1988 2

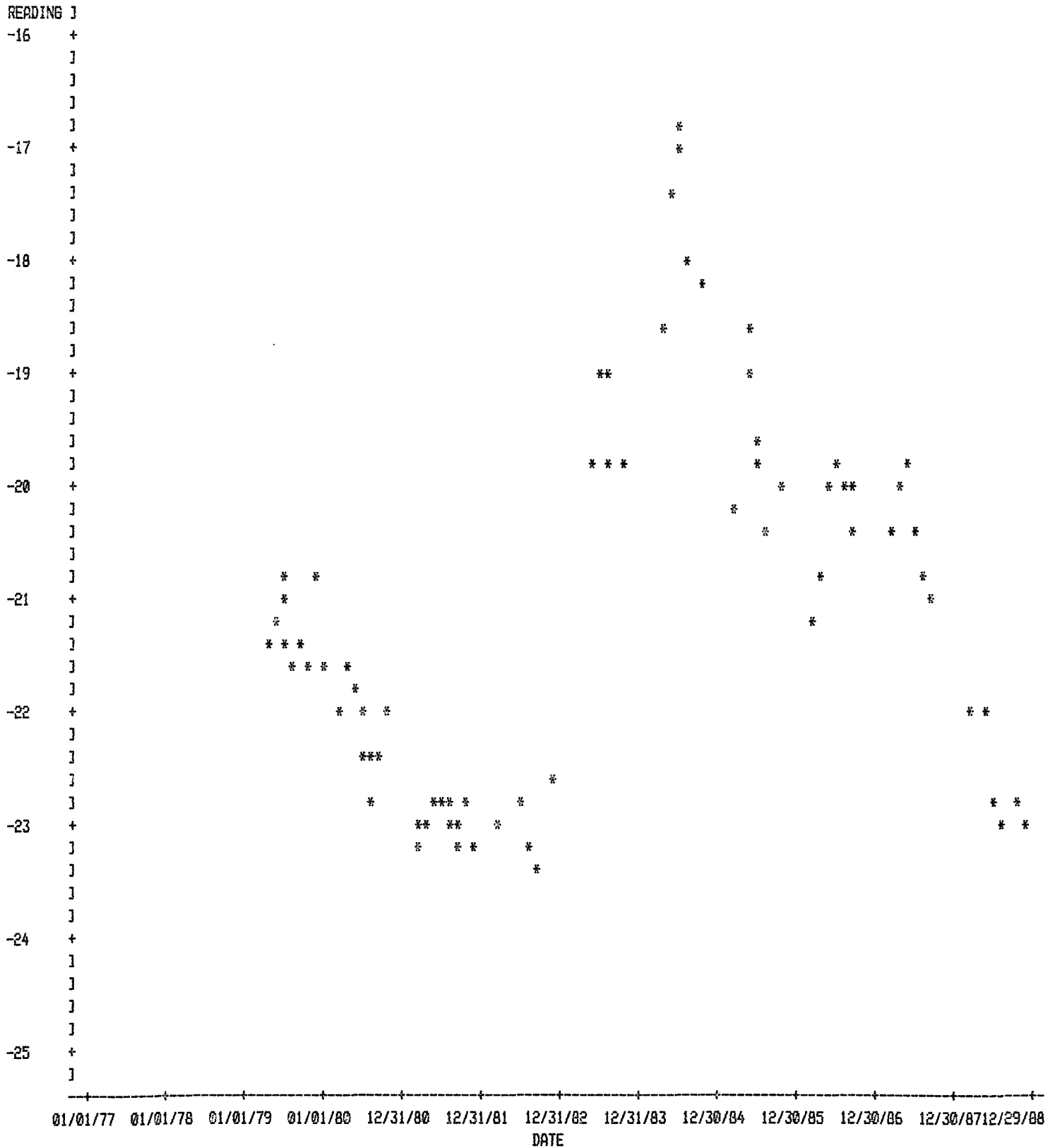
UN-77R	089N-49W-10ABB8	05/20/85	-18.7
UN-77R	089N-49W-10ABB8	06/11/85	-19.1
UN-77R	089N-49W-10ABB8	06/19/85	-19.6
UN-77R	089N-49W-10ABB8	07/16/85	-19.9
UN-77R	089N-49W-10ABB8	08/19/85	-20.5
UN-77R	089N-49W-10ABB8	10/24/85	-20.0
UN-77R	089N-49W-10ABB8	03/20/86	-21.3
UN-77R	089N-49W-10ABB8	04/15/86	-20.9
UN-77R	089N-49W-10ABB8	05/26/86	-20.0
UN-77R	089N-49W-10ABB8	06/24/86	-19.3
UN-77R	089N-49W-10ABB8	07/29/86	-20.1
UN-77R	089N-49W-10ABB8	08/27/86	-20.4
UN-77R	089N-49W-10ABB8	09/25/86	-20.0
UN-77R	089N-49W-10ABB8	03/25/87	-20.4
UN-77R	089N-49W-10ABB8	05/06/87	-20.0
UN-77R	089N-49W-10ABB8	06/03/87	-19.8
UN-77R	089N-49W-10ABB8	07/01/87	-20.4
UN-77R	089N-49W-10ABB8	07/29/87	-20.9
UN-77R	089N-49W-10ABB8	08/25/87	-21.0
UN-77R	089N-49W-10ABB8	09/16/87	-21.1
UN-77R	089N-49W-10ABB8	03/23/88	-22.0
UN-77R	089N-49W-10ABB8	05/08/88	-22.1
UN-77R	089N-49W-10ABB8	07/07/88	-22.8
UN-77R	089N-49W-10ABB8	08/04/88	-23.1
UN-77R	089N-49W-10ABB8	09/23/88	-23.1
UN-77R	089N-49W-10ABB8	10/03/88	-22.8
UN-77R	089N-49W-10ABB8	12/02/88	-23.0

N= 02

OBSERVATION WELL WATER LEVELS
OBS_WELL=UN-77R

11:38 TUESDAY, DECEMBER 13, 1988 3

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 10 OBS HIDDEN

UQ50009 - END OF DATA SET

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5253-3, Robert Norton

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. 5253-3, Robert Norton, Box 388, Jefferson SD.

The Chief Engineer is recommending APPROVAL of Application No. 5253-3 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
December 15, 1988

NOTE: This recommendation was prepared prior to receiving formal approval of a Soil-Water Compatibility Application (SWCA) to avoid delaying Water Permit Application No. 5253-3 until the March 1 & 2, 1989 Water Management Board Meeting. The Department of Agriculture has advised that the Department will approve the required SWCA pursuant to SDCL 46-5-6.5. However, until the approval is reviewed by the Conservation Commission at its regular January 12, 1989 meeting based upon Commission policy to review all Department disapprovals or approvals of SWCA pursuant to SDCL 46-5-6.6, the Soil-Water Compatibility Permit will not be issued. If the Conservation Commission does not concur with the Department's approval, Application No. 5253-3 will be deleted from the January 25, 1989 agenda. Mr. Norton should know that his application is subject to removal from the January Water Management Board Meeting agenda.

 **Department of
Water & Natural Resources**

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

December 16, 1988

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

Robert Norton
Box 388
Jefferson SD 57038

Dear Mr. Norton:

Your Application Nos. 5243-3 and 5253-3 for permits to appropriate water for irrigation use have 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 Elk Point Leader-Courier printed at Elk Point SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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,



Susan Bowar
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

December 16, 1988

Elk Point Leader-Courier
Box 310
Elk Point SD 57025

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. 5243-3 and 5253-3 to be published twice. Please publish the first notice on or before December 22, 1988 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 Robert Norton, Box 388, Jefferson SD 57038.

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,

Susan Bowar
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Susan Bowar
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 Nos. _____ 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 December 22, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5243-3 and 5253-3 to Appropriate Water

Notice is given that Robert Norton, Box 388, Jefferson SD 57038 has filed Application No. 5243-3 for a water permit to appropriate 1.09 cubic feet of water per second (cfs) from 1 well (Missouri-Elk Point Aquifer) 116 feet deep to irrigate 76.7 acres. The well is located near the center of the NW 1/4 and the irrigated acreage is located in the W 1/2 NW 1/4; all in Section 24-T90N-R49W.

Application No. 5253-3 is to appropriate 1.09 cfs from 1 well (Missouri-Elk Point Aquifer) 105 feet deep to irrigate 76.4 acres. The well is located near the center of the NE 1/4 and the acreage to be irrigated is located in Lots 4 and 5; all in Section 32-T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 5243-3 and 5253-3 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 Crossroads Hotel, Salon 1, 100 4th St SW, Huron SD on January 25, 1989 at 10:30 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a 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 January 13, 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 an application, the petitioner's reasons for opposing or supporting an 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 an application or to assure access to the hearing by the handicapped. If there are any petitions in opposition to Application Nos. 5243-3 and 5253-3, the hearings will be delayed until the regular March 1, 1989 Board meeting. The meeting January 25, 1989 is a special Board meeting.

These hearings are adversary proceedings. 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 a 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 January 13, 1989.

These applications are 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

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

Water was taken from the The Leader Courier

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

City of Elk Point

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

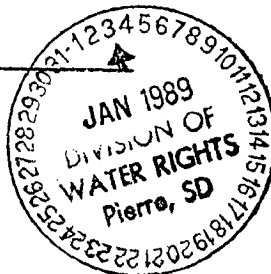
Thursday, December 22

Thursday, December 29

Lester E. Emerson
(Signature)

Editor/Publisher
(Title)

December 30, 1988
(Date Signed)



Cost of Printing: 8 point Century Type
11 pica column-108 lines - .217 per line
for first publication and .174 for second publication:
.217 x 108 = 23.436 + .174 x 108 = 18.792 = 42.23 Total
Total Cost of Printing - \$42.23

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING

on Application Nos. 5243-3 and 5253-3 to Appropriate Water

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Any interested person that intends to participate in a 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 January 13, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. D. 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an 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 an application or to assure access to the hearing by the handicapped. If there are any petitions in opposition to Application Nos. 5243-3 and 5253-3, the hearings will be delayed until the regular March 1, 1989 Board meeting. The meeting January 25, 1989 is a special Board meeting.

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Pub. Dec. 22 and 29. 108



Department of Water & Natural Resources

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

MAR 10 1989

ROBERT NORTON
Box 388
Jefferson, SD 57038

Dear Mr. Norton:

Enclosed is Water Permit No. 5253-3 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 Water Permit No. 5253-3.

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

Very truly yours,

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

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

JH:mra

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.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-24-89TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Robert Norton Box 388 Jefferson SD 57038
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5253-3.

Water Permit No. 5253-3 states that the diversion system is to be constructed by 1-25-94, and that the water it put to beneficial use by 1-25-98.

The diversion system was completed on June 89.
Applying the water to beneficial use was completed on Aug 89.

You may schedule an inspection so that the Water License may be issued.

Robert Norton
signature

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6684-3

(1) Robert Norton, Box 388, Jefferson SD 57038 made Application No. 6684-3, January 11, 2006 for a water permit to divert an additional 0.24 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6684-3, with a priority date of January 11, 2006 was approved March 13, 2006 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 5253-3, with a priority date of November 18, 1988, authorizes 1.09 cfs to irrigate 76 acres. The applicable portions of No. 5253-3 are incorporated into Water Right No. 6684-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 6684-3 is issued a license, bearing priority dates of November 18, 1988 (1.09 cfs) and January 11, 2006 (0.24 cfs) to divert 1.33 cfs from groundwater (one well) to irrigate 58 acres.

The diversion point is located: 1,320 feet west and 1,320 feet south of the northeast corner of Section 32-T90N-R49W. The acres authorized for irrigation are as follows:

Section 32-T90N-R49W	NE ¼ NE ¼	31 acres
	SE ¼ NE ¼	27 acres
	Total	58 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6684-3 including the following now applicable qualifications:

- 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.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 5253-3 and 6684-3, combined, authorize a maximum diversion rate of 1.33 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 07 2006

date

