

Considered: _____

39

WATER PERMIT NO. 5273-3

HAP No. same 356-2889

Name of Applicant Russell Hull

Post Office Address RR 1 Box 84, Elk Point, SD 57025

Amount of Water Claimed 0.2 cfs Total Acres 15

Source of Water Supply groundwater - 1 well

Water to be used for irrigation County Union

About 8 miles SE of Elk Point

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received January 23, 1989 Fee 150.00 Remarks _____

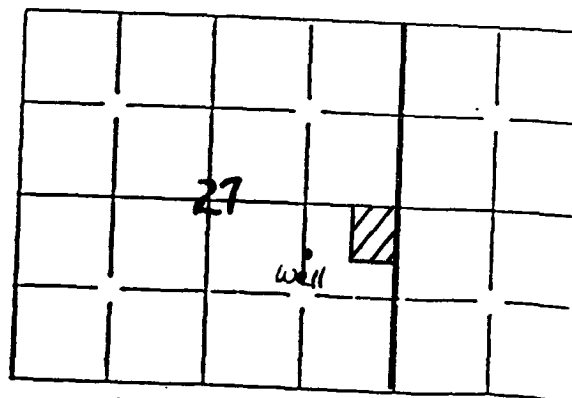
Corrected Application Received 1/31/89 Period of Annual Use May 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED CONDITIONAL (Circle one)

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

Diversion Point N $\frac{1}{2}$ SE $\frac{1}{4}$ Sect 27-T90N-R49W

Land to be Irrigated NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 27-T90N-R49W



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well ~100' REMARKS Well authorized under

Water License # 3284 (Drilled prior to 1979)

Type of Map aerial photo PREPARED BY Louie DeSmet Reviewed and the Number

assigned on January 31, 1989 By Susan A. Bowar

(See instructions)

No. 5273-3 Hydrologic Unit 10170102 (03?)
Basin Vermillion R
Newspaper Elk Point Leader Courier Box 310 57025

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

- Type of Application: ☒ New ☐ Vested Right ☒ Amend Permit No. 3284-3
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☒ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Russell M. Hall Phone No. 356-2889
- Post Office Address RR 1 Box 84 Elk Point State SD Zip Code 57025
- (Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) .2 Total acres irrigated 15
3. Source of Water supply well
4. Location of point of diversion present well under permit #3284-3
(N½ SE¼ Sec 27-T90N-R49W)
- County UNION
5. Counties where water will be used UNION
6. Annual period during which water is to be used -May-October- 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.
Lot A of SE¼ (NE¼ SE¼)	
Sect. 27-90-49	15

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn, soybeans, etc.
10. Give a description of proposed project. (Attach sheet if more space is needed)

This 15 acre piece was just purchased. Operator owned the other 65 acres in the N½ SE¼ Sec. 27 - Twp. 90 Range 49

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, Russell M. Hall, 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 Russell M Hall
Subscribed and sworn to before me this 18th day of January, 19 89
Thelma Smoger
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5273-3 FOR IRRIGATION**

Date of first receipt of application January 23, 1989.

Date Soil/Water Compatibility Permit received January 31, 1989.

The Water Management Board approved Water Permit Application No. 5273-3 on May 10, 1989 for Russell M. Hall, RR #1, Box 84, Elk Point, SD 57025 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. 5273-3 appropriates 0.20 cubic feet of water per second (cfs) from one existing well (Missouri-Elk Point Aquifer) approximately 100 feet deep located in the center of the N1/2 SE1/4 to irrigate 15 acres in the NE1/4 SE1/4; all in Section 27-T90N-R49W. Water Right No. 3284-3 appropriates 0.93 cfs from this well to irrigate 65 acres in the N1/2 SE1/4 Section 27-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: May 1 to October 31.
3. The date from which applicant may claim right is January 23, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 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

By: _____

John H. Hatten
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4326

WR#

OWNERS NAME: Russell M. Hall

OWNERS ADDRESS: RR 1, Box 84

Elk Point, SD 57025

COUNTY LAND LOCATED IN: Union

PHONE: 356-2889

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SE $\frac{1}{4}$ Sec. 27-90-49 (under permit #3284-3)

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 27-90-49</u>	<u>15</u>		
<u>(Lot A of SE$\frac{1}{4}$)</u>			

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

3. CROPS TO BE IRRIGATED: corn, soybeans, etc.

WATER QUALITY:

4. WATER SAMPLE NUMBER: 76-1323

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 1332

8. PERCENT SODIUM 23.67

6. SODIUM (SAR): 1.43

Requirements: The area mapped as Onawa (Ob) is subject to a seasonal high water table. Under irrigation, this water table may become perched and inhibit the leaching of salts. To offset this internal drainage, it may be necessary to install artificial drainage, i.e., tile drainage, as deemed necessary.

Please be advised that we do not consider the 1985 Food Security Act in our recommendations. Please contact your local conservation district for assistance.

Patricia Quick
Director, Division of Conservation

11-21-89
Date

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 23, 19 89

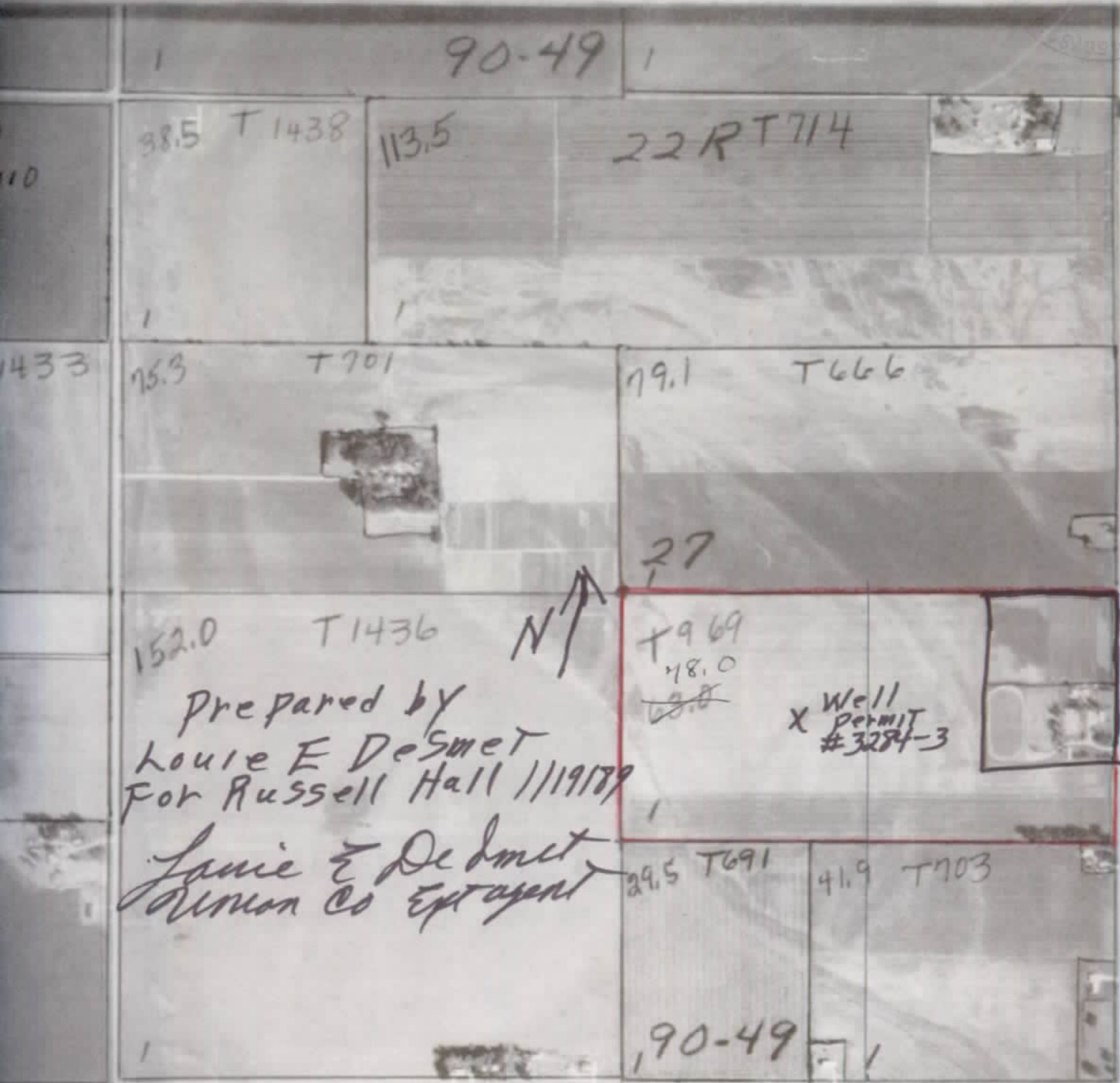
RECEIVED OF Russell Hall, BR1 Box 84, Elk Point, SD., 57025

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

Fee for Application for Permit No. <u>5273-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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 <u>27-59-1 849W</u>		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By J. H. Hatch / mra
Chief Engineer

NOT TO SCALE



Appl. No. 5273-3

Report on Application No. 5273-3
Russell M. Hall
March 8, 1989

This application proposes to appropriate 0.20 cfs for irrigation of 15 acres from an existing 100 feet deep well authorized by Water Right 3284-3. The well is located near the center of N1/2 SE1/4 of Section 27 and the irrigated land in the NE1/4 SE1/4 of Section 27 all in T90N R49W in Union County.

Aquifer - Missouri -Elk Point (M-EP)

The Missouri-Elk Point is an alluvium mantled glacial outwash (sand and gravel) which is generally under water table conditions, however, locally there can be confining layers within the alluvium. The M-EP Aquifer underlies 99,600 acres and contains an estimated 1.5 million acre-feet of recoverable water in Union County (Hedges, 1982). The M-EP Aquifer is hydraulically connected to the M-EP and Lower Vermillion Aquifers in Clay County, the Dakota Formation which directly underlies the M-EP in portions of Union County and the Big Sioux and Missouri Rivers.

The Division of Water monitors 28 observation wells completed either into the alluvium or the M-EP Aquifer in Union County. One of these wells UN-77P is located approximately 1 mile east of this application. Water level records for this well are included with this report. In general, the hydrographs tend to mirror climatic conditions rising during wet conditions and declining during dry conditions. The aquifer is easily sustaining the demands of pumping (Water Rights, 1989).

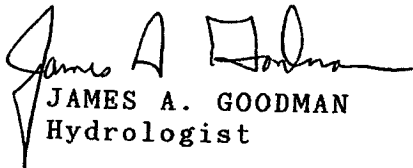
Review of Existing Water Permits

This area of Union County is intensively irrigated. There are existing wells and permits in the immediate area. Interference has never been a problem in this area because significant drawdowns do not extend very far from a production well in this aquifer. The M-EP Aquifer is a prolific producer and specific capacities of 50-100 gpm/ft of drawdown are common (Well Files, 1989). Also, the aquifer thickness is more than adequate to handle a few feet of drawdown.

Conclusions

1. Water is available from the M-EP Aquifer.
2. Interference is not expected to be a problem. Existing wells have a high specific capacity and significant drawdowns do not extend very far from the production wells, The hydrograph for UN-77P illustrates that water level changes due to pumping are not significant.

3. Water level data from the observation well network indicates recharge to the aquifer is more than sufficient to sustain existing withdrawals.
4. This is an existing well requesting an additional 0.20 cfs for an additional 15 acres of land.


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, DWNR, SDGS, Vermillion, SD 57069

Water Rights, 1989, Records for M-EP Aquifer Observation Wells in Union County, SD DWNR, Div. of Water Rights, Joe Foss Bldg, Pierre, SD 57501.

Well Files, 1989, Union County Driller's Logs, SD DWNR, Div. of Water Rights, Joe Foss Bldg, Pierre, SD 57501

OBS_WELL OBSERVATION WELL WATER LEVELS LOCATION DATE READING

10:01 THURSDAY, MARCH 9, 1989 1

UN-77P	090N-49W-26ABAA	12/14/77	-16.7
UN-77P	090N-49W-26ABAA	05/03/78	-16.1
UN-77P	090N-49W-26ABAA	05/23/78	-16.2
UN-77P	090N-49W-26ABAA	06/06/78	-16.0
UN-77P	090N-49W-26ABAA	06/20/78	-16.1
UN-77P	090N-49W-26ABAA	07/06/78	-16.5
UN-77P	090N-49W-26ABAA	07/21/78	-16.8
UN-77P	090N-49W-26ABAA	08/07/78	-16.8
UN-77P	090N-49W-26ABAA	08/30/78	-16.6
UN-77P	090N-49W-26ABAA	09/22/78	-16.3
UN-77P	090N-49W-26ABAA	10/11/78	-16.4
UN-77P	090N-49W-26ABAA	11/02/78	-16.0
UN-77P	090N-49W-26ABAA	12/05/78	-16.0
UN-77P	090N-49W-26ABAA	04/10/79	-15.8
UN-77P	090N-49W-26ABAA	05/08/79	-15.4
UN-77P	090N-49W-26ABAA	06/21/79	-14.6
UN-77P	090N-49W-26ABAA	07/04/79	-14.4
UN-77P	090N-49W-26ABAA	07/18/79	-14.9
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UN-77P	090N-49W-26ABAA	09/19/79	-14.9
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UN-77P	090N-49W-26ABAA	03/11/80	-13.8
UN-77P	090N-49W-26ABAA	04/22/80	-13.8
UN-77P	090N-49W-26ABAA	05/29/80	-14.0
UN-77P	090N-49W-26ABAA	06/11/80	-14.0
UN-77P	090N-49W-26ABAA	06/25/80	-14.4
UN-77P	090N-49W-26ABAA	07/09/80	-15.0
UN-77P	090N-49W-26ABAA	07/23/80	-15.6
UN-77P	090N-49W-26ABAA	08/06/80	-15.8
UN-77P	090N-49W-26ABAA	08/21/80	-15.7
UN-77P	090N-49W-26ABAA	09/03/80	-15.6
UN-77P	090N-49W-26ABAA	09/16/80	-15.6
UN-77P	090N-49W-26ABAA	10/22/80	-15.6
UN-77P	090N-49W-26ABAA	03/06/81	-15.7
UN-77P	090N-49W-26ABAA	03/25/81	-15.8
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UN-77P	090N-49W-26ABAA	10/28/81	-16.6
UN-77P	090N-49W-26ABAA	12/09/81	-16.8
UN-77P	090N-49W-26ABAA	03/01/82	-16.6
UN-77P	090N-49W-26ABAA	05/04/82	-16.2
UN-77P	090N-49W-26ABAA	06/01/82	-16.2
UN-77P	090N-49W-26ABAA	06/15/82	-16.2
UN-77P	090N-49W-26ABAA	06/28/82	-16.1

OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
UN-77P	090N-49W-26ABAA	07/13/82	-16.2
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UN-77P	090N-49W-26ABAA	08/10/82	-16.4
UN-77P	090N-49W-26ABAA	08/22/82	-16.9
UN-77P	090N-49W-26ABAA	09/09/82	-16.9
UN-77P	090N-49W-26ABAA	10/06/82	-16.7
UN-77P	090N-49W-26ABAA	11/08/82	-16.4
UN-77P	090N-49W-26ABAA	04/19/83	-13.0
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UN-77P	090N-49W-26ABAA	05/31/83	-10.9
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UN-77P	090N-49W-26ABAA	08/09/83	-8.9
UN-77P	090N-49W-26ABAA	08/21/83	-9.5
UN-77P	090N-49W-26ABAA	09/13/83	-10.1
UN-77P	090N-49W-26ABAA	10/18/83	-10.6
UN-77P	090N-49W-26ABAA	05/09/84	-7.0
UN-77P	090N-49W-26ABAA	05/22/84	-5.5
UN-77P	090N-49W-26ABAA	06/04/84	-6.3
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UN-77P	090N-49W-26ABAA	05/06/87	-11.0
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10:01 THURSDAY, MARCH 9, 1989 2

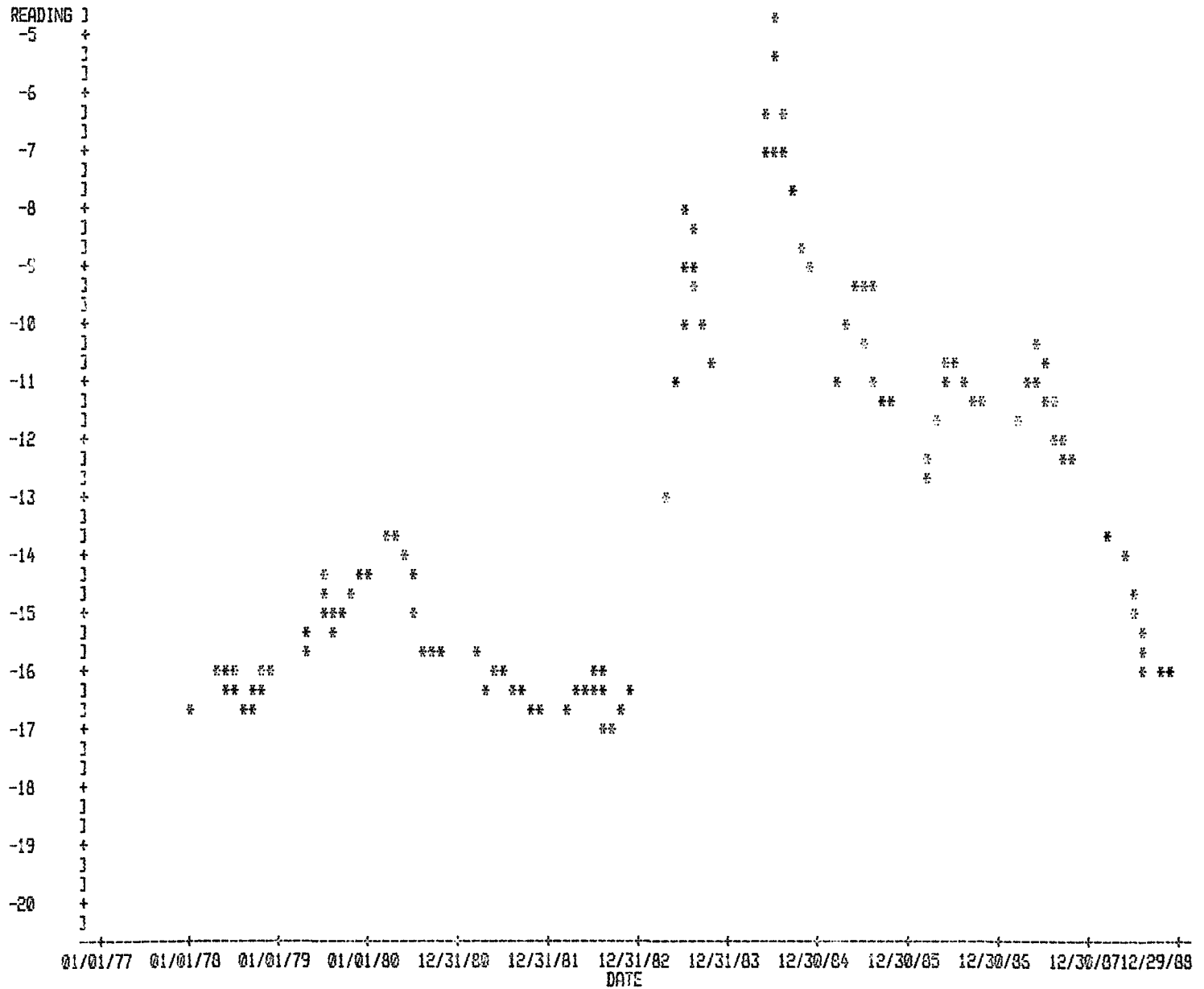
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N= 130

OBSERVATION WELL WATER LEVELS
OBS_WELL=UN-77P

10:01 THURSDAY, MARCH 9, 1989 4

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 22 OBS HIDDEN

UQS0009 - END OF DATA SET

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5273-3, Russell M. Hall

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. 5273-3, Russell M. Hall, RR 1, Box 84, Elk Point SD.

The Chief Engineer is recommending APPROVAL of Application No. 5273-3 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 22, 1989



Department of Water & Natural Resources

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

March 27, 1989

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

Russell M. Hall
RR #1, Box 84
Elk Point, SD 57025

Dear Mr. Hall:

Your Application Nos. 5273-3 & 5274-3 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 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,

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

March 27, 1989

Leader-Courier
Box 310
Elk Point, SD 57025

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. 5273-3 & 5274-3 to be published twice. Please publish the first notice on or before April 5, 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 Russell M. Hall, RR #1, Box 84, Elk Point, SD 57025.

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 April 5, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application No. 5273-3 & 5274-3 to Appropriate Water

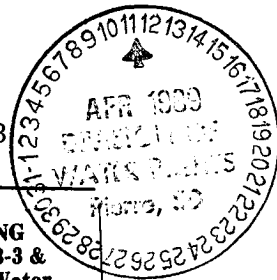
Notice is given that Russell M. Hall, RR #1, Box 84, Elk Point, SD 57025 has filed two applications for water permits to appropriate water. Application No. 5273-3 is to appropriate 0.20 cubic feet of water per second (cfs) from one existing well (Missouri-Elk Point Aquifer) approximately 100 feet deep located in the center of the N1/2 SE1/4 to irrigate 15 acres in the NE1/4 SE1/4; all in Section 27-T90N-R49W. Water Right No. 3284-3 authorizes 0.93 cfs from this well to irrigate 65 acres in the N1/2 SE1/4 Section 27-T90N-R49W. Application No. 5274-3 is to appropriate 0.84 cfs from one existing well (Missouri-Elk Point Aquifer) approximately 100 feet deep located in the SW1/4 NW1/4 to irrigate 59 acres in the NE1/4 SW1/4, NW1/4 SE1/4; all in Section 29-T91N-R49W. Water Right No. 3866-3 authorizes 1.00 cfs from this well to irrigate 70 acres in the NW1/4 Section 29-T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 5273-3 & 5274-3 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. These applications will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 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 these applications based on the facts presented at the public hearing.

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 April 28, 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 these applications or to assure access to the hearings by the handicapped.

These hearings are 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 April 28, 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.



These hearings are 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 April 28, 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.

RON DUVALL
Natural Resources Engineer
Pub. Mar. 30, Apr. 6.



Department of Water & Natural Resources

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

SEP 12 1989

Russell M. Hall
RR #1 Box 84
Elk Point, SD 57025

Dear Mr. Hall:

Enclosed are Water Permit Nos. 5273-3 and 5274-3 as approved by the Water Management Board authorizing you to construct your water diversion systems and put the water to beneficial use, not exceeding the limits as specified in the Water Permits.

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 permits within the five year construction period, usually without affecting the priority dates provided an application to amend your permits are 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 USE



Date 7-7-93

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Russell M. Hall RR 2, Box 202 Elk Point, SD
name address city 57025

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. 5273-3.

Water Permit No. 5273-3 states that the diversion system is to be constructed by May 10, 1994, and that the water it put to beneficial use by May 10, 1994.

The diversion system was completed on 6-15-1989.
Applying the water to beneficial use was completed on 6-16-89.

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

Russell M. Hall

signature

This system when completed consisted of laying pipe from the end of my center pivot water right No. 3284-3 to a traveling Big Gun. The pipe is laid on the ground just before irrigating and then picked up to be used on another system. I do not have the pipe laid on the ground as of 7-7-93 so if you want to schedule an inspection when I have the pipe on the ground, please let me know so I can call you or answer any questions you may have.



Department of Water & Natural Resources

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

February 9, 1990

RUSSELL M HALL
RR #1 BOX 84
ELK POINT, SD 57025

NOTICE

RE: Violation of Water Permit No(s) 5273-3, 5274-3 and 1989 Irrigation Questionnaire Requirements

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 5273-3, 5274-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board has directed that owners of water permits who have not submitted the 1989 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). 5273-3, 5274-3 qualification:

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

The hearing will also be to determine if Permit No. 2753-3, 3284-3, 3866-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson 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). 5273-3, 5274-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 2753-3, 3284-3, 3866-3 also held by RUSSELL M HALL to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 before the March 7th 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 28, 1990

2753-3

3284-3

3866-3

5273-3

5274-3

Russell Hall
RR 1, Box 84
Elk Point SD 57025

Dear Mr. Hall:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for the Water Permits listed above. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /16

RON DUVALL
Natural Resources Engineer
Water Rights Division

9-3-96

Wink

Please advise me if this is
going to require a new permit
or I get to keep my old water
rights according to these dates.

I think this is all you asked
for.

Thanks

Russell Hall

RR2, Box 202

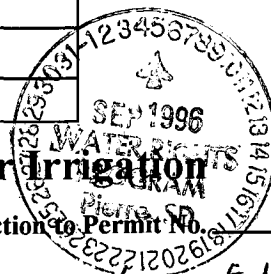
Elk Point, SD. 57025



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

4/2/96
Change of
div point
46-5-13.1



Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right _____ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) change of diversion
Point From Approximate 1650' From Road East Side of N¹/₂ SE¹/₄ of 27-90-49
To point 1320' From same Road of same 80A of N¹/₂ SE¹/₄ including LOTA of 27-90-49

1. Name of Applicant Russell M. Hall ☒ Owner ☐ Tenant/Lessee Phone 605 356 2889
Mailing Address RR 2, Box 202 - ELK Point State S.D 57025
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed _____ *CFS or 850 **GPM _____ ***AF Total Acreage 79
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Ground Missouri River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well N¹/₂ SE¹/₄ including
LOTA of section 27-90-49- County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May to Oct
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>W¹/₂ of N¹/₂ SE¹/₄ - Sect 27-90-49</u>	<u>40</u>		
<u>E¹/₂ of N¹/₂ SE¹/₄ including LOTA of SE¹/₄ Sect 27-90-49</u>	<u>39</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
Move Point of Diversion to North Side of 80 Acres so with shield
Wipe irrigation system may be used. Have permit No 5973-3 for
15 Acres and 3284-3. For 65 Acres

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of _____

I, Russell M. Hall, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Russell M. Hall
Subscribed and sworn to before me this 27 day of August 19 96
Audrey L. Morse
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22 Depth 100
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16 Thickness Sch 40 50 slot
- d) Gravel Pack Thickness 3 inches Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

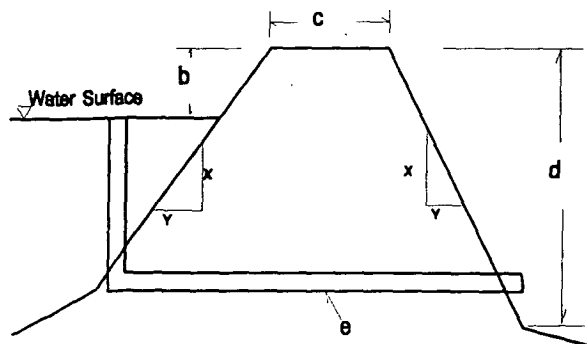
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

September 6, 1996

RE: Change in Location of the Well for Water Right No. 3284-3 and Water Permit No. 5273-3,
Russell Hall

Mr. Hall filed an application to change the diversion point for Water Right No. 3284-3 and Water Permit No. 5273-3. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Right No. 3284-3 and Water Permit 5273-3, combined appropriate 1.13 cubic feet of water per second (cfs) from one well (Missouri-Elk Point Aquifer) to irrigate 80 acres located in the N1/2 SE1/4 Section 27, T90N, R49W in Union County. According to Water Right No. 3284-3, The well was located at a point 1320 feet west and 1980 feet north of the SE corner, Section 27, T90N, R49W.

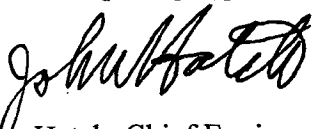
Mr. Hall has filed an application to move the location of the well approximately 680 feet north east of its present location. The well is to be placed approximately 1320 feet west and 2640 feet north of the SE corner, Section 27, T90N, R49W. The application states that moving the point of diversion will allow a windshield wiper irrigation system to be used.

A review of existing diversion within a one mile radius of Section 27 was conducted based on Water Rights Program records. There is a substantial amount of irrigation in this township. Mr. Hall's irrigation system is surrounded by neighboring irrigation systems. However, the proposed change will move the Hall well closer to the well authorized by Water Right No. 2763-3. Currently, the Hall well is approximately 3/4 mile south of the well authorized by Water Right No. 2763-3. The proposed change will locate the Hall well 660 feet closer to this well. Interference is not expected to be a problem. Drawdown does not extend very far from an individual production well. The Missouri Elk Point Aquifer is under water table conditions and is a prolific water supply.



Eric Gronlund
Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversion. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference. The point of diversion for Water Right No. 3284-3 and Water Permit No. 5273-3 may be changed as set forth in the application without requiring application or publication of a notice of hearing pursuant to SDCL 46-2A-4.



John Hatch, Chief Engineer
Water Rights Program

9-23-96



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1996

Russell Hall
RR 2, Box 202
Elk Point, SD 57025

Dear Mr. Hall:

I am writing in regard to your request to change the diversion point for Water Right No. 3284-3 and Water Permit No. 5273-3. The water right and water permit, combined, appropriate 1.13 cubic feet of water per second from one well to irrigation 80 acres located in the N1/2 SE1/4 Section 27, T90N, R49W in Union County. The well was located at a point 1320 feet west and 1980 feet north of the SE corner, Section 27, T90N, R49W.

You filed an application to move the location of the well north approximately 700 feet. The request is not for any additional appropriation of water.

Upon review of the application, pursuant to SDCL 46-5-13.1, I have made a finding that the change of the diversion point will not increase the potential for interference with existing diversions. In making the finding, "does not increase the potential for interference: is interpreted to mean potential for adverse interference. You are authorized to change the diversion point without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

Once construction is complete a licensing investigation should be completed of Water Permit No. 5273-3. This will quantify your water use and determine compliance with water rights law. Water Right No. 3284-3 and Water Permit No. 5273-3 can also be incorporated into one water right.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

110R, 45C

Jm# 2213

Ron Olsen Farm Service Ag.
Union Co.

8-27-96

NOT TO SCALE

90-49

T-1438

T-714

NHEL

Tow Line Irrigated

NHEL

1 38.5

1 113.5

1996

T-701

T-666

NHEL

NHEL

1 75.3

27 179.1

2.9
T-1436

4.6

T-969

1320'
SITE OF New WELL

110R

IRRIGATED
NHEL

132.9

Irrigated
1650'
SITE OF old Well

1 78.0

T-691

T-703

NHEL

NHEL

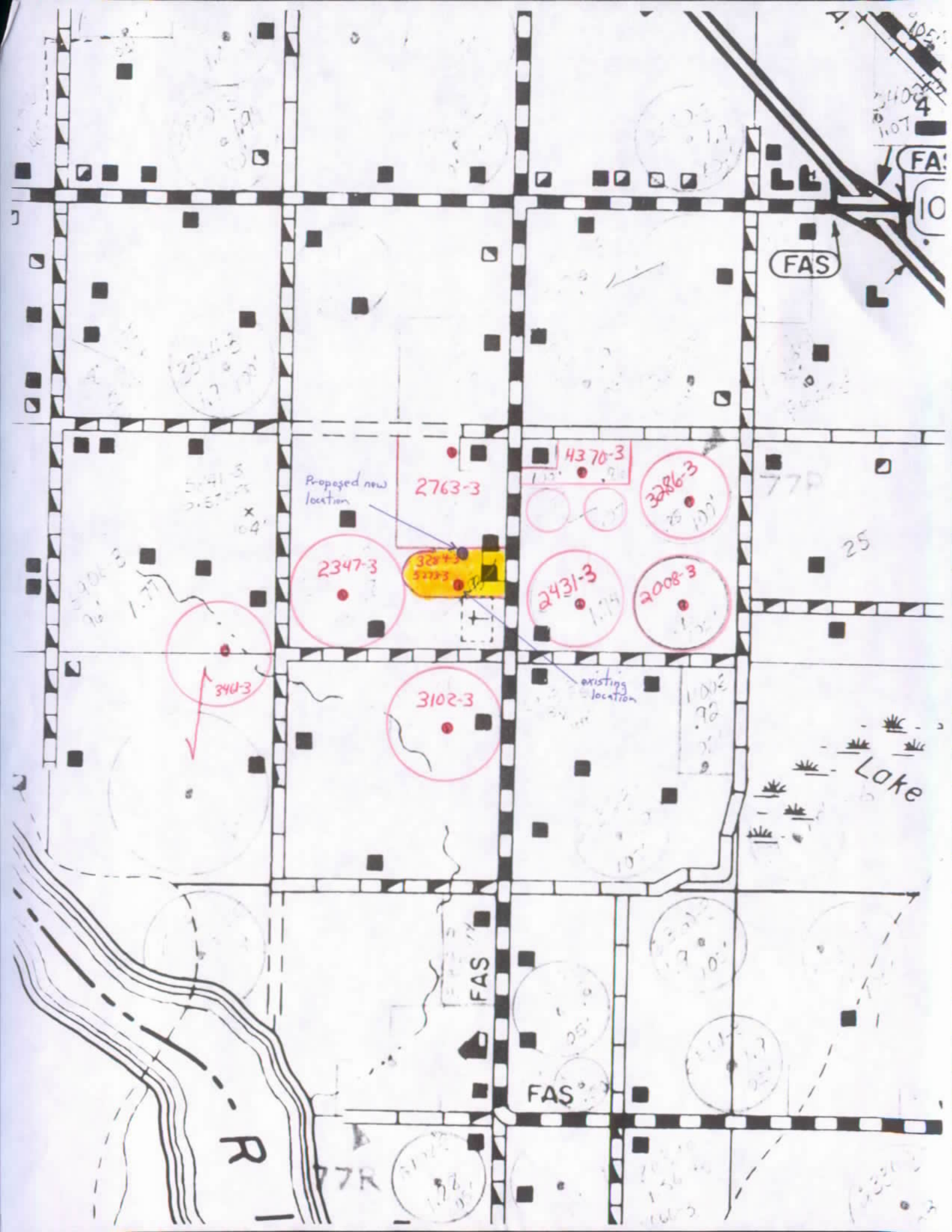
6.1
1

5.5

129.5

141.9

90-49



What is the progress on my well completion Report
on the N $\frac{1}{2}$ Sec 27 Twp 96 R9 48 Union Co which I
submitted to you 6/12/97 for irrigating well 5273-3 and
3284-3





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 1997

Russell Hall
RR 2 Box 202
Elk Point SD 57025

Dear Mr. Hall:

Thank for submitting the annual irrigation questionnaire. With the questionnaire, was a note inquiring about a well completion report. Our records indicate that we received the well completion report from Wetmore Drilling in June, 1997, for the well located in the N 1/2 SE 1/4 Section 27-T90N-R49W. As stated in our letter of September 24, 1996, once the construction is complete the licensing investigation can be completed for Water Permit No. 5273-3.

We will schedule an investigation of your water use system and issue a water license based on the investigation findings. We will contact you, possibly next summer, prior to the investigation to set up a time and date to stop in to see you.

If you have any questions, please contact us.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5273-3

DATE OF INVESTIGATION:	August 11, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	Russell Hall 47715 County Rd 1B Elk Point SD 57025-9740
DIVERSION POINT LEGAL LOCATION	Approx. 1,320 feet west of the E1/2 quarter corner of Section 27, T90N, T49W

Other permit(s) associated with the project: Water Right No. 3284-3

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore
- 2) No. of Wells one
- 3) Depth(s) 100 feet
- 4) Well log is available Yes
- 5) Comment: _____

Casing:

- 1) Diameter 16 inches
- 2) Length 60 feet
- 3) Type Plastic - Sch 40

Screen:

- 1) Type Manufactured PVC
- 2) Length 40 feet
- 3) Static water level 19 feet

Motor:

- 1) Make US Motor
- 2) Serial No. R6232-01-047-R2104991
- 3) Horsepower rating 50 hp

Pump:

- 1) Make ?
- 2) Model _____
- 3) Size _____
- 4) Capacity _____ GPM

SYSTEM TYPE:

- 1) **Center pivot:** Make Valley
- 2) Overall length 1290 feet
- 3) Number of towers 7
- 4) Distance between towers _____ feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 700 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No
- 2) Main line check valve not applicable
- 3) Inspection port/air relief not applicable
- 4) Low pressure drain not applicable

- 5) Discharge is 20' from source **not applicable**
- 6) Interlock type **not applicable**
- 7) Injection pump type **not applicable**
- 8) Injection check valve **not applicable**
- 9) Injection line check valve or positive displacement pump **not applicable**
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules **not applicable**

PERMIT QUALIFICATIONS:

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

COMMENTS:

1. A new system was installed in 1996. The acreage originally authorized by Water Right No. 3284-3 was irrigated by a big gun. When Mr. Hall purchased the acreage which is included under Water Permit No. 5273-3 he installed a center pivot that operates a windshield wipe pattern.
2. In 1996, Mr. Hall requested and received authorization to change the diversion point without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. See report and Chief Engineer's letter in file. The old well has been plugged.
3. Water Right No. 3284-3 and No. 5273-3 may be incorporated.

Permit No. 5273-3
Vermillion River - Water District

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

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

On, August 11, 1999, I made a thorough examination of the water use system constructed by **Russell Hall** of **47715 County Rd 1B, Elk Point SD 57025-9740** holder of Permit No. 5273-3 and Water Right No. 3284-3, bearing the priority of January 23, 1989 authorizing the diversion of 0.20 cu. ft. per second (No. 5273-3) for irrigation of 15 additional acres and a priority of November 2, 1976 authorizing 0.93 cu. ft. per second (No. 3284-3) of the waters of Missouri:Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

A 50 HP US Motor and pump diverts from a well

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

Well is located at the pivot center

C. Works used to apply water to beneficial use:

A seven tower Valley center pivot with end gun

The system is in the following condition excellent. The point of diversion is located approx. 1,320 feet west of the E1/2 quarter corner of Section 27, T90N, T49W. The works are capable of diverting and conveying to the place of use 1.56 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:

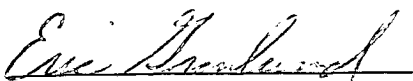
NW ¼ SE ¼ Section 27, T90N, R49W – 34 acres

NE ¼ SE ¼ Section 27, T90N, R49W – 34 acres

comprising a total of 68 acres of land and the license should be issued for 0.97 cfs

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: **The well produces approximately 1.56 cfs to operate the center pivot. This is above the statutory limit of 1 cfs per 70 acres. This is explained by the fact the center pivot operates at 700 gpm (1.56 cfs) but only makes a one half rotation.**



Eric S. Gronlund
Natural Resources Engineer
DENR, Water Rights Program

7/20/99
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 22, 1999

Permit Nos. 5273-3
5274-3

Russell Hall
47715 County Road 1B
Elk Point, SD 57025-9740

Dear Mr. Hall:

The investigation of your water use systems was conducted on August 11, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 3284-3, 5273-3, 3866-3 and 5247-3. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit No. 3284-3 will be incorporated into 5273-3, and the applicable portions of Water Permit No. 3866-3 will be incorporated into 5247-3.

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

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

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416217

Pierre, _____ October 12, 19 99

RECEIVED OF Russell Hall, 47715 Co. Rd. 1B, Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 5273-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

~~50000~~

By _____
Chief Engineer

John Hatch

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5273-3

(1) Russell Hall, 47715 County Road 1B, Elk Point SD 57025-9740 made Application No. 5273-3, January 23, 1989 for a water permit to divert 0.20 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5273-3, with a priority date of January 23, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

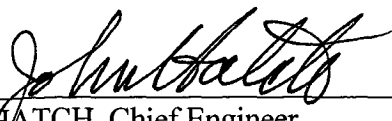
Water License No. 3284-3, with a priority date of November 2, 1976, authorized diversion of 0.93 cfs to irrigate 65 acres. Water Permit No. 5273-3, with a priority date of January 23, 1989 authorized irrigation of additional acres and increased the diversion rate described in No. 3284-3. The applicable portions of Water License No. 3284-3 are incorporated into this Water License No. 5273-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.97 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,320 feet west of the east quarter corner of Section 27-T90N-R49W (N ½ SE ¼).

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

Section 27-T90N-R49W	NW ¼ SE ¼	34 acres
	NE ¼ SE ¼	34 acres
Total 68 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Russell Hall, 47715 County Road 1B, Elk Point SD 57025-9740 the holder and/or owner of Incorporated Water Right No. 5273-3 is issued a license to appropriate water, the right to use 0.97 cubic feet of water per second from groundwater (one well) with priority dates of November 2, 1976 (0.93 cfs) and January 23, 1989 (0.04 cfs) 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 Incorporated Water Right No. 5273-3 and subject to South Dakota State Law.


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

DEC 10 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

DEC 10 1999

5273-3
5274-3

Russell Hall
47715 County Road 1B
Elk Point, SD 57025-9740

Dear Mr. Hall:

Enclosed are Water License Nos. 5273-3 and 5274-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416217 and 416218 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 5273-3 and 5274-3, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

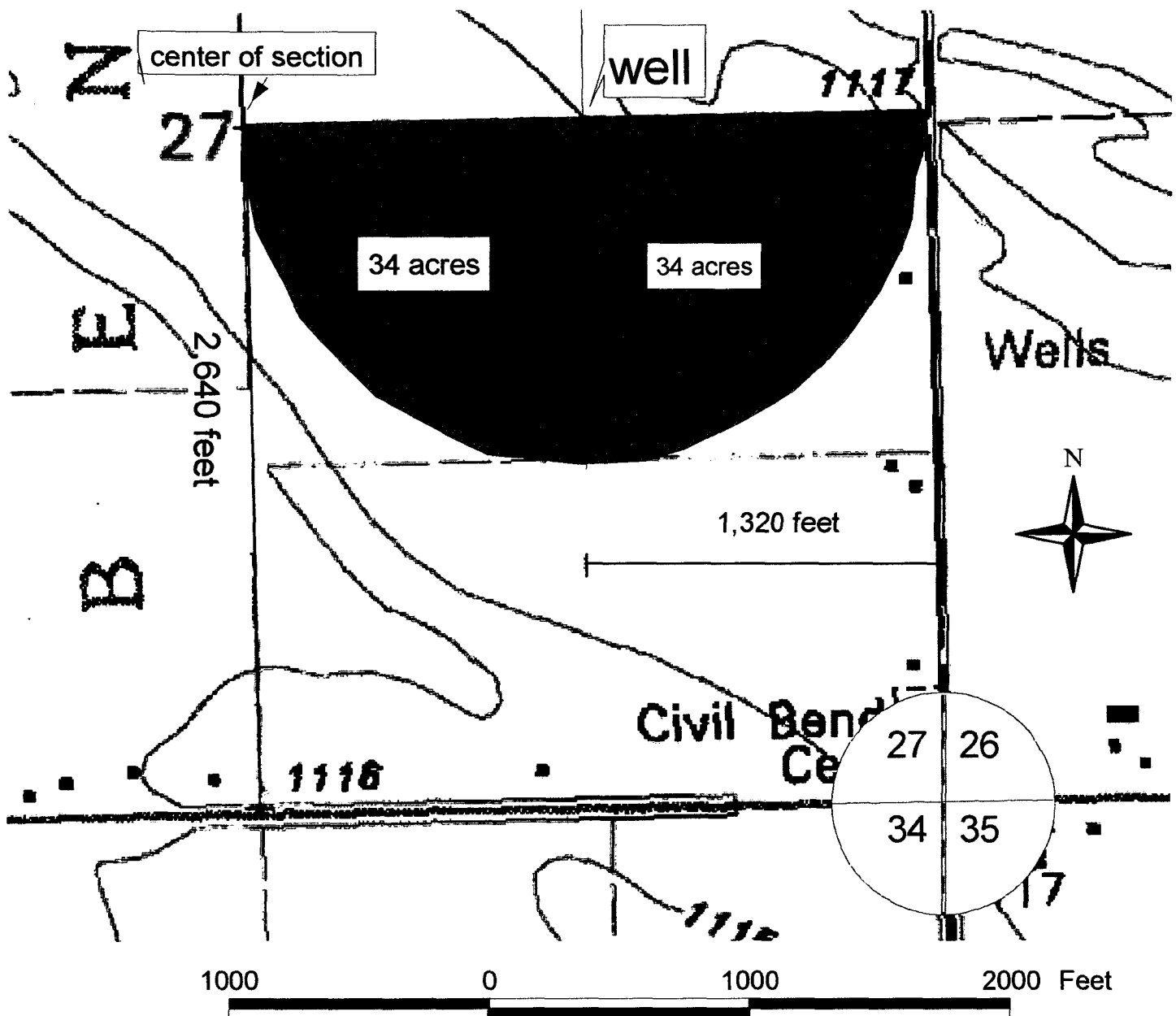
Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water License No. 3284-3 are incorporated into this Water License No. 5273-3, and the applicable portions of Water License No. 3866-3 are incorporated into this Water License No. 5274-3.

Water Permit No. 5273-3, Russell Hall



Legal Description

Well - approx. 2,640 feet north &
1,320 feet west of SE corner of
Section 27, T90, R49W

Irrigate Acreage

NE 1/4 SE 1/4 - 34 acres
NW 1/4 SE 1/4 - 34 acres

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing Investigation
Conducted - August 11, 1999



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: RUSSELL M HALL, 47715 COUNTY RD 1B, ELK POINT, SD 57025 9740

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2753-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5273-3 & 5274-3 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 7, 2013** 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 No(s) 5273-3 & 5274-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2753-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 23, 2013

2753-3
5273-3
5274-3

Russell M Hall
47715 County Rd 1B
Elk Point SD 57025 9740

Dear Mr. Hall:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 2753-3, 5273-3 and 5274-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us