

Considered: _____

WATER PERMIT NO. 5293-3

MAP No. same 966-5538

Name of Applicant Joe and John Trudeau

Post Office Address Route 1, Box 58, Jefferson SD 57038

Amount of Water Claimed 2.35 cfs Total Acres 165

Source of Water Supply 2 wells

Water to be used for irrigation County Union

About 4 miles W of N. Sioux City.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Feb. 17, 1989 Fee 250⁰⁰ Remarks _____

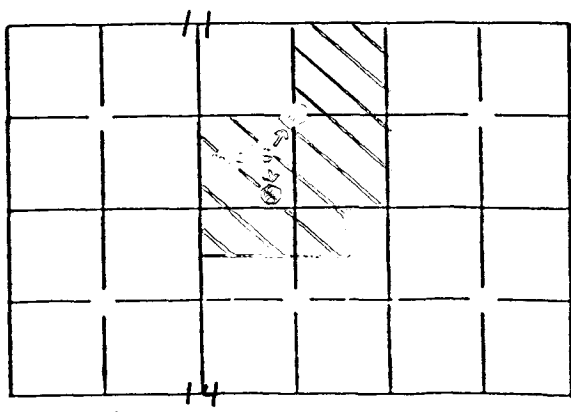
Corrected Application Received 3/16/89 Period of Annual Use Apr 1 - Oct 31

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

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

Diversion Point 2 wells: SW¹/₄ SE¹/₄, center of SE¹/₄; section 11 - T89N - R49W

Land to be Irrigated NE¹/₄ SE¹/₄, S¹/₂ SE¹/₄ section 11; N¹/₂ NE¹/₄ section 14; all in T89N - R49W



Well Log: Driller Wetmore Drilling Licensed YES ☒ NO ☐

Depth of Well 120 feet REMARKS _____

Type of Map aerial photo PREPARED BY Louie DeSmet Reviewed and the Number assigned on Mar 17, 1989 By Ron D. Small



FORM 2: Application for Irrigation (type or print)
No. 5293-3 Hydrologic Unit 10170101
Basin Missouri R
Newspaper Elk Point Leader Courier

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

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

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

1. Name of Applicant Joe Trudeau and John Trudeau Phone No. 966-5538
Post Office Address Route 1, Box 58 Jefferson State S.D. 57038
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 2.08 2.35 Total acres irrigated -146.6- 165
3. Source of Water supply 2 wells
4. Location of point of diversion 1,000 ft. East of the SW corner of the SE $\frac{1}{4}$ of Sec. 11 89-49
center of SE $\frac{1}{4}$ Sec 11-T89N-R49W
County Union
5. Counties where water will be used Union
6. Annual period during which water is to be used crop growing season April 1 - Oct 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.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11-89-49	40
Lot 1 SE $\frac{1}{4}$ a/d/a NW $\frac{1}{4}$ SE $\frac{1}{4}$ 11-89-49 NE $\frac{1}{4}$ SE $\frac{1}{4}$	-38 40

Land Description	No. Acres Irr.
Lot 2 SE $\frac{1}{4}$ a/d/a SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11-89-49	40-28 plus
N-40-acres-of Lot 1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ a/d/a-N-40-acres-of-N $\frac{1}{2}$ NE $\frac{1}{4}$ 14-89-49	16 29 40

Attach sheet if more space is needed: all in 14-89-49 NW $\frac{1}{4}$ NE $\frac{1}{4}$

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: x Gun: X (Specify) Other: _____
9. Crops to be Irrigated: corn & soybeans
10. Give a description of proposed project. (Attach sheet if more space is needed)
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 11-89-49 and Lot 1 SE $\frac{1}{4}$ a/d/a NW $\frac{1}{4}$ SE $\frac{1}{4}$ -11-89-49 and Lot 2 SE $\frac{1}{4}$ a/d/a SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11-89-49 will be irrigated by a center pivot. N40 $\frac{1}{2}$ acres of Lot 1 NE $\frac{1}{4}$ a/d/a N40 $\frac{1}{2}$ acres of N $\frac{1}{2}$ NE $\frac{1}{4}$ 14-89-49 will be irrigated with a big gun.
The corners by the center pivot will be flood irrigated.

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

We, Joe Trudeau and

I, John Trudeau, 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 Joe Trudeau

Signed John Trudeau

Subscribed and sworn to before me this 7th day of FEB 19 88

John C. McIntosh
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5293-3 FOR IRRIGATION**

Date of first receipt of application February 17, 1989.

Date Soil/Water Compatibility Permit received March 30, 1989.

Date of return to applicant for required corrections, amendments or changes February 27, 1989.

Date of receipt of corrected application March 16, 1989.

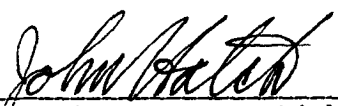
The Water Management Board approved Water Permit Application No. 5293-3 on May 10, 1989 for Joe and John Trudeau, Rt #1 Box 58, Jefferson, SD 57038 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5293-3 appropriates 2.35 cubic feet of water per second from 2 wells (Missouri-Elk Point Aquifer) 120 feet deep to irrigate 165 acres. The 2 wells are to be located in the SW1/4 SE1/4 and near the center of the SE1/4 both in Section 11-T89N-R49W. The acreage to be irrigated is in the NE1/4 SE1/4 (Lot 1), SE1/4 SE1/4 (Lot 2), SW1/4 SE1/4; Section 11-T89N-R49W: N1/2 NE1/4 (Lot 1) Section 14-T89N-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 to October 31.
3. The date from which applicant may claim right is February 17, 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 wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- 2) The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

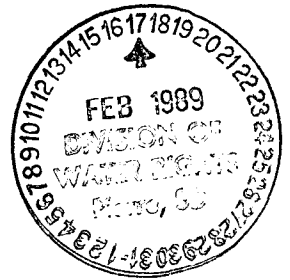
WATER MANAGEMENT BOARD

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

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 120'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type 100 mesh PVC 40' Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 52'
- e) Depth to Top of Water Bearing Material 13'
- f) Depth to Water (ground surface to water level) 17'
- g) Distance to nearest existing domestic well:
- On applicants property 200 yds On property owned by others 1300 ft.

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 _____

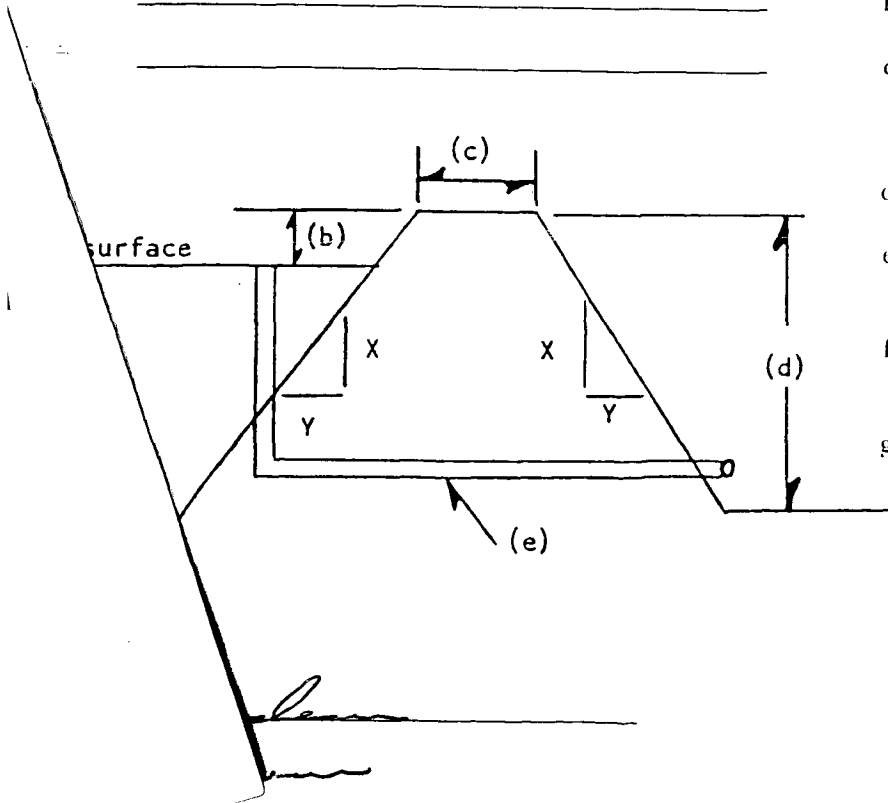
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Dear ~~TS~~

questions on
Please call me

number is 966-3-1

I hope you
Joe

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4352

WR#

OWNERS NAME: Joe & John Trudeau OWNERS ADDRESS: Route 1, Box 58

Jefferson, SD 57038

COUNTY LAND LOCATED IN: Union PHONE: 966-5538

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 1,000 ft E of SW corner of SE $\frac{1}{4}$ Sec. 11-T89N-R49W; center of SE $\frac{1}{4}$ Sec. 11-T89N-R49W

Depth _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11-T89N-R49W	40	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14-T89N-R49W	29
SE $\frac{1}{4}$ SE $\frac{1}{4}$ " "	40		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ " "	40		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14-T89N-R49W	16	TOTAL ACRES	165

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

3. CROPS TO BE IRRIGATED: corn & soybeans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0055 7. ADJUSTED (SAR): 3.06
5. SALINITY (EC X 10⁶): 1600 8. PERCENT SODIUM: 15.14
6. SODIUM (SAR): 1.00

Requirements: The soils of the project area are subject to a seasonal high water table. Under irrigation, this water table may become perched & inhibit the leaching of salts. As a result of this, adequate internal drainage shall be provided. This necessary drainage may be achieved with intensive water management plans or the installation of a form of artificial drainage.

Please be advised that we do not consider the Swampbuster Provision in the development of our recommendation & recommend that you contact your local conservation district before undertaking any drainage project.



☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Director, Division of Conservation

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

Date

3/29/89

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411642

Pierre, February 17, 1, 19 89

RECEIVED OF Joe & John Trudeau, Rte 1, Box 58 Jefferson, SD 57038

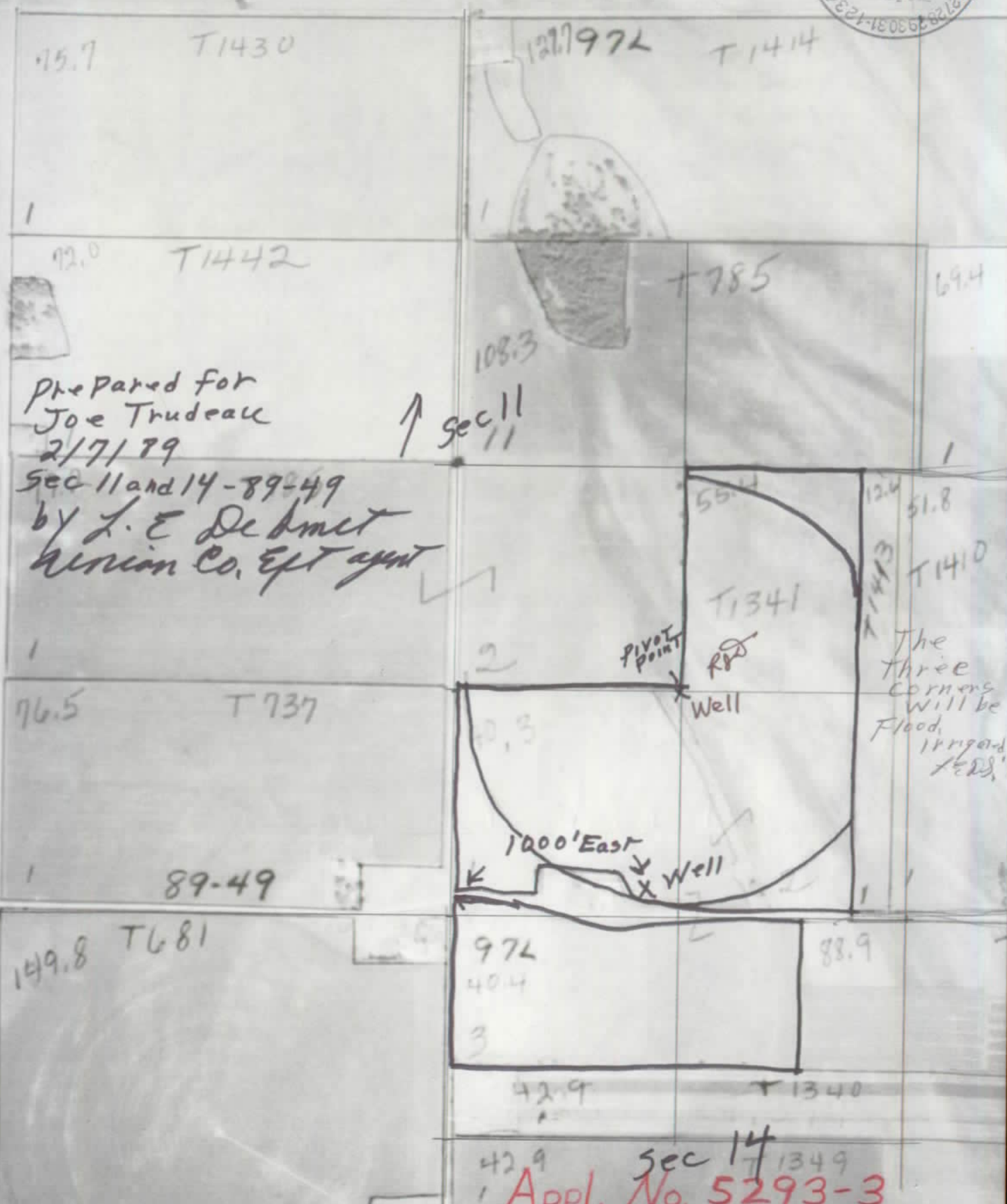
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5293-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By

John Hatch/mra
Chief Engineer

NOT TO SCALE



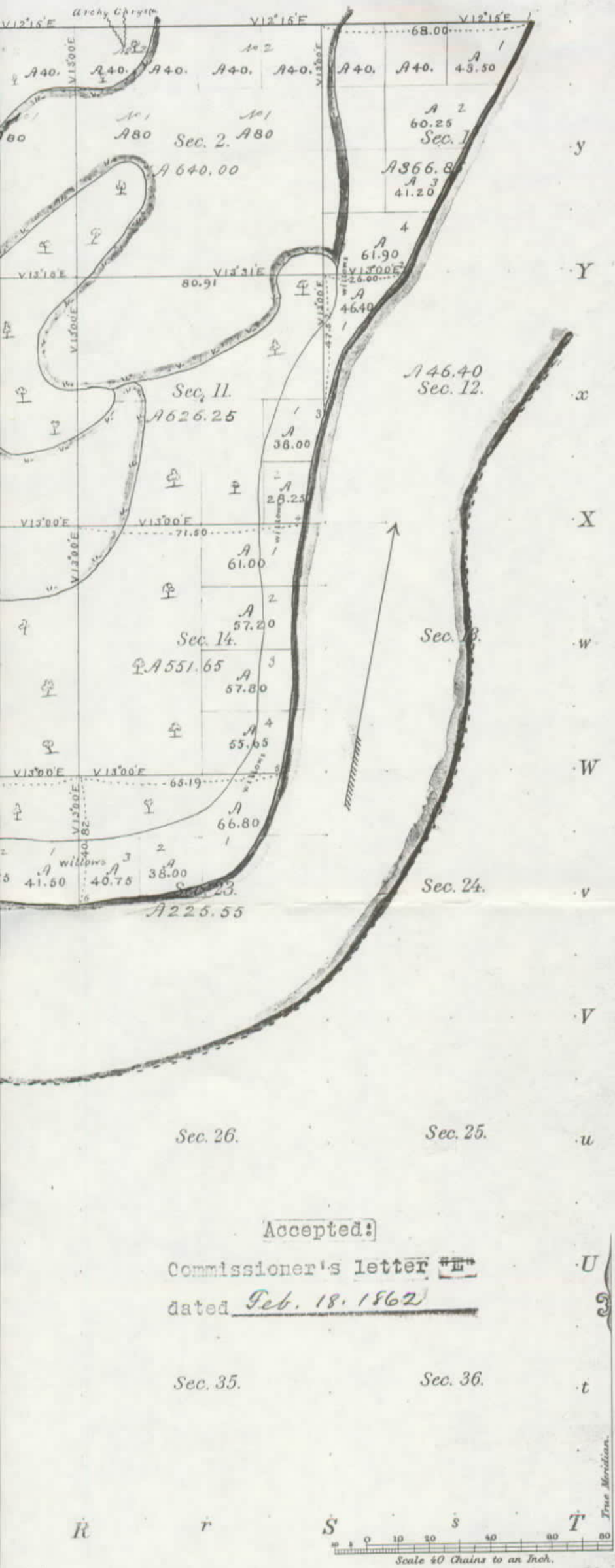
Prepared for
Joe Trudeau
2/7/89
Sec 11 and 14 - 89-49
by L. E. DeBmet
Union Co. Eft agent

↑ sec 11

The
Three
corners
will be
Flooded,
irrigated,
& fed.

sec 14
Appl. No. 5293-3

the 5th Principal MERIDIAN



Meanders of Missouri River. Left Bank									
Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts
1	S. 33° W.	23.75							
	S. 26° W.	66.60							
2	S. 37° W.	34.00							
	S. 16° W.	21.00							
3	S. 15° 30' W.	33.70							
4	S. 6° 30' W.	32.10							
	S. 2° E.	35.60							
	S. 17° W.	16.00							
5	S. 17° W.	31.80							
	S. 70° W.	27.40							
	S. 89° W.	30.00							
6	S. 89° W.	30.00							
	N. 63° W.	40.70							
	N. 30° W.	27.00							
7	N. 15° 30' W.	1.35							
8	N. 30° W.	70.60							
	N. 21° W.	18.90							
9	N. 21° W.	55.50							
	N. 5° E.	18.00							
	N. 28° E.	13.60							
10	N. 28° E.	48.00							
	N. 20° E.	17.70							
	N. 20° W.	21.50							
		30							
		70.11							

Accepted:
Commissioner's letter #E
dated Feb. 18. 1862
Sec. 35. Sec. 36.

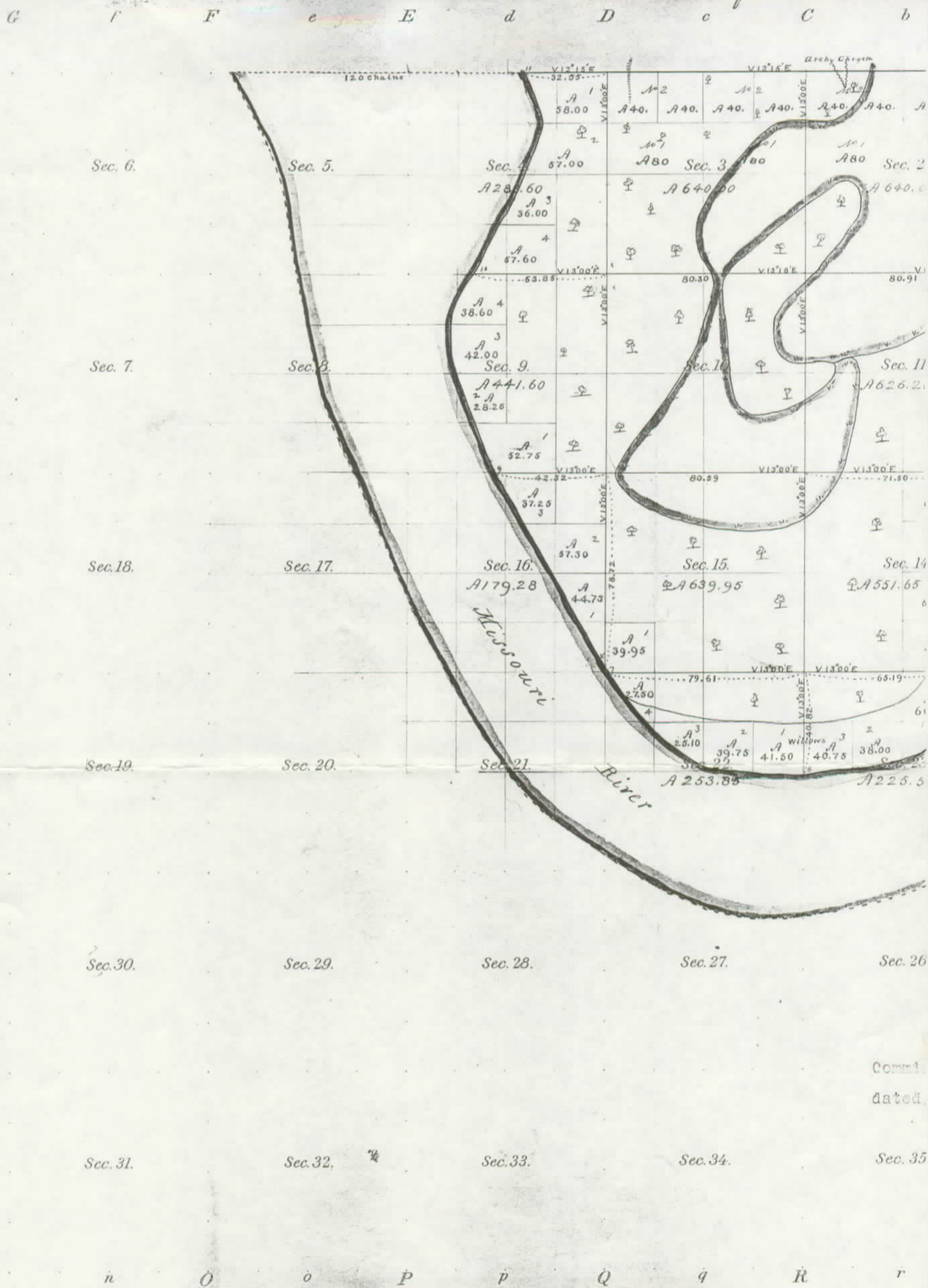
The above Map of Township N. 29 North of Range N. 49 West of the 5th Principal Meridian Dakota Territory is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office
Faulkton D.T. Dec 28/81
Geo. Hill
Sur. Gen.





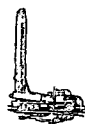
TOWNSHIP N° 89 North RANGE N° 49 West of the 5th Principal Meridian



Total number of Acres. 55 39.98

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Ball	Aug 1 st 1860	M. Ch. Lk.	Nov 1860
Subdivisions	Carter Sheparden	July 24 th 1861	24-19-13	October 1861

The above
Principal
notes of the
Survey
Gauts



WETMORE DRILLING

P.O. BOX 577 · ELK POINT, SOUTH DAKOTA 57025 · (605) 356-3272



1-12-89

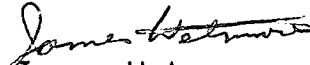
Joe & John Trudeau
RR 1 Box 58
Jefferson, SD 57038

TEST HOLE LOG:

SW 1/4 of SE 1/4 of Sec 11 T 89-90 N R 48-49W Union County

0	- 2'	Topsoil
2	- 13'	clay & fine sand mix
13	- 76'	fine sand
76	- 120'	coarse sand & gravel

Wetmore Drilling
PO Box 577
Elk Point, SD 57025

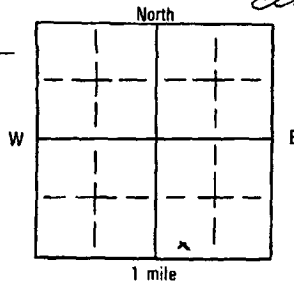

James Wetmore

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SE 1/4 Sec 11 Twp 29-30 N Rg 45-49 WCounty Union

Please mark well location with an "X"

Well Completion Date 12-29-88

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1/2" well</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>120</u> FT	<u>22</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 0-20 FEETWhat is grouting material? neat cementIf cement, number of sacks? 12Describe grouting procedure Turn in pipe pumped bentonite slurry below 20'What was grout weight? 15.6 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16" IN Length 40' FEETMaterial PVC slotted 100 slot

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorineBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name John + Joe TrudeauAddress RR 1 Box 58 Jefferson 57038

Well Log:

Depth

Formation

From

To

<u>top soil</u>	<u>0</u>	<u>2</u>
<u>clay + fine sand mix</u>	<u>2</u>	<u>13</u>
<u>fine sand</u>	<u>13</u>	<u>76</u>
<u>coarse sand & gravel</u>	<u>76</u>	<u>120</u>

STATIC WATER LEVEL 17 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: line shaft turbine

Pumping Level Below Land Surface

42 ft. After 2 Hrs. pumped 1100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative:

James Watmore

Signature of Well Owner:

Date 1-12-89

2-23-89

SOUTH Dakota Department of
Water & Natural Resources

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

February 27, 1989

Joe and John Trudeau
Route 1, Box 58
Jefferson SD 57038

Dear Mr. Trudeau:

This letter is in response to your water permit application received on February 17, 1989. The following information needs to be addressed to complete your water permit application:

I believe the following is a more accurate description of the acreage to be irrigated:

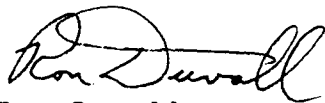
NE1/4 SE1/4 (Lot 1)	section 11-T89N-R49W	40 acres
SE1/4 SE1/4 (Lot 2)	"	40
SW1/4 SE1/4	"	40
NW1/4 NE1/4 (Lot 1)	section 14-T89N-R49W	29
NE1/4 NE1/4 (Lot 1)	"	16

	Total	165 acres

I have enclosed a revised copy of the application including the proposed changes to the application. Please review these changes and return the revised application with your written permission to proceed with the application as revised.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Report on Application No. 5293-3
Joe and John Trudeau
April 3, 1989

This application proposes to appropriate 2.35 cfs from 2 wells approximately 120 feet deep to irrigate 165 acres. The 2 wells are to be located in the SW1/4 SE1/4 and near the center of the SE1/4 both in Section 11, T89N, R49W. The acreage to be irrigated is in the NE1/4 SE1/4 (Lot 1), SE1/4 SE1/4 (Lot 2), SW1/4 SE1/4 of Section 11, T89N-R49W and the N1/2 NE1/4 (Lot 1) of Section 14, T89N-R49W.

Aquifer Missouri-Elk Point (M-EP)

The Missouri-Elk Point is an alluvium mantled glacial outwash (sand and gravel) which is under water table conditions in this area. However, the alluvium consists of sands, silts, and clays and locally this can act as a partially confining layer. The M-EP Aquifer underlies 99,600 acres and contains approximately 1.5 million acre-feet of recoverable water in Union County alone (Hedges, 1982). The aquifer is hydraulically connected to the Lower Vermillion Missouri Aquifer in Clay and Union Counties, the M-EP in Clay County and to the Big Sioux and Missouri Rivers.

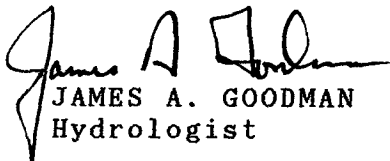
The Division of Water Rights monitors 27 observation wells completed into the alluvium or M-EP Aquifer in Union County. One of these wells, UN-77Q, is located within 1/2 mile of the diversion points for this application (Water Rights, 1989). Records for tests for this application indicate at least 107 feet of sand and gravel were penetrated. The static water level is about 18 feet below land surface. Water level records for UN-77Q tend to mirror climatic conditions, that is, rising during wet years and declining during dry years. There are numerous high capacity wells developed in Union County from the M-EP Aquifer with specific capacities in the 50-100 gpm/ft of drawdown range (Well Files, 1989). Interference is not expected to be a problem because significant drawdowns do not extend very far from a producing well in this aquifer. Also the aquifer thickness is more than adequate to handle a few feet of drawdown.

Review of Existing Water Permits

This general area of Union County is fairly intensively irrigated. There are 5 existing permits within one mile of this application; however, none of the diversion points are within 1/2 mile. There have never been any water availability problems in this area.

Conclusions

1. Water is available from the M-EP Aquifer.
2. Interference will not be a problem. Drawdowns are not expected to be significant and water level records for UN-77Q confirm this.
3. Water level records for the M-EP Aquifer indicate recharge to the aquifer is sufficient to sustain existing demands.
4. The well must be constructed in accordance with SD Well Construction Standards.


JAMES A. GOODMAN
Hydrologist

Bibliography

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

Water Rights, 1989, Observation Well Data for UN-77Q and the M-EP Aquifer in Union County, SD DWRN, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

Well Files, 1989, Union County Drillers Logs, SD DWRN, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5293-3, Joe Trudeau and John Tredeau

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. 5293-3, Joe Trudeau and John Trudeau, RR 1, Box 58, Jefferson SD.

The Chief Engineer is recommending APPROVAL of Application No. 5293-3 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 wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 3, 1989



Department of Water & Natural Resources

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

April 6, 1989

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

Joe & John Trudeau
RR #1, Box 58
Jefferson, SD 57038

Dear Sirs:

Water Permit Application No. 5293-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Leader-Courier printed at Elk Point SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. 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

April 6, 1989

Elk Point Leader Courier
P.O. Box 310
Elk Point, SD 57025

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5293-3 to be published twice. Please publish the first notice on or before April 13, 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 Joe and John Trudeau, RR #1, Box 58, 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,

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 13, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5293-3 to Appropriate Water

Notice is given that Joe Trudeau and John Trudeau, RR #1, Box 58, Jefferson, SD 57038 have filed an application for a water permit to appropriate 2.35 cubic feet of water per second from 2 wells (Missouri-Elk Point Aquifer) 120 feet deep to irrigate 165 acres. The 2 wells are to be located in the SW1/4 SE1/4 and near the center of the SE1/4 both in Section 11-T89N-R49W. The acreage to be irrigated is in the NE1/4 SE1/4 (Lot 1), SE1/4 SE1/4 (Lot 2), SW1/4 SE1/4; Section 11-T89N-R49W: N1/2 NE1/4 (Lot 1) Section 14-T89N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5293-3 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 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by 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 the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



Department of Water & Natural Resources

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

May 4, 1989

Joe & John Trudeau
RR 1, Box 58
Jefferson SD 57038

Dear Sirs:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5293-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

Joe & John Trudeau
RR #1 Box 58
Jefferson, SD 57038

Dear Sirs:

Enclosed is Water Permit No. 5293-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

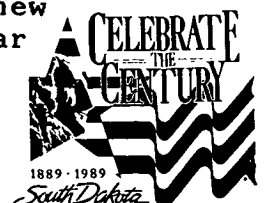
Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.





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

Date Oct 30, 1989

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

FROM: Joe & John Tinsden RR 1 Box 47 Jefferson S.D.
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. 5293-3.

Water Permit No. 5293-3 states that the diversion system is to be constructed by Jan 1989, and that the water it put to beneficial use by Jan 1989.

The diversion system was completed on Jan 1989.
Applying the water to beneficial use was completed on Jan 1989.

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

Joseph W. Foss
signature



5293-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

5666-3

Joe and John Trudeau
Rt 1, Box 58
Jefferson, SD 57038

Dear Sirs:

Enclosed is Water License No. 5666-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413558 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5666-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 5293-3 have been incorporated into this Water License No. 5666-3.