

Considered: _____

WATER PERMIT NO. 5295-3

42

HAP No. same 712-476-5411

Name of Applicant B & J Farm (c/o Bill & Jim Scott)

Post Office Address 1403 Main St., Rock Valley, IA 51247

Amount of Water Claimed 1.85 cfs Total Acres 130

Source of Water Supply groundwater - 1 well

Water to be used for irrigation County Union

About 6 miles SE of Alcester, SD

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received March 3, 1989 Fee \$250⁰⁰ Remarks _____

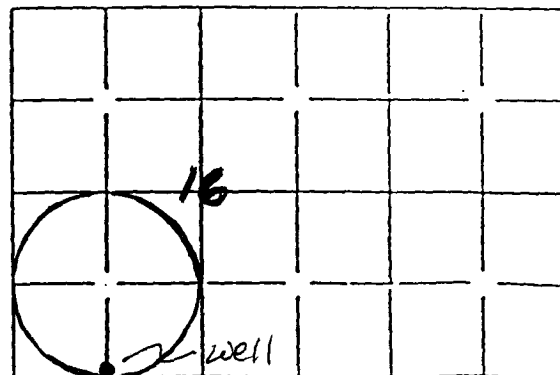
Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED March 22, 1989 APPROVED CONDITIONAL (Circle one)

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

Diversion Point S $\frac{1}{2}$ SW $\frac{1}{4}$ Sect 16-T94N-R48W

Land to be Irrigated SW $\frac{1}{4}$ Sect 16-T94N-R48W



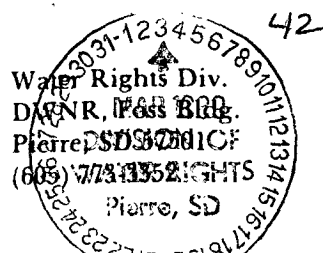
Well Log: Driller Vant Hul & Sons Well Dr. Licensed YES ☒ NO _____

Depth of Well 58' REMARKS test hole

Type of Map aerial photo PREPARED BY Larry D. Wilcox Reviewed and the Number assigned on March 22, 1989 By Dwain A. Bowser

(See instructions)

No. 5295-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper Beresford Republic Box 111 57004 (W)



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 B + J Farm (Bill + Jim Scott) Phone No. 476-5411
- Post Office Address 1403 Main St. Rock Valley State Iowa Zip Code 51247
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 1.85 Total acres irrigated 130
one Well
3. Source of Water supply _____
4. Location of point of diversion 1320' west of the South Quarter line of
Section 16, Twp 94 N., Rg. 48 W of the 5th PM, Union Co., S.D.
(on the south section line) S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16-T94N-R48W County Union
5. Counties where water will be used Union
6. Annual period during which water is to be used May 1 - Sept 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

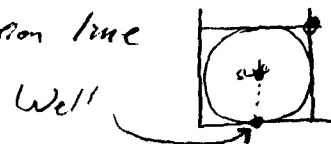
Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 16-94-48	32.5
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - " " "	32.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - " " "	32.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - " " "	32.5

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

Center Pivot on the SW $\frac{1}{4}$ of 16-94-48 with water
pumped from well located on south section line
1320' west of South Quarter line.



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.

IOWA
STATE OF ~~SCOTT~~
County of Sioux

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

Signed James D. Scott
James D. Scott

Subscribed and sworn to before me this 28th day of February 1989

Mavis Vugteveen
Mavis Vugteveen Notary Public
My Commission Expires: 9/5/90

**SOUTH DAKOTA
WATER PERMIT No. 5295-3 FOR IRRIGATION**

Date of first receipt of application March 3, 1989.

Date Soil/Water Compatibility Permit received March 22, 1989.

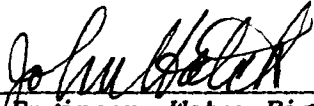
The Water Management Board approved Water Permit Application No. 5295-3 on May 10, 1989 for B & J Farm, c/o Bill & Jim Scott, 1403 Main St., Rock Valley, IA 51247 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5295-3 appropriates 1.85 cubic feet of water per second from one well (Big Sioux: South Aquifer) approximately 60 feet deep to be located in the S1/2 SW1/4 Section 16-T94N-R48W. Water will be used to irrigate 130 acres in the SW1/4 Section 16-T94N-R48W.
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 September 30.
3. The date from which applicant may claim right is March 3, 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 authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- 2) The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

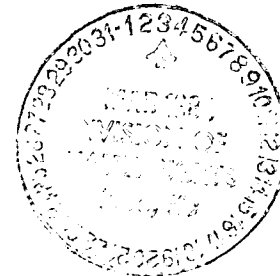
WATER MANAGEMENT BOARD

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

AUG 1 1989
(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 21" Depth 58'
- b) Casing Type PVC Diameter 15" Thickness 43
- c) Screen Type Stainless Steel Diameter 15" Thickness 15'
- d) Gravel Pack Thickness 6" Length of Gravel Pack 58'
- e) Depth to Top of Water Bearing Material 17'
- f) Depth to Water (ground surface to water level) 26'
- g) Distance to nearest existing domestic well:
On applicants property N/A On property owned by others 1300'

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 _____

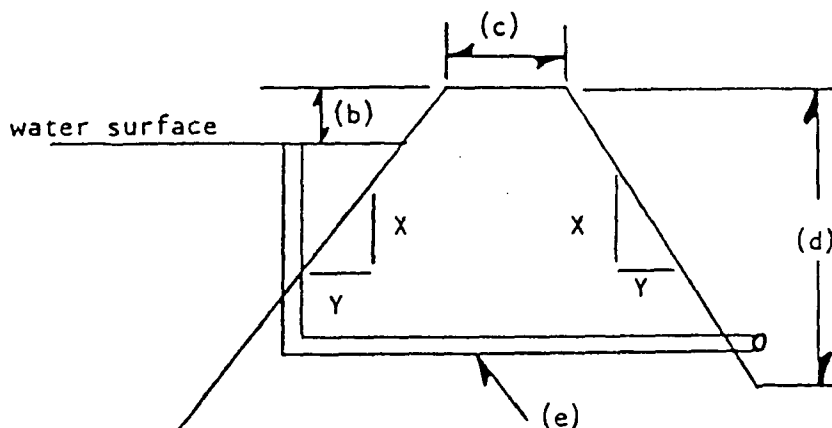
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411663

Pierre, March 3, 19 89

RECEIVED OF B & J Farm, 1403 Main St., Rock Valley, IA 51247

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

Fee for Application for Permit No. <u>5295-3</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

John Hatch/mra

LOG

Vant Hul and Sons Well Drilling Co.

Rock Valley, Iowa
Phone (712) 476-5647

Drilled for B and J Scott Date October 19, 1988

Tenant _____

Address Rte. 1 - Hawarden, Iowa

Location Field

Drilled by Vant Hul and Sons, Inc.

Cased with Test hole Total Depth 58 ft.

Finished in _____ WLFS _____ ft.

Capacity tested to _____ Gals. per _____

Screen used _____ Slot size _____ Length _____ Diameter _____

Other information:

Test hole # 3

FORMATIONS PASSED THROUGH

No. of ft.	Kind of Formation
0' - 17'	Top soil
17' - 58'	Gravel
58' - 60'	Blue clay
Static water level -- 26 ft.	
Gravel did carry some clay with it.	



Signed Duane Vant Hul
Driller

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4347

WR#

OWNERS NAME: B & J Farm (Bill & Jim Scott)

OWNERS ADDRESS: 1403 Main St.

Rock Valley, IA 51247

COUNTY LAND LOCATED IN: Union

PHONE: (712)476-5411

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16-T94N-R48W

Depth _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16-T94N-R48W	32.5		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ " "	32.5		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ " "	32.5		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ " "	32.5	TOTAL ACRES =	130

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

3. CROPS TO BE IRRIGATED: corn, soybeans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0045

7. ADJUSTED (SAR): 1.11

5. SALINITY (EC X 10⁶): 1250

8. PERCENT SODIUM: 7.80

6. SODIUM (SAR): 0.41

Requirements: The soils of Kennebec are subject to a seasonal high water table, which may become perched under irrigation. Should this occur, adequate internal drainage shall be required, i.e., an intense water management program or possibly tile drainage.

Please be advised that we do not consider the Swampbuster provision in developing our recommendations. Before undertaking any drainage projects, please consult with the local Soil Conservation Service personnel.

[Signature]
Director, Division of Conservation

5/19/89
Date

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

NOT TO SCALE



94-48

151.9

T2271

196.4 712

T2272

95.8 T2246

I certify the acreage outlined in red are correct and official ASCS acres.

Garry O. Wilson
CED

T326

81.5

Owner:
William Scott NW 1/4
James D. Scott SW 1/4

195.4

T2248

Owner
Wayne D. Scott SE 1/4 SW 1/4

38.4 T2247

UNION COUNTY ASCS. OFFICE
Post Office Box 460
ELK POINT, SOUTH DAKOTA 57025

94-48

1320'

1320'

proposed well

Appl. No. 5295-3

Report on Application No. 5295-3
B & J Farm
April 3, 1989

This application proposes to appropriate 1.85 cfs from one well approximately 60 feet deep to be located in the S1/2 SW1/4 of Section 16, T94N, R48W in Union County. The water will be used to irrigate 130 acres in the SW1/4 of Section 16, T94N, R48W.

Aquifer Big Sioux South (BS-S)

The Big Sioux South is an alluvial mantled glacial outwash (sand and gravel) which is under water table conditions. The BS-S underlies 16,200 acres and contains an estimated 72,900 acre-feet of recoverable water (Hedges, 1982). The aquifer is hydraulically connected to the Big Sioux River and the Missouri-Elk Point Aquifer further south. Test hole data submitted with the application indicates there were 41 feet of sand and gravel at the site with a saturated thickness of 32 feet.

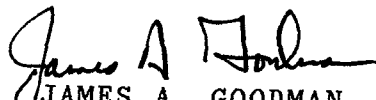
The Division of Water Rights monitors two wells in the BS-S Aquifer in Union County. These are UN-57C and UN-77G. Well UN-57C is approximately 4 miles north of this application. Water levels tend to mirror climatic conditions, rising during wet weather and declining during dry weather (Water Rights, 1989). The water levels indicate there is sufficient recharge to the aquifer to allow additional diversions.

Review of Existing Water Permits

There are no existing permits in this area. Interference will not be a factor. There may be domestic wells in the area. However, this diversion should not adversely affect any existing water user.

Conclusions

1. Water is available from the BS-S Aquifer.
2. Interference will not be a concern. There are no other permits in the area.
3. Water level data indicates that recharge to the aquifer is more than sufficient to meet existing withdrawals.
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 DWR, SDGS, Vermillion, SD 57069
- Water Rights, 1989, Observation Well Data for UN-57C and UN-77G (BS-S Aquifer) in Union County, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5295-3, B & J Farm

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. 5295-3, B & J Farm, c/o Bill & Jim Scott, 1403 Main Street, Rock Valley, Iowa.

The Chief Engineer is recommending APPROVAL of Application No. 5295-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 3, 1989



Department of Water & Natural Resources

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

April 5, 1989

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

B & J Farm
c/o Bill & Jim Scott
1403 Main St
Rock Valley IA 51247

Dear Sirs:

Water Permit Application No. 5295-3 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 Beresford Republic printed at Beresford SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. 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



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5295-3 to Appropriate Water

Notice is given that B & J Farm, c/o Bill & Jim Scott, 1403 Main St, Rock Valley IA 51247 has filed an application for a water permit to appropriate 1.85 cubic feet of water per second from one well (Big Sioux South Aquifer) approximately 60 feet deep to be located in the S 1/2 SW 1/4 Section 16-T94N-R48W. Water will be used to irrigate 130 acres in the SW 1/4 Section 16-T94N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5295-3 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 in Room 216, Joe Foss Building, 523 E Capitol, 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

April 5, 1989

Beresford Republic
Box 111
Bereford SD 57004

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5295-3 to be published twice. Please publish the first notice on or before April 12, 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 B & J Farm, c/o Bill & Jim Scott, 1403 Main St, Rock Valley IA 51247.

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 _____



PROOF OF PUBLI

STATE OF SOUTH DAKOTA)
County Union) ss.

Rondi Nustrieter

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

Water was taken from the The Beresford Reg

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

Beresford Republic of Beresford

County of Union and State of South Da
that the said notice was published in said newspaper on the foll
two dates:

April 13, 1989

April 20, 1989

Rondi Nustrieter
(Signature)

Vice President
(Title)

5-1-89

(Date Signed)

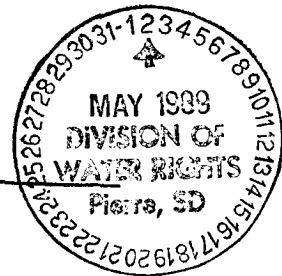
Cost of Printing: \$40.23

NOTICE OF HEARING
Application No. 5295-3 to
Appropriate Water

Notice is hereby given that B
& J Farm, c/o Bill & Jim Scott,
1403 Main St, Rock Valley IA
51247 has filed an application
for a water permit to
appropriate 1.85 cubic feet of
water per second from one well
(Big Sioux South Aquifer)
applying for 80 feet deep to
be located in the S 1/4 Sec 16-
T94N-R48W. Water
will be used to irrigate 130
acres in the SW 1/4 Section 16-
T94N-R48W.

Pursuant to SDCL 46-2A-2,
the Chief Engineer of the
Water Rights Division
recommends APPROVAL of
Application No. 5295-3
because 1) inappropriate water
is available, 2) existing rights
will not be unlawfully
impaired, 3) it is beneficial use
of water and 4) it is in the
public interest. This application
will be considered by the Water
Management Board in Room
216, Joe Foss Building, 523 E
Capitol, 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 (605 773-3302)". 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

B & J Farm
c/o Bill & Jim Scott
1403 Main St
Rock Valley IA 51247

Dear Sirs:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5295-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

AUG 1 1989

Bill & Jim Scott
B & J Farm
1403 Main St.
Rock Valley, IA 51247

Dear Sirs:

Enclosed is Water Permit No. 5295-3 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.





January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: BILL & JIM SCOTT, 2578 360TH ST, ROCK VALLEY, IA 51247
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
SUBJECT: Violation of Water Permit No(s) 5295-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5295-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5295-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

- 1 Suspend or cancel Permit No(s) 5295-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 1996

NOTICE

TO: Bill & Jim Scott, 2578 360th St., Rock Valley, IA 51247

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 5295-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 1 and February 6, 1996, to pick up and sign for the certified mail.

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

enclosure

CERTIFICATION

I hereby certify that on February 20, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 20, 1996, along with the Notices that were originally sent out by "Certified Mail" dated January 30, 1996, regarding Unclaimed Certified Mail Concerning Violation of Water Permits, addressed as stated below:

W.P. #685-3: Jerome & Julie Schroeder, RR 2, Box 87A, Wheaton, MN 56296.

W.P. #5295-3: Bill & Jim Scott, 2578 360th St., Rock Valley, IA 51247.

W.P. #4596-3: Jerry Kleinsasser, RR 3, Box 110, Huron, SD 57350.

Notice was also sent regarding Unclaimed Certified Mail Concerning Violation of the Requirements to Submit the 1995 Irrigation Questionnaire for Water Permit No. 3255-3, to the individual listed below:

Terry & Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 21st day of February, 1996

Notary Public

5295-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1996

5295-3

Jim & Bill Scott
2578 360th St
Rock Valley, IA 51247

Dear Sirs:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No. 5295-3.**

I completed a questionnaire for you based on our February 27th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



August 29, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5295-3

B & J Farm
% Bill & Jim Scott
2578 360th St
Rock Valley IA 51247

Dear Sirs:

On June 18, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5295-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 3, 2002

RECEIVED OF B. S. J. Flinn, Bill & Janet Scott, 1221 Ave. N, Edwards, IA 51028

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	50	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. <u>5295-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

0008.4

By

Darlene Schick

Chief Engineer

gm

Permit No. 5295-3
Big Sioux 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

I have this day, June 18, 2002, made a thorough examination of the water use system constructed by B & J Farm, c/o Bill and Jim Scott of 2578 360th St, Rock Valley IA 51247 holder of Permit No. 5295-3, bearing the priority of March 3, 1989 authorizing the diversion of 1.85 cu. ft. per second of the waters of ground water (Big Sioux South aquifer) for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Jim Scott**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells 1
- 3) Depth(s) ≈ 70 feet
- 4) Well log is available N

Casing:

- 1) Diameter 16 inches

Screen:

- 1) Type Stainless steel

Pump:

- 1) Make unknown

Motor:

- 1) Make US Electrical
- 2) Model No. 324TP WP1
- 3) Horsepower rating 40 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,325 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure low
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 5295-3

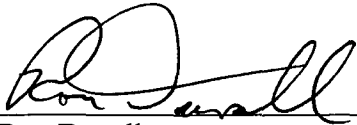
The system is in **good** condition with the point of diversion located as follows: **well (SW $\frac{1}{4}$ SW $\frac{1}{4}$): 1,275 feet E from the SW corner section 16-T94N-R48W (Lat 42.95233, Long -96.52464).** The works are capable of diverting and conveying to the place of use **1.34** cu. ft. per second of water which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows: **All in section 16-94N-48W:**

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 acres

comprising a total of **130** acres of land and the license should be issued for **1.34** cfs.

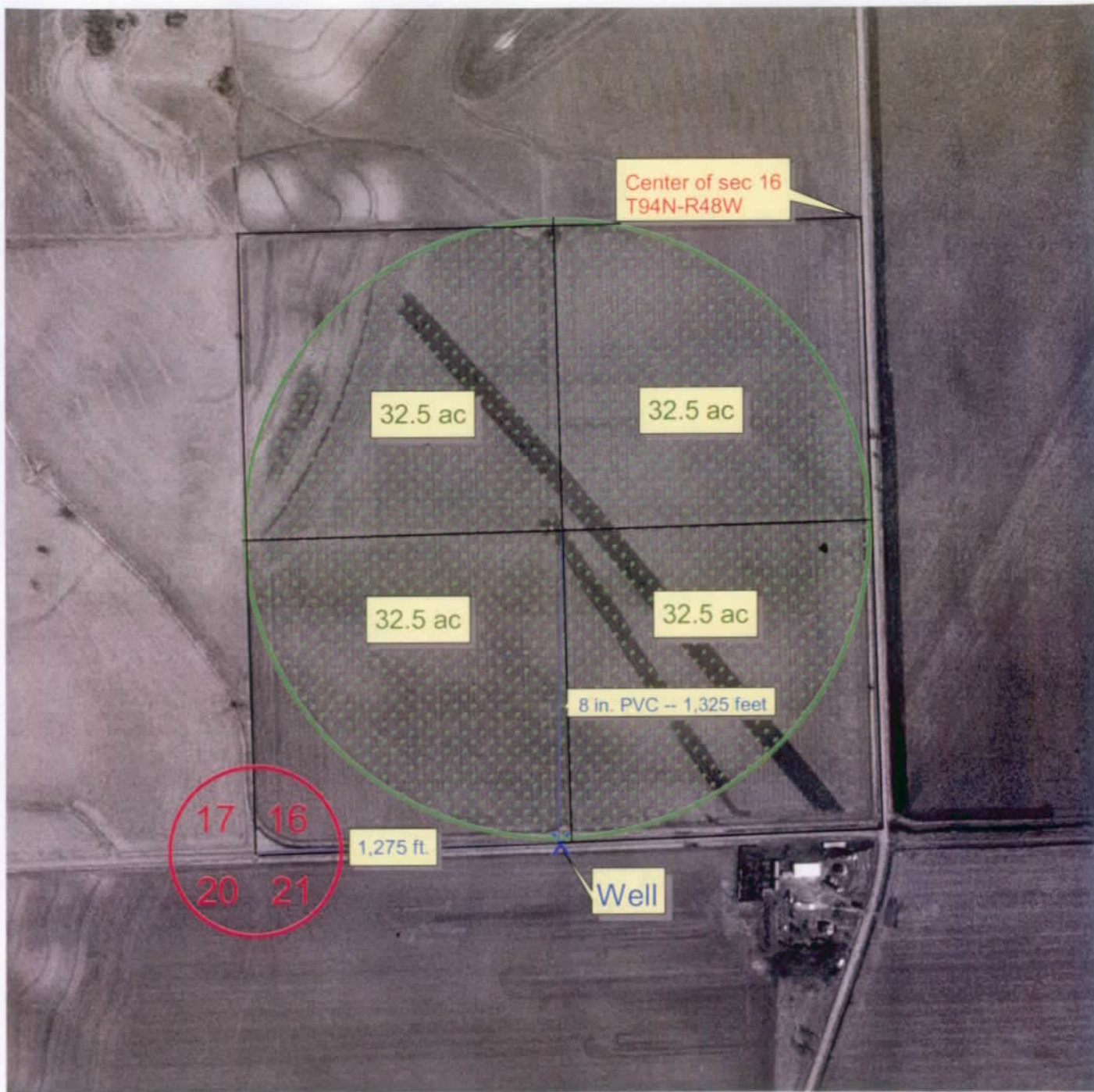
Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map **Y**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **August 29, 2002**

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
August 29, 2002
No. 5295-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5295-3

(1) B & J Farm, % Bill & Jim Scott, 2578 360th St, Rock Valley, IA 51247 made Application No. 5295-3, March 3, 1989 for a water permit to divert 1.85 cubic feet of water per second from ground water (one well – Big Sioux South Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 5295-3, with a priority date of March 3, 1989 was approved May 10, 1989 and issued to the applicants 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 water on or before May 10, 1998.

(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, B & J Farm, % Bill & Jim Scott the holders and/or owners of Water Right No. 5295-3 are issued a license, bearing a priority date of March 3, 1989 to appropriate 1.34 cubic feet of water per second from ground water (one well – Big Sioux South Aquifer) to irrigate 130 acres.

The diversion point is located in 1,275'E of the SW corner of Section 16, T94N, R48W (SW ¼ SW ¼).

The acres authorized for irrigation are as follows:

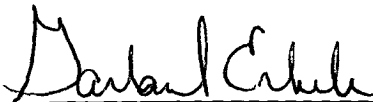
Section 16, T94N, R48W			
NE ¼ SW ¼	32.5 acres	SW ¼ SW ¼	32.5 acres
NW ¼ SW ¼	32.5 acres	SE ¼ SW ¼	32.5 acres
Total of 130 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5295-3 including the following qualifications:

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

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

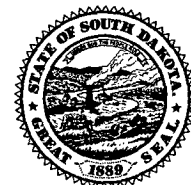
This permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 17 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 2002

5295-3

B & J Farm
% Bill & Jim Scott
2578 360th St
Rock Valley IA 51247

Dear Sirs:

Enclosed is Water License No. 5295-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000274 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5295-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

5295-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 5, 2018

5295-3

Bill & Jim Scott
105 Denison Beach Dr
Lake View IA 51450-7453

Dear Sirs:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 2578 360th St, Rock Valley IA. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures