

Considered: _____

WATER PERMIT NO. 5327-3

MAP No. same 886-6502

Name of Applicant Robert Endres

Post Office Address RR 4, Box 8, Watertown SD 57201

Amount of Water Claimed 1.37 cfs Total Acres 135

Source of Water Supply ground water

Water to be used for irrigation County Codington

About 5 miles SSE of Watertown

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Apr 12, 1988 Fee 250⁰⁰ Remarks _____

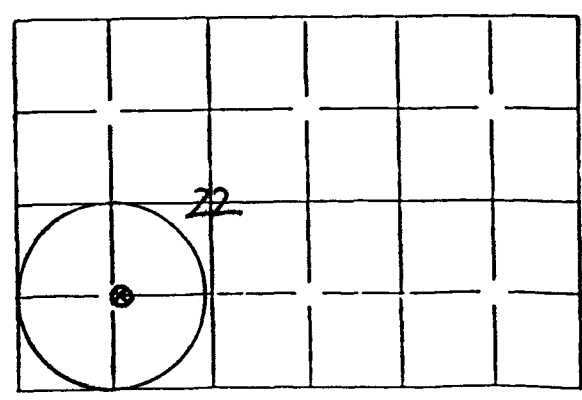
Corrected Application Received Apr 28, 1989 Period of Annual Use June 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED May 17, 1988 APPROVED CONDITIONAL (Circle one)

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

Diversion Point well: near center of SW 1/4
section 22-T116N-R52W

Land to be Irrigated SW 1/4 section 22-T116N-
R52W

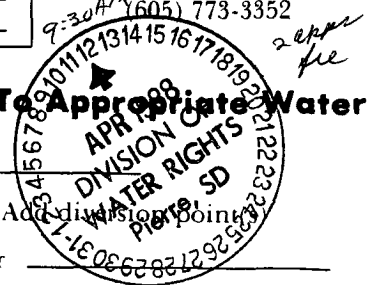


Well Log: Driller R.E. Kahnke Licensed YES ☒ NO _____

Depth of Well 130 feet deep REMARKS _____

Type of Map aerial photo PREPARED BY W. Stanley Lamb Reviewed and the Number
assigned on May 17, 1989 By Ron Durrall

(See instructions)

No. 5327-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper WaterTown Public Opinion**Application For Soil/Water Compatibility Permit and Permit To Appropriately Use 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 Robert Endres Phone No. 886-6502
Post Office Address RR 4 Box B Watertown State SD Zip Code 57201
(Street, RR or Box) 1.34 (City)
2. Amount of water claimed (c.f.s.) 600 gpm. Total acres irrigated 1368
3. Source of Water supply Well
4. Location of point of diversion 100' east of center of 22-116 N 52 W
SW 1/4
County Codington
5. Counties where water will be used Codington
6. Annual period during which water is to be used May 1 / June / July / Aug / 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 1/4 of SW 1/4 of 22-116 N 52 W	334
SW 1/4 of SW 1/4 of 22-116 N 52 W	334
SE 1/4 of SW 1/4 of 22-116 N 52 W	334
NE 1/4 of SW 1/4 of 22-116 N 52 W	334

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

We want to discontinue the use of the old Shallow Well in an attempt to assure a supply of water in dryer years.

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

STATE OF SOUTH DAKOTA)
County of Codington) ss

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

Signed Robert EndresSubscribed and sworn to before me this 9th day of April 1995

Joy C. Nelson
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5327-3 FOR IRRIGATION

Date of first receipt of application April 12, 1988.
Date Soil/Water Compatibility Permit received May 17, 1988.
Date returned to applicant for corrections, amendments or changes May 6, 1988.
Date of receipt of corrected application April 28, 1989.

The Water Management Board approved Water Permit Application No. 5327-3 on July 26, 1989 for Robert Endres, RR #4 Box 8, Watertown, South Dakota 57201 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. 5327-3 appropriates 1.34 cubic feet of water per second (cfs) from one additional well (Prairie-Coteau Aquifer) 130 feet deep to irrigate 136 acres. Water Permit No. 2615-3 authorizes irrigation of the same acreage from one existing well, 43 feet deep, located in the NW1/4 SW1/4 Section 22-T116N-R52W. The irrigated acreage is located in the SW1/4 and the additional well is located near the center of the SW1/4; all in Section 22-T116N-R52W.
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 - September 30.
3. The date from which applicant may claim right is April 28, 1989.
4. One-fifth of the construction is to be completed on or before January 26, 1992.
5. All construction is to be completed on or before July 26, 1994.
6. Water is to be put to beneficial use on or before July 26, 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.
3. The well approved under this permit shall be valved and the flow reduced to the amount needed or shut off when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
4. Land authorized for irrigation by Permit No. 5327-3 is also irrigated under Water Right No. 2615-3. Combinations of diversion under these permits may not exceed the statutory limit of 1.0 cfs for each 70 acres of land to be irrigated.

WATER MANAGEMENT BOARD

By: _____

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

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 130'
- b) Casing Type Steel Diameter 14" Thickness 3/8"
- c) Screen Type Stainless Steel Diameter 14" Thickness 1/4"
- d) Gravel Pack Thickness 4" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 110'
- f) Depth of Water (ground surface to water level) 2'
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 3/4 mi

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

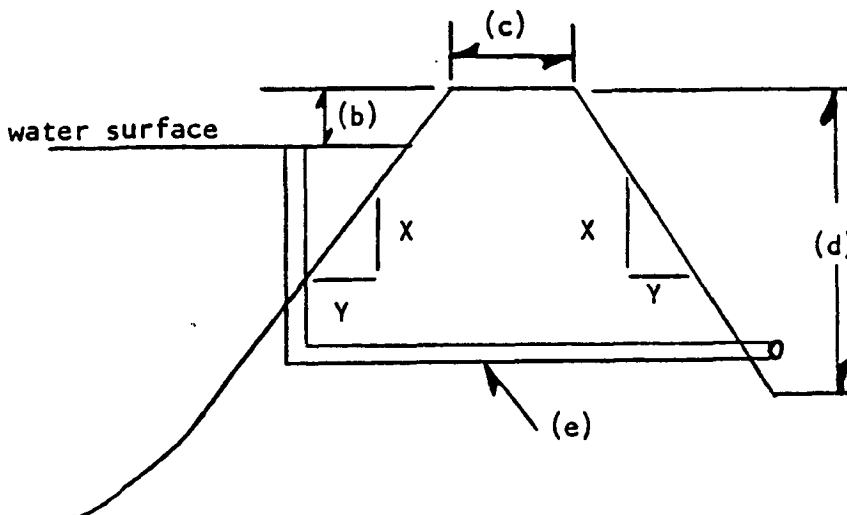
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

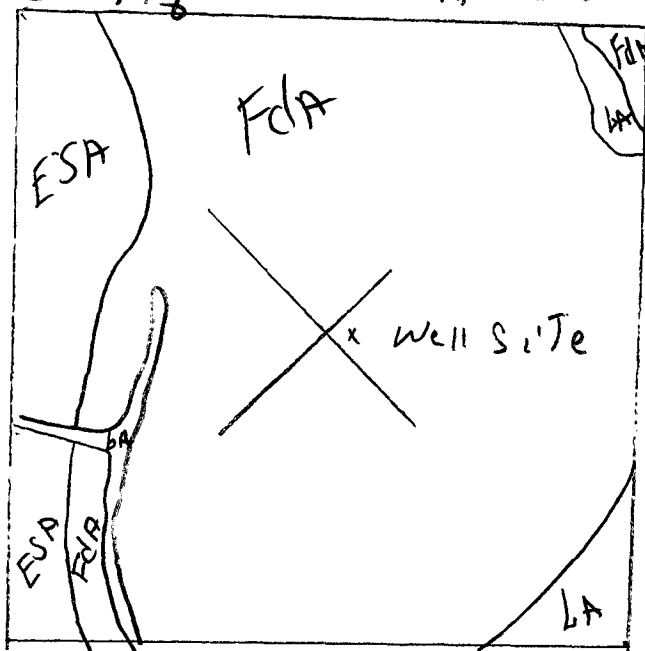
Drainage area above dam _____



Robert L. Endrey
 Signature of Applicant

Map on other side

SW 1/4 of 22-116N-52W



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411194

Pierre, April 12, 1988

RECEIVED OF Robert Endres, RR 4, Box 8 Watertown, SD 57201

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

Fee for Application for Permit No. <u>5327-3</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	450 00

By

Chief Engineer

John Hatch
JOHN HATCH (ms)



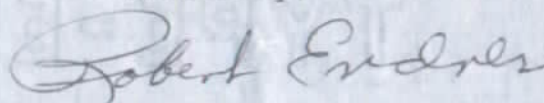
Rural Route #4 Box 8
Watertown, South Dakota
57201
April 24, 1989

Department of Water & Natural
Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

To: Water Rights Commission:

I would like you to accept the log for the application for a water permit. At the time I hired Gene Kaiser, I had no idea that his license was not current. This would save me a great deal of time and expense. Thank you for your consideration.

Sincerely,


Robert L. Endres

Date _____

NOT TO SCALE



Conversation or File Documentation

NAME OF PERSON OR FILE: Robert EndresADDRESS: RR 4, Box 8, Watertown SD COUNTY CodingtonDATE: May 6, 1988 TELEPHONE 886-6502RE: Status of water permit application

COMMENTS:

Mr. Endres called to determine the status of the water permit application. I told Mr. Endres that a signed map (aerial photo) was needed & a test hole log from a licensed well driller. Mr. Endres stated that Gene Kaiser did drill a test hole approximately 4 to 5 years ago. I informed Mr. Endres that he may need to petition the Board to accept the log because Kaiser may not have been licensed, assuming a log could even be located.

I checked the files and the logs recently submitted by Mr. Kaiser and could not locate a log for Mr. Endres.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duval

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4251

WR#

OWNERS NAME: Robert Endres OWNERS ADDRESS: RR 4, Box 8

Watertown

COUNTY LAND LOCATED IN: Codington PHONE: 886-6502

LEGAL DESCRIPTION: SW1/4 22-116N-52W ☒ Well ☐ Surface

1. LOCATION _____

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>SW1/4 22-116N-52W</u>	<u>132</u>		



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

3. CROPS TO BE IRRIGATED: Corn & Alfalfa

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>88-0075</u>	7. ADJUSTED (SAR): <u>3.53</u>
5. SALINITY (EC X 10 ⁶): <u>1650</u>	8. PERCENT SODIUM: <u>16.18</u>
6. SODIUM (SAR): <u>1.19</u>	

Requirements:

The area mapped as Lamoure silty clay loam (La) are subject to slow runoff flooding and a high water table. The areas mapped as La are indicated as drainageways and adjacent to the Big Sioux River. These areas shall be maintained in permanent vegetation to address the erosion hazard, trafficability problems and crops drowning out.

Tad M. Lyle
Director, Division of Conservation

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

Date



Department of Water & Natural Resources

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

May 16, 1988

Robert Endres
RR 4, Box 8
Watertown SD 57201

Dear Mr. Endres:

This letter is to follow-up our phone conversation on May 6, 1988 regarding your water permit application. We discussed obtaining an aerial photo and a test hole log for purposes of completing the water permit application. I returned your May 11, 1988 phone call but was unable to reach you.

The aerial photo that was requested was received on May 11, 1988. I have reviewed our files and can not locate any test hole log from Gene Kaiser for the proposed well site. I did locate some logs for shallow wells under your name but no logs were close to 130 feet deep. The log is needed to complete the water permit application.

Please contact me as soon as possible and let me know if you can obtain a log from Mr. Kaiser or send me a copy of the log, if you have the log.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352



Conversation or File Documentation

NAME OF PERSON OR FILE: Robert EndresADDRESS: RR 4, Box 8, Watertown SD COUNTY CodingtonDATE: May 18, 1989 TELEPHONE 886-6502RE: Status of well to be abandoned

COMMENTS:

Contacted Robert Endres regarding which well was to be abandoned and the proposed pumping rate from the new well.

Mr. Endres stated that Well No. 2 (Furthest to the North) is to be abandoned. The new well is not capable of operating the pivot without water also being supplied from the existing well. Mr. Endres estimated that 500, maybe 600 gpm could be supplied from the new well based on test pumping. I informed Mr. Endres that I would revise application to specify 600 gpm with the remaining water supplied by the existing well. Mr. Endres indicated I could make the needed changes. The existing well that is being used is 43 feet deep according to my 12/2/88 phone conversation with Mr. Endres.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Don Small

Conversation or File Documentation

NAME OF PERSON OR FILE: Robert EndresADDRESS: RR4, Box 8, Watertown SD COUNTY CodingtonDATE: May 25, 1988 TELEPHONE 886-5959 or 6502RE: 1984 well log completed by Gene Kaiser

COMMENTS:

Mr. Endres called and stated that he had obtained a well log for a well drilled by Gene Kaiser in 1984. I told Mr. Endres that a letter needs to be submitted requesting the Water Management Board to accept the well log. Mr. Endres wanted to know if the application could also be considered by the Board at the same meeting. I told Mr. Endres that the public notice of hearing could not be advertised until the application is complete according to statute.

Mr. Endres stated a copy of the well log and the letter requesting a hearing would be sent.

May 17, 1989

Robert Endres had an irrigation well constructed by R.E. Kahnke making the need for a declaratory ruling to accept the 1984 Kaiser well log a moot point. A copy of the well log is on file.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Sawall



Department of Water & Natural Resources

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

December 1, 1988

Robert Endres
RR 4, Box 8
Watertown SD 57201

Dear Mr. Endres:

This letter is in response to our phone conversation on November 30, 1988 regarding your water permit application.

Enclosed is a copy of the December 7 and 8, 1988 Board meeting. I have added at 8:00 am on December 7 your agenda item. Please be sure and bring a copy of the well log and a short letter requesting the Board to consider accepting the well log. If you can not locate your log, then please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Report on Application No. 5327-3
Robert Endres
June 7, 1989

This application proposes to appropriate 1.34 cfs from one additional well approximately 130 feet deep to irrigate 136 acres. Water Permit No. 2615-3 authorizes irrigation of the same acreage from one existing 43 feet deep well located in the NW1/4 SW1/4 of Section 22, T116N-R52W. The irrigated acreage is located in the SW1/4 and the additional well is located near the center of the SW1/4; all in Section 22, T116N, R52W in Codington County. The combined diversion rate authorized by Permit No. 2615-3 and this application, if approved, may not exceed 1.0 cfs per each 70 acres irrigated.

Aquifer - Prairie Coteau (PCO)

The Prairie Coteau is a buried glacial (sand and gravel) aquifer under artesian conditions. The aquifer underlies 760 square miles of Grant and Codington Counties and contains an estimated 1.5 million acre-feet of water in storage (Hanson, pers. comm., 1988).

The Division of Water Rights does not monitor any PCO observation wells in this area; however, an observation well was put in about 3/4 mile northwest of this location for the county study. The well will be monitored by the Division of Water Rights.

Very little is known about the PCO Aquifer in southern Codington County. The aquifer thins and is not consistent mapable unit. The driller's completion report submitted with the application indicates the well flowed 200 gpm with a shut in pressure of 11.5 psi. However, when the well was pumped the water level dropped to 90 feet after pumping 120 hours at 550 gpm. This is a specific capacity of about 5 gpm/ft of drawdown. For a glacial aquifer this is a low yield. Possibly the well is not properly completed and developed or else the aquifer is simply not capable of sustaining the amount of water requested. There is no recovery information available for the well.

Review of Existing Water Permits

There are no nearby Water Permits which obtain water from this formation. There may be domestic wells in the area which obtain water from this formation. There are numerous permits in this area which obtain water from the Big Sioux North Aquifer. Pumping from the PCO Aquifer will not affect the Big Sioux Aquifer.

Conclusions

1. Water is available from the PCO Aquifer. The test well pumping indicates a relatively low specific capacity for the aquifer at this location. It will be necessary to evaluate well production over a pumping season to determine the well capability. Information submitted with the application indicates the well will not sustain a 600 gpm diversion rate on a continuous basis.
2. Because the aquifer is under artesian conditions there will be fluctuations in the water levels due to pumping. Interference is not expected to be a problem because there are no other nearby water permits from the PCO Aquifer.
3. This is an additional water source for existing permit No. 2615-3 and combined diversions from the wells cannot exceed 1 cfs for 70 acres.
4. This permit application is to irrigate lands underlain by the Big Sioux - North Aquifer. Agricultural practices over shallow water table aquifers such as the Big Sioux North Aquifer have been shown to affect water quality in the aquifer.
5. This area has been controversial. A nearby permit No. 5244-3 is presently in litigation over a management plan developed by the Division of Water Rights to minimize potential impacts on water quality in the Big Sioux North Aquifer. The reason for this plan was because Sioux Rural Water System has wells downgradient. This application is in the same section (22) just to the west of permit No. 5244-3 and is also upgradient of the Rural Water System wells.
6. The test well drilled for this application has been completed in accordance with SD Well Construction Standards. The well must be valved and controlled in order to limit water use to what is needed and to prevent the waste of water.


JAMES A. GOODMAN
Hydrologist

Bibliography

Hanson, D., 1988, Personal Communication, Codington - Grant Water Resources Study, PCO Aquifer, USGS, Huron, SD
57350

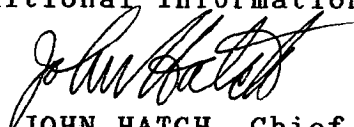
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5327-3, Robert Endres

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. 5327-3, Robert Endres, RR 4, Box 8, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5327-3 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.
3. The well approved under this permit shall be valved and the flow reduced to the amount needed or shut off when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
4. Land authorized by irrigation by Permit No. 5327-3 is also irrigated under Water Right No. 2615-3. Combinations of diversion under these permits may not exceed the statutory limit of 1.0 cfs for each 70 acres of land to be irrigated.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 7, 1989



Department of Water & Natural Resources

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

June 23, 1989

Watertown Public Opinion
PO Box 10
Watertown, SD 57201

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5327-3 to be published twice. Please publish the first notice on or before June 28, 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 Robert Endres, RR #4, Box 8, Watertown, SD 57201.

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 _____





Department of Water & Natural Resources

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

June 23, 1989

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

Robert Endres
RR #4 Box 8
Watertown, SD 57201

Dear Mr. Endres:

Water Permit Application No. 5327-3 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 Watertown Public Opinion printed at Watertown 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



Instruction to Newspaper - Publish first Notice on or before June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5327-3 to Appropriate Water

Notice is given that Robert Endres, RR #4, Box 8, Watertown, SD 57201 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from one additional well (Prairie-Coteau Aquifer) 130 feet deep to irrigate 136 acres. Water Permit No. 2615-3 authorize irrigation of the same acreage from one existing well, 43 feet deep, located in the NW1/4 SW1/4 Section 22-T116N-R52W. The irrigated acreage is located in the SW1/4 and the additional well is located near the center of the SW1/4; all in Section 22-T116N-R52W. The combined diversion rate authorized by Permit No. 2615-3 and this application, if approved, may not exceed 1.0 cfs per each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5327-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 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 July 14, 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 July 14, 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.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) ss.
 County Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken
 from the Watertown Public Opinion

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

_____ city _____ of _____ Watertown _____

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

June 28th, 1989

July 5th, 1989

Monica K. Saathoff
 (Signature)

Bookkeeper
 (Title)

July 5th, 1989
 (Date Signed)

Cost of Printing: 86.62

to the Chief Engineer from the
 applicant or a petitioner. The
 request for a delay must be
 received by July 14, 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.
 (June 28; July 5, 1989)

APPLICATION

NOTICE OF HEARING
 On Application No. 5327-3 to
 Appropriate Water

Notice is given that Robert
 Endres, RR #4, Box 8, Watertown,
 SD 57201 has filed an application
 for a water permit to appropriate
 1.34 cubic feet of water per second
 (cfs) from one additional well
 (Prairie-Coteau Aquifer) 130 feet
 deep to irrigate 136 acres. Water
 Permit No. 2615-3 authorize
 irrigation of the same acreage
 from one existing well, 43 feet
 deep, located in the NW 1/4 SW
 1/4 Section 22-T116N-R52W. The
 irrigated acreage is located in the
 SW 1/4 and the additional well is
 located near the center of the SW
 1/4; all in Section 22-T116N-
 R52W. The combined diversion
 rate authorized by Permit No.
 2615-3 and this application, if
 approved, may not exceed 1.0 cfs
 per each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer of the Water Rights
 Division recommends APPROVAL
 of Application No. 5327-3 because
 1) unappropriated water is
 available, 2) existing rights will not
 be unlawfully impaired, 3) it is a
 beneficial use of water and 4) it is
 in the public interest. This
 application will be considered by
 the Water Management Board at
 the Hilton Inn, Deerfield Room,
 445 Mt. Rushmore Road, Rapid
 City, SD, July 26, 1989 at 10:00
 a.m. The Chief Engineer's
 recommendation is not final or
 binding upon the Board. The
 Board is authorized to 1) approve,
 2) approve with qualifications, 3)
 defer or 4) deny this application
 based on the facts presented at
 the public hearing.

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 July 14,
 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

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

 **Department of
Water & Natural Resources**

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

July 24, 1989

Robert Endres
RR 4, Box 8
Watertown SD 57201

Dear Mr. Endres:

Enclosed is the Report and Recommendations of the Chief Engineer
for Water Permit Application No. 5327-3.

Sincerely,



KAREN SCHLAAK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

SEP 12 1989

Robert Endres
RR #4 Box 8
Watertown, SD 57201-9102

Dear Mr. Endres:

Enclosed is Water Permit No. 5327-3 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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1992

2615A-3

Robert Endres
RR 4, Box 8
Watertown, SD 57201

Dear Mr. Endres:

Enclosed is Water License No. 2615A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413124 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 wells authorized by Water Right No. 2615A-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

enclosures

NOTE: The applicable portions of Water Permit Nos. 2615-3 and 5327-3 are incorporated into this Water License No. 2615A-3.

5327-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: ROBERT ENDRES
RR #4 BOX 8
WATERTOWN SD 57201

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

RE: Violation of Water Permit No(s) 2615A-3, 5327-3 & 5562-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2615A-3, 5327-3 & 5562-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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) 2615A-3, 5327-3 & 5562-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 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) 2615A-3, 5327-3 & 5562-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1993

2615A-3
5327-3
5562-3

Robert Endres
RR #4 Box 8
Watertown, SD 57201

Dear Mr. Endres:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993 Notice of Violation of Water Permit Nos. 2615A-3, 5327-3 and 5562-3.

The questionnaires were received prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division