

Considered: _____

WATER PERMIT NO. 5369-3

HAP No. same 356-2534

Name of Applicant Alfred Allard

Post Office Address RR1, Box 37, Elk Point SD 57025

Amount of Water Claimed 4.50 cfs Total Acres 320

Source of Water Supply ground water 2 wells

Water to be used for irrigation County Union

About 5 miles S of Elk Point

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Sept. 14, 1989 Fee \$325.00 Remarks _____

Corrected Application Received Oct 26, 1989 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 12/20/89 APPROVED/CONDITIONAL (Circle one)

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

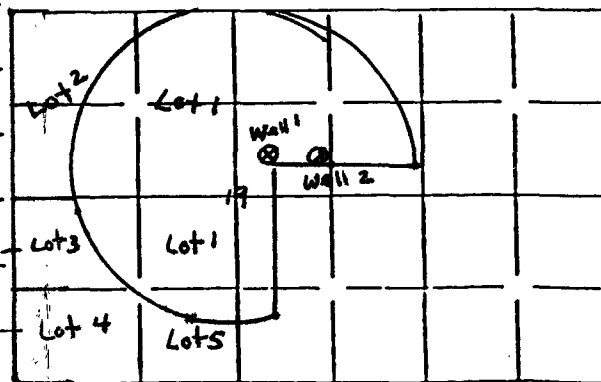
Diversion Point 2 wells: SW 1/4 NE 1/4 section 19 -

T90N - R49W

Land to be Irrigated NE 1/4, W 1/2 SE 1/4, Lots 1 & 2

NW 1/4, Lots 1, 3 & 5 SW 1/4; all in sec 19 - T90N -

R49W according to original survey



Well Log: Driller Wetmore Licensed YES ☒ NO _____

Depth of Wells 115 feet REMARKS _____

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

assigned on December 27, 1989 By Ron D. Smith

(See instructions)

No. 5369-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Elk Point Leader-Courier, Box 310 (thru)

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 Alfred Allard Phone No. 356-2534
Post Office Address RR 1 Box 37 Elk Point, SD State 57025 Zip Code 320
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 4.5 Total acres irrigated X306X
3. Source of Water supply SW4, NE4, Sec 19-90-49, 1279 SW of center NE4, 19-90-49
4. Location of point of diversion (SW4 NE4 19-90-49, 1279 19-90-49) groundwater
County UNION
5. Counties where water will be used UNION
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE4, NE4, Sec 19-90-49	28
NW4, NE4, Sec 19-90-49	39
SW4, NE4, Sec 19-90-49	32
SE4, NE4, Sec 19-90-49	29

Land Description	No. Acres Irr.
NW4, SE4 Sec 19-90-49	15
SW4, SE4 Sec 19-90-49	8
Lot 1, NW4 Sec 19-90-49	74
Lot 2, NW4 Sec 19-90-49	25
Lot 3, SW4 Sec 19-90-49	58
Lot 6C SW4 Sec 19-90-49	7

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ (Specify) _____
9. Crops to be Irrigated: Corn, Alfalfa, Soybeans, Small Grains, etc.
10. Give a description of proposed project. (Attach sheet if more-space is needed)
Well, pump and center pivot with cornering delivery system.

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 _____)

I, Alfred Allard, 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 Alfred Allard

Subscribed and sworn to before me this 15th day of September 19 89

raig H. [Signature]
Notary Public 11-9-89

**SOUTH DAKOTA
WATER PERMIT No. 5369-3 FOR IRRIGATION**

Date of first receipt of application September 14, 1989.

Date Soil/Water Compatibility Permit received December 20, 1989.

Date of return to applicant for corrections, amendments or changes September 21, 1989.

Date of receipt of corrected application October 26, 1989.

The Water Management Board approved Water Permit Application No. 5369-3 on March 7, 1990 for Alfred Allard, RR 1, Box 37, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5369-3 appropriates 4.50 cubic feet of water per second from 2 wells (Missouri-Elk Point Aquifer) 115 feet deep to irrigate 320 acres. The two wells are located in the SW1/4 NE1/4 section 19 and the acreage to be irrigated is located in the NE1/4, W1/2 SE1/4, Lots 1 and 2 of the NW1/4, Lots 1, 3 and 5 of the SW1/4 section 19; all in T90N-R49W according to the original government survey.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is September 14, 1989.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
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

APR 25 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 118'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type 100 slot PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 46'
- e) Depth to Top of Water Bearing Material 16'
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
On applicants property 660' On property owned by others 1/2 mi

2. Dugout Information Estimates

N.A.

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

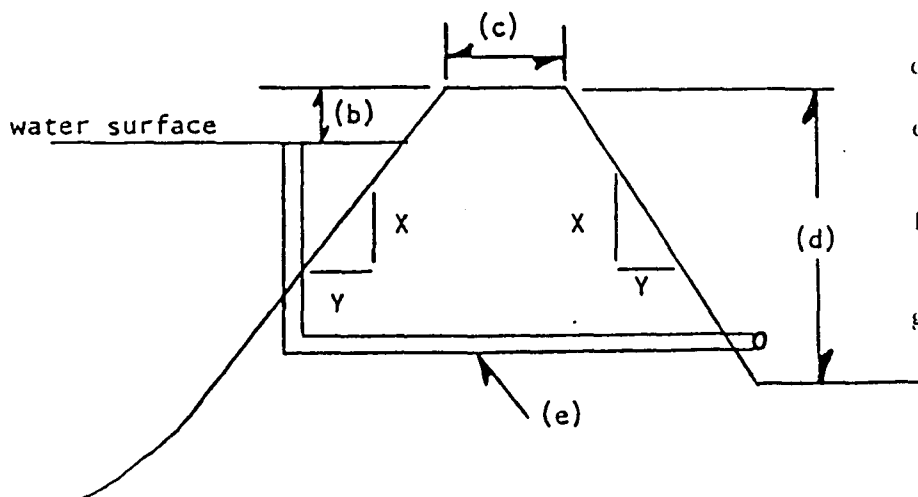
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Robert Allard
Signature of Applicant



Department of Water & Natural Resources

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

September 21, 1989

Alfred Allard
RR 1, Box 37
Elk Point, SD 57025

Dear Mr. Allard:

This letter is in response to the water permit application received from you on September 14, 1989. The application is incomplete for the following reason(s):

- (1) A well log or test hole log, signed by a South Dakota Licensed Land Surveyor needs to be submitted (see enclosed instruction sheet).
- (2) I am enclosing a copy of a map obtained of Section 19-T90N-R49W from South Dakota Archives. Using this map as a reference, the description of the acreage outlined on the map that you submitted is:

NE1/4 NE1/4 Section 19-T90N-R49W	-----	31 acres
NW1/4 NE1/4	" "	40 acres
SW1/4 NE1/4	" "	32 acres
SE1/4 NE1/4	" "	29 acres
NW1/4 SE1/4	" "	15 acres
SW1/4 SE1/4	" "	8 acres
Lot 1 NW1/4	" "	115 acres
Lot 2 NW1/4	" "	24 acres
Lot 3 NW1/4	" "	13 acres
Lot 5 NW 1/4	" "	13 acres
	-----	320 acres

This description is slightly different than that provided on your application form, a copy of which is enclosed. Your application form will be changed to reflect the above legal description unless I hear differently from you.

The Water Management Board cannot consider a water permit application until it is complete. Please submit the required well log or test hole to begin processing of your water permit application.

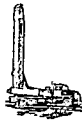
Feel free to contact us if you have any questions.

Sincerely,

Susan A. Bowar
Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures





WETMORE DRILLING

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

October 25, 1989

Alfred Allard
Rt.1 Box 37
Elk Point, SD 57025



WELL LOG: Two wells for one center pivot

T - 89 - 90 - N R 49 - 50 -W

#1 Well

SW $\frac{1}{4}$ of NE $\frac{1}{4}$

0 - 1.5'	Topsoil
1.5 - 75'	fine sand w clay
75 - 115'	coarse sand & gravel
115 - 117'	shale

Static water level 25' pumping level 59' @ 1200 GPM after 2 (two) hours.

0 - 76'	16" sch 40 PVC pipe
76 - 117'	16" 100 slot pvc Screen
	22" hole with gravel pack

#2 WELL

700' east of #1 well

0 - 1.5'	Topsoil
1.5 - 76'	fine sand w clay
76 - 115'	coarse sand & gravel
115 - 117'	shale

Static water level 25' Pumping level 57' @ 1200 GPM after 2 (two) hours.

0 - 76'	16" sch 40 PVC pipe
76 - 117'	16" 100 slot PVC screen
	22" hole with gravel pack

James Wetmore
James Wetmore
Wetmore Drilling
PO Box 577
Elk Point, SD 57025

Conversation or File Documentation

NAME OF PERSON OR FILE: Alfred AllardADDRESS: RR 1, Box 37, Elk Point COUNTY UnionDATE: Dec 5, 1989 TELEPHONE _____RE: Legal Descriptions, acres to be irrigated, well location

COMMENTS:

Contacted Alfred Allard to determine location of the second well. Mr. Allard stated the second well was located at the NE corner of the shelterbelt (see aerial photo) approximately 700 feet east of the first well.

The outside circle on the aerial photo designates the acreage to be irrigated with the corner system. Mr. Allard agreed to proceed with the acreage specified by Susan Bower with some small corrections as to Lot locations.

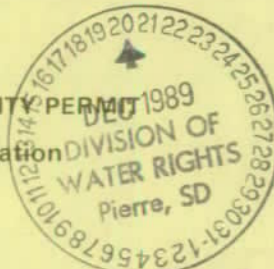
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Small

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT 1989

Division of Conservation



Office Use Only

4428

WR#

OWNERS NAME: Alfred Allard

OWNERS ADDRESS: R.R. 1, Box 37

Elk Point, SD 57025

COUNTY LAND LOCATED IN: Union

PHONE: 356-2534

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SW1/4 NE1/4 19-T90N-R49W; 1279' SW of center NE1/4 19-T90N-R49W (2 wells)

Depth _____

Legal Description	Acres	Legal Description	Acres
NE1/4 NE1/4 19-T90N-R49W	31	NW1/4 SE1/4 19-T90N-R49W	15
NW1/4 NE1/4 19-T90N-R49W	40	SW1/4 SE1/4 19-T90N-R49W	8
SW1/4 NE1/4 19-T90N-R49W	32	Lot 1 NW1/4 19-T90N-R49W	75
SE1/4 NE1/4 19-T90N-R49W	29	Lot 2 NW1/4 19-T90N-R49W	24
		Lot 3 SW1/4 19-T90N-R49W	13
		Lot 5 SW1/4 19-T90N-R49W	13
		Lot 1 SW1/4 19-T90N-R49W	40

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: total=320
(Specify) _____

3. CROPS TO BE IRRIGATED: Corn Alfalfa, Soybeans, Small Grains, etc.

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0253

7. ADJUSTED (SAR): 3.89

5. SALINITY (EC X 10⁶): 1450

8. PERCENT SODIUM: 20.79

6. SODIUM (SAR): 1.38

Requirements:

Under irrigation, soils having seasonal high water tables require special management to prevent the water table from remaining perched. This special management may be limited to good water management, but ultimately require a form of artificial drainage. Adequate internal drainage shall be provided, as deemed necessary.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the Division or the Commission.

[Signature]
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.

December 15, 1989
Date

RECEIPT

411914

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 15, 1989RECEIVED OF Alfred Allard, RR #1 Box 37, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>5369-3</u> to Appropriate Water, to construct works and to put water to beneficial use	32500
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	32500

By

John H. Habel
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

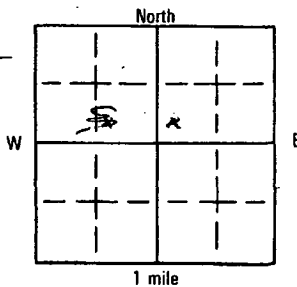
10-85

Location S 1/4 NE 1/4 Sec. 19 Twp 29N Rg 49W

County

Union

Please mark well location with an "X"

Well Completion Date 12-14-89

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>	<u>16</u> IN	<u>0</u> FT	<u>112</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 - 21 FEETWhat is grouting material? cementIf cement, number of sacks? 19Describe grouting procedure pumped grout pipeHand to 21 - 59gravel 59 - 117What was grout weight? 15.6 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 100 IN Length 40 FEETMaterial PVCSlot Size 100 Set From 27 Feet To 117 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 chlorine 200 ppmBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Alfred AllardAddress RT 1 Box 37 Elk Point SD

Well Log:

Depth

Formation

From

To

<u>Topsoil</u>	<u>0</u>	<u>1.5</u>
<u>fine sand & clay</u>	<u>1.5</u>	<u>75</u>
<u>coarse sand & gravel</u>	<u>75</u>	<u>115</u>
<u>shale</u>	<u>115</u>	<u>117</u>

STATIC WATER LEVEL 25 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☐ BailedDescribe: lines shaft turbine☐ Other

Pumping Level Below Land Surface

57 ft. After 2 Hrs. pumped 1200 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.

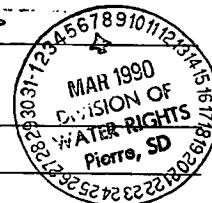
Drilling firm Watness Drilling

Signature of License Representative:

James Watness

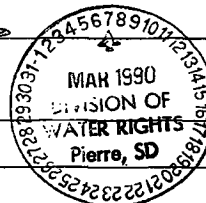
Signature of Well Owner: _____

Date _____



10-85

Date _____



(5m240)
29.0

(5-23)
62.6

(5-23)
72.3

104-6
(5-4)
256.0

(5m237)
38.7

(5-109)
75.5

(5-201)
37.7

(5m220)
72.9

(5m223)
54.0

(5-104)
45.7

(5-23)
77.4

19

Well No 1
No 2

North

Prepared For
Alfred Allard
SEPT 12-1979
Section 19, 90-49
Union County

(5m222)
114.5

(5-8)
53.7
41.9

(5m222)
24.7

James E. Dedmet
Almonco Engineering



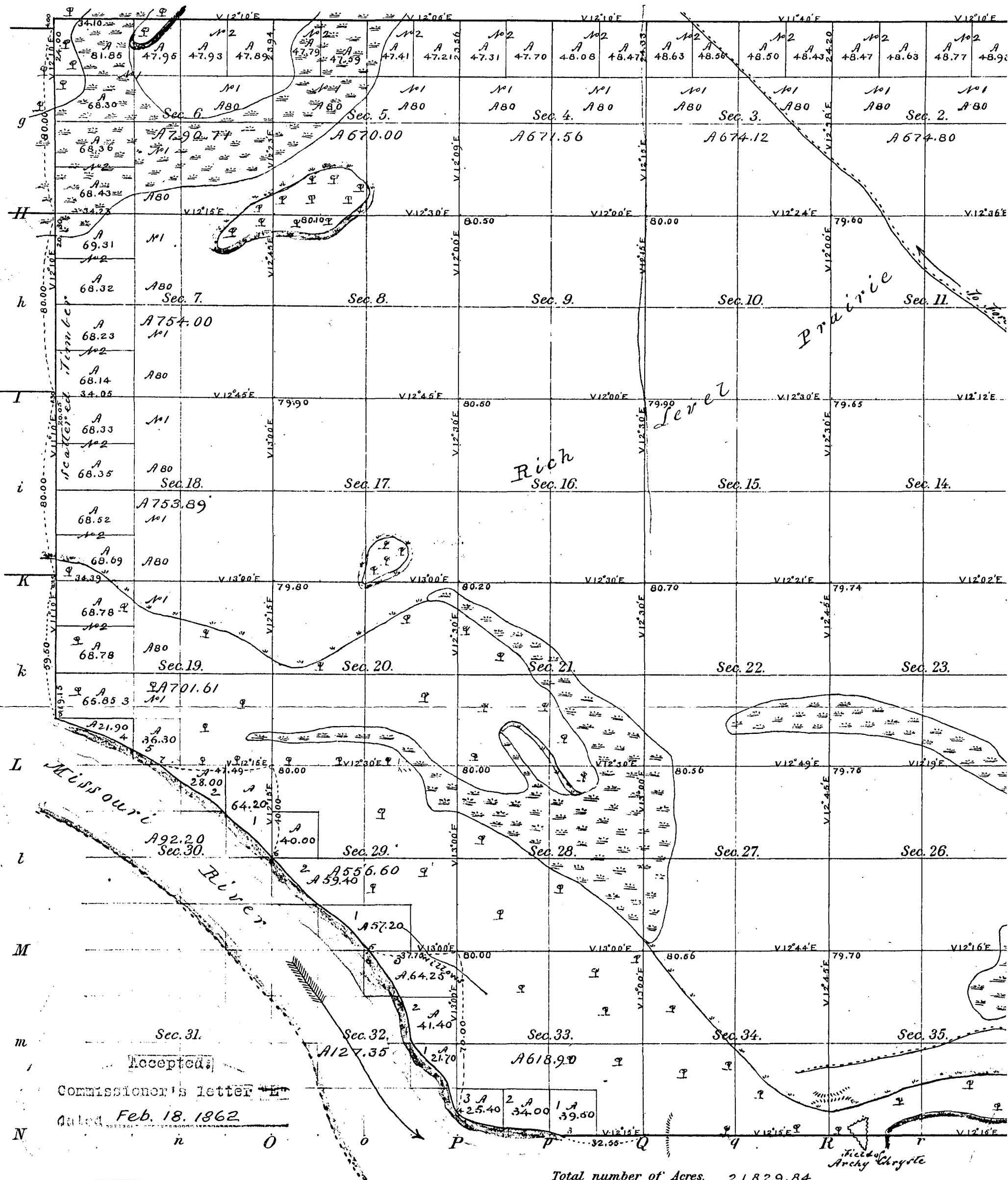
Appl. No. 5369493

8.8

63.4

9.6

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



Total number of Acres. 21829.84

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 Chapman	July 24 th 1861	61-23-45	Oct 1861

The above Map of
Principal Meridian
notes of the survey M

Surveyor General
C. W. Johnson

REPORT ON APPLICATION NO. 5369-3
for Alfred Allard
January 9, 1990

This application proposes to appropriate 4.5 cfs from two wells 115 feet deep to irrigate 320 acres. The two wells are to be located in the SW 1/4 NE 1/4 of section 19 and the acreage to be irrigated is located in the NE 1/4, W 1/2 SE 1/4, Lots 1 and 2 of NW 1/4, Lots 1, 3 and 5 of the SW 1/4 of section 19; all in T109N-R49W of Union County according to the original government survey.

AQUIFER: MISSOURI-ELK POINT (M-EP), see Missouri (M)

The Missouri-Elk Point (M-EP) is an alluvium mantled outwash (sand and gravel) which is under water table conditions in this area. The M-EP aquifer underlies 99,600 acres and contains an estimated 1.5 million acre feet of recoverable water in Union County (Hedges, 1982). The aquifer is hydraulically to the Big Sioux and Missouri Rivers, the Big Sioux-South aquifer in Union County and the Missouri-Elk Point and Lower Vermillion Missouri aquifers in Clay and Union Counties. Test data submitted with the application indicates a saturated thickness of 90 feet and a reported drawdown of 22 to 24 feet after 2 hours of pumping at 1200 gpm. This results in a specific capacity of 50 to 55 gpm/ft of drawdown. These are high capacity wells but this is not unusual for the M-EP aquifer.

The Division of Water Rights monitors 26 observation wells completed into the M-EP aquifer in Union County (Water Rights, 1990). Water levels in these wells respond seasonally to wet and dry climatic conditions. Pumping primarily for irrigation is affecting water levels to a minor extent; however, the aquifer is sustaining withdrawals and recharge has occurred in excess of demands upon the aquifer for the long term. Two observation wells UN-770 and UN-78B are located within 2 miles of this application. Water levels in these wells fluctuate from 1 to 3 feet annually with a total change of 14 to 7 feet respectively between the highest and lowest readings on record. The water levels respond quickly to changes in precipitation with the highest levels corresponding to wet years and the lowest levels corresponding to drought conditions.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Union County is relatively intensively irrigated. There are 217 irrigation permits from the M-EP aquifer in Union County with a reported water use of 22,195 acre-feet in 1988 (Irrigation Reports, 1988). Water level changes in the aquifer do not adversely affect existing diversions because of the aquifer

thickness and permeability. This particular diversion is located within 1 mile of the Missouri River, is under water table conditions, and interference should not be a problem.

CONCLUSIONS

1. Water is available from the M-EP aquifer.
2. Interference is not expected to be a problem. Water levels are not expected to fluctuate significantly due to pumping.
3. Test well data is included with the application which indicates the wells are capable of 1200 gpm.
4. Completion reports are not available for these wells. The wells will need to be completed in accordance with SD well construction standards.



James A Goodman

Natural Resources Engineer IV

BIBLIOGRAPHY

- Hedges, L.S., etal., 1982, EVALUATION OF GROUNWATR RESOURCES EASTERN SOUTH DAKOTA AND UPPER BIG SIOUX RIVER SD AND IOWA, for US Army Corps of Engineers, SD DWNr, SDGS, Vermillion, SD, 5069.
- Irrigation Reports, 1988, IRRIGATION REPORT BY COUNTY (1988), SD DWNr, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR UNION COUNTY SD, SD DWNr, Division of Water Rights, Joe Foss Bldg. Pierre, SD, 57501.

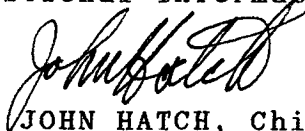
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5369-3, Alfred Allard

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. 5369-3, Alfred Allard, RR 1, Box 37, Elk Point SD.

The Chief Engineer is recommending APPROVAL of Application No. 5369-3 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
January 12, 1990

 **Department of
Water & Natural Resources**

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

January 12, 1990

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

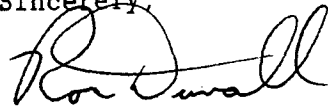
Alfred Allard
RR #1 Box 37
Elk Point, SD 57025

Dear Mr. Allard:

Water Permit Application No. 5369-3 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 are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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

January 12, 1990

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5369-3 to be published twice. Please publish the first notice on or before January 25, 1990 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 Alfred Allard, RR #1 Box 37, Elk Point, SD 57025.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.



Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before January 25, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5369-3 to Appropriate Water

Notice is given that Alfred Allard, RR #1 Box 37, Elk Point, SD 57025 has filed an application for a water permit to appropriate 4.5 cubic feet of water per second from two wells (Missouri-Elk Point Aquifer) 115 feet deep to irrigate 320 acres. The two wells are located in the SW1/4 NE1/4 Section 19 and the acreage to be irrigated is located in the NE1/4, W1/2 SE1/4, Lots 1 and 2 of the NW1/4, Lots 1, 3 and 5 of the SW1/4 Section 19; all in T90N-R49W according to the original government survey.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5369-3 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 the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 February 23, 1990. 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 February 23, 1990.

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 Union)

I, Lester E. Emerson, Publisher

certify that the attached printed Notice was taken
 from the The Leader-Courier

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

City of Elk Point _____ of _____

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

January 25, 1990

February 1, 1990

Lester E. Emerson
 (Signature)

Publisher Editor
 (Title)

February 2, 1990
 (Date Signed)

Cost of Printing: 38.71

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 February 23,
 1990.

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

RON DUVALL
 Natural Resources Engineer
 Pub. Jan. 25, Feb. 1.

NOTICE OF HEARING **On Application No. 5369-3** **To Appropriate Water**

Notice is given that Alfred Al-
 lard, RR #1, Box 37, Elk Point, SD
 57025 has filed an application for a
 water permit to appropriate 4.5
 cubic feet of water per second
 from two wells (Missouri - Elk
 Point Aquifer) 115 feet deep to
 irrigate 320 acres. The two wells
 are located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec-
 tion 19 and the acreage to be irri-
 gated is located in the NE $\frac{1}{4}$, W $\frac{1}{2}$ -
 SE $\frac{1}{4}$, Lots 1 and 2 of the NW $\frac{1}{4}$,
 Lots 1, 3 and 5 of the SW $\frac{1}{4}$ Sec-
 tion 19; all in T90N-R49W accord-
 ing to the original government
 survey.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer of the Water
 Rights Division recommends AP-
 PROVAL of Application No. 5369-
 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 ap-
 plication will be considered by the
 Water Management Board in the
 Roosevelt-Jefferson Room, How-
 ard Johnson, 2211 LaCrosse, Rap-
 id City, SD on March 7, 1990 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 in-
 tends to participate in the hearing
 before the Board by presenting
 evidence or cross-examining wit-
 nesses according to SDCL 1-26,
 must file a written petition with
 BOTH the applicant and Chief En-
 gineer by February 23, 1990. The
 Chief Engineer's address is "Wa-
 ter 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 petiti-
 oner's interest in the application, the
 petitioner's reasons for opposing
 or supporting the application and
 the signature and mailing address
 of the petition or legal counsel if
 legal counsel is obtained. The ap-
 plicant need not file a petition.
 Contact the Water Rights Division
 to request information on this ap-
 plication 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 pro-
 cess 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



Department of Water & Natural Resources

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

APR 25 1990

Alfred Allard
RR 1, Box 37
Elk Point SD 57025

Dear Mr. Allard:

Enclosed is Water Permit No. 5369-3 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 dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

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

January 29, 1993

NOTICE

TO: ALFRED ALLARD
RR 1 BOX 37
ELK POINT SD 57025

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

RE: Violation of Water Permit No(s) 5369-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 5369-3. 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) 5369-3 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) 5369-3 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ALFRED ALLARD
RR 1 BOX 37
ELK POINT SD 57025

4a. Article Number

P906 560 108

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-1-93

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Alfred Allard

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 1993

5369-3

Alfred Allard
RR #1 Box 37
Elk Point, SD 57025

Dear Mr. Allard:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire. You may disregard the January 29, 1993, **Notice of Violation of Water Permit No. 5369-3.**

The questionnaire was received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

ALFRED ALLARD
RR 1 BOX 37
ELK POINT SD 57025

NOTICE

RE: Violation of Water Permit No(s) 5369-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 5369-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 5369-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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) 5369-3 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ALFRED ALLARD
RR 1 BOX 37
ELK POINT SD 57025

4a. Article Number

P 837 692 587

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-17-94

5. Signature (Addressee)

Alfred Allard

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1994

5369-3

Alfred Allard
RR #1 Box 37
Elk Point, SD 57025

Dear Mr. Allard:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of Water Permit No. 5369-3**.

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Permit No. 5369-3
Missouri 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, **August 11, 1999**, made a thorough examination of the water use system constructed by **Alfred Allard** of **RR 1 Box 38, Elk Point SD 57025-9717** holder of Permit No. **5369-3** bearing the priority of **September 14, 1989** authorizing the diversion of **4.50** cu. ft. per second of **Missouri:Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

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

A. Works used to divert the water:

Two 117 foot wells with 50 HP U.S. Electric motors and a pump

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

Well No. 1 is located very near pivot center and Well No. 2 is located approximately 700 feet east and water is piped underground to the center pivot

C. Works used to apply water to beneficial use:

An 14 tower Valley center pivot with a cornering system

The system is in the following condition **excellent**. The point of diversion is located **Well No. 1 - approximately 2,180 feet south and 2,145 feet west of NE Corner & Well No. 2 approximately 2,180 feet south and 1,420 feet west of the NE corner; (SW ¼ NE¼) of Section 19, T90N, R49W**. The works are capable of diverting and conveying to the place of use **3.79** cu. ft. per second of water which is used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

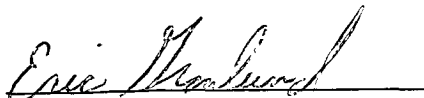
All in Section 19, T90N, R49W

NW ¼ NE ¼	40 acres	SW ¼ SE ¼	9 acres
SW ¼ NE ¼	35 acres	Lot 1 (E ½ NW ¼)	74 acres
NE ¼ NE ¼	28 acres	Lot 2 (W ½ NW ¼)	27 acres
SE ¼ NE ¼	27 acres	Lot 3 (N ½ SW ¼)	50 acres
NW ¼ SE ¼	15 acres	Lot 5 (SE ¼ SW ¼)	15 acres

comprising a total of **320** acres of land and the license should be issued for **3.79** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **September 22, 1999**



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5369-3

DATE OF INVESTIGATION:	August 11, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mike Allard RR 1 Box 37 Elk Point SD 57025-9717
NAME & ADDRESS OF PERMIT HOLDER	Alfred Allard
DIVERSION POINT LEGAL LOCATION	<u>Well No. 1 – approx. 2,180 feet south and 2,145 feet west of NE Corner (SW ¼ NE ¼)</u> <u>Well No. 2 approx 2,180 feet south and 1,420 feet west of the NE corner (SW ¼ NE¼)</u> <u>All in Section 19, T90N, R49W</u>

WATER SUPPLY Source: Misouri:Elk Point Aquifer

Well Information: information is the same for both wells

- | | |
|---------------------------------------|-------------------------------------|
| 1) Well Drilling Firm: <u>Wetmore</u> | 2) No. of Wells <u>2</u> |
| 3) Depth(s) <u>117</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>77</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|---|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>40</u> feet |
| 3) Static water level <u>25</u> feet (both wells) | |

Pump:

- | | |
|------------------|-----------------------------------|
| 1) Make <u>#</u> | 2) Model <u>#</u> |
| 3) Size <u>#</u> | 4) Capacity <u>850</u> GPM (each) |

Motor:

- | | |
|------------------------------------|--|
| 1) Make <u>US Electric</u> | 2) ID No. <u>6232 509S159R0003R-29</u> |
| 3) Horsepower rating <u>500</u> hp | <u>6232/509S159R003R-23</u> |

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|--|
| 1) Make <u>Valley</u> | 2) Overall length <u>2,450</u> feet |
| 3) Number of towers <u>14</u> | 4) End gun <u>& a cornering system</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>1700</u> GPM |

CHEMIGATION EQUIPMENT: Does not Chemigate

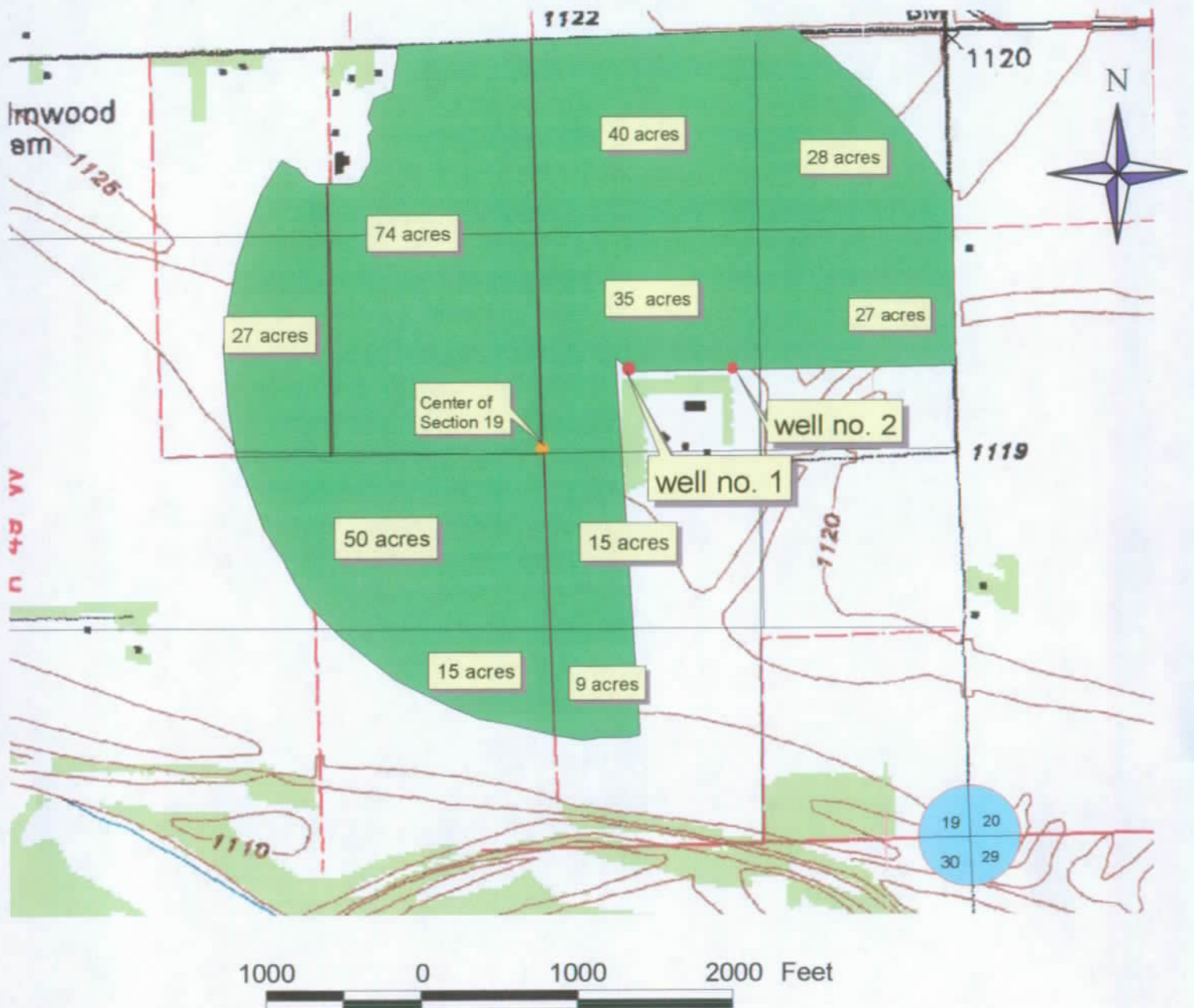
PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS

- cornering system retracts for road and farmyard
- System operating at the time of licensing investigation
- The two well logs should indicated casing from 0 – 77 feet and 40 feet of screen from 77 – 117 feet
- Alfred Allard is retired – and operation is run by Allard Farms (Mike & Steve Allard). Annual irrigation questionnaire should be sent to Mike Allard.
- The W ½ of Section 19 is an oversized section broken down into Lots

Water Permit No. 5369-3 Alfred Allard



Well No. 1 - approximately 2,180' south & 2,145' west of the NE corner of Section 19, T90N, R49W

Well No. 2 - approximately 2,180' south & 1,420' west of the NE corner of Section 19, T90N, R49W

The W 1/2 of the section is oversized



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing investigation
conducted August 11, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1999

5369-3
5992-3
6047-3

Mike and Steve Allard
RR 1, Box 37
Elk Point, SD 57025-9717

Dear Sirs:

The investigation of your water use systems was conducted on August 11, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 5369-3, 5992-3 and 6047-3. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$150.00 total) from you, we will begin processing your Water Licenses.

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416213

Pierre, _____ October 7, 19 99

RECEIVED OF Steve Allard, 33071 477th Ave., Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

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

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 5369-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch (J)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5369-3

(1) Mike Allard, 33073 477th Ave, Elk Point SD 57025 and Steve Allard, 33071 477th Ave, Elk Point SD 57025-9717 made Application No. 5369-3, September 14, 1989 for a water permit to divert 4.50 cubic feet of water per second from groundwater (two wells), Union County, South Dakota for irrigation purposes. Permit No. 5369-3, with a priority date of September 14, 1989 was approved March 7, 1990 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 3.79 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 – 2,180 feet south and 2,145 feet west of the northeast corner and Well #2 – 2,180 feet south and 1,420 feet west of the northeast corner of Section 19-T90N-R49W (SW ¼ NE ¼).

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

All in Section 19-T90N-R49W			
NW ¼ NE ¼	40 acres	Lot 1 (E ½ NW ¼)	74 acres
SW ¼ NE ¼	35 acres	Lot 2 (W ½ NW ¼)	27 acres
NE ¼ NE ¼	28 acres	Lot 3 (N ½ SW ¼)	50 acres
SE ¼ NE ¼	27 acres	Lot 5 (SE ¼ SW ¼)	15 acres
NW ¼ SE ¼	15 acres		
SW ¼ SE ¼	9 acres		
Total 320 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mike Allard, 33073 477th Ave, Elk Point SD 57025 and Steve Allard, 33071 477th Ave, Elk Point SD 57025-9717 the holders and/or owners of Water Right No. 5369-3 are issued a license to appropriate water, the right to use 3.79 cubic feet of water per second from groundwater (two wells) with a priority date of September 14, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 5369-3 and subject to South Dakota State Law.


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

DEC 6 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 6 1999

5369-3
5992-3
6047-3

Mike Allard
33073 477th Ave.
Elk Point, SD 57025

Steve Allard
33071 477th Ave.
Elk Point, SD 57025-9717

Dear Sirs:

Enclosed are Water License Nos. 5369-3, 5992-3 and 6047-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416213, 46214 and 416215 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5369-3, 5992-3 and 6-47-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: ALFRED ALLARD, 33075 477TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5369-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5369-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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) 5369-3 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 2, 2001, 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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ALFRED ALLARD
33075 477TH AVE
ELK POINT SD 57025

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Annette Allard 1/22/01

C. Signature

X Annette Allard

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2768

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2001

5369-3

Alfred Allard
33075 477th Ave
Elk Point, SD 57025

Dear Mr. Allard:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5369-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

NOV 28 2018

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5369-3

Date: _____

I/We request that Water Right/Permit No. 5369-3 formerly owned by:ALFRED ALLARD

be transferred to:

New Owner Name: STEVE ALLARDAddress: 33071 477 AVECity, State, Zip ELK POINT, SD 57025-6812 Telephone No. 712-251-8925

Title to the following described land(s)/property has been transferred as described above:

Land described in Water Right No. 5369-3

☒ I understand that the validity of Water Right/Permit No. 5369-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, STEVE ALLARD, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

PAID

NOV 28 2018

Ck# 9524

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **November 28**, 20 **18**

Steve Allard 33071 477th Avenue Elk Point SD 57025

RECEIVED OF _____

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. _____		
Fee for Filing Transfer Form 5369-3		
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. **08821**

By *Jeanne Goodman*
Chief Engineer *Jm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 30, 2018

5369-3

Steve Allard
33071 477th Ave
Elk Point SD 57025-6812

Dear Mr. Allard:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 5369-3.

The ownership change has been completed. Water Right No. 5369-3, formerly held by Alfred Allard is now listed in your name.

With reference to the annual irrigation questionnaire, everything is up to date for 2018. As you requested on the form, No. 5369-3 will be directed to 33075 477th Ave, Elk Point along with other permits held by Steve/Mike Allard. If you need that changed to come directly to you, please let me know.

Enclosed for your records is Receipt No. 08821 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

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

encl