

Considered: _____

WATER PERMIT NO. 5382-3

HAP No. Same

Name of Applicant John and Joe Arthur

Post Office Address RR1, Box 56, Clark SD 57225

Amount of Water Claimed 3.14 cfs Total Acres 55 add'l

Source of Water Supply ground water - 2 add'l wells

Water to be used for irrigation County Grant

About 7 miles S of Marvin

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Dec 9, 1987 Fee 275⁰⁰ Remarks appl
revised Dec 26, 1989

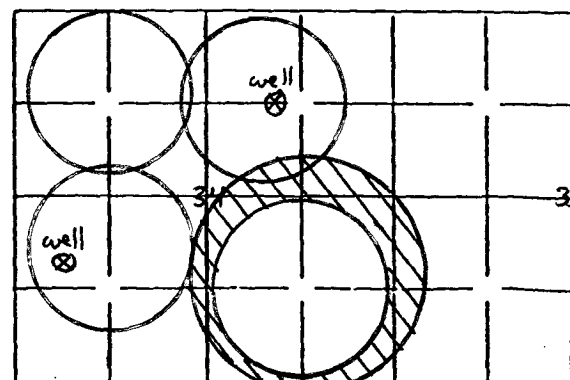
Corrected Application Received 12/26/89 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 1/22/90 APPROVED / CONDITIONAL (Circle one)

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

Diversion Point 2 wells: near center of the
NE $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$; both in section 34-
T120N-R51W

Land to be Irrigated 55 add'l acres: S $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, section 34; W $\frac{1}{2}$ SW $\frac{1}{4}$
section 35; all in T120N-R51W



Well Log: Driller Trout wells & Empire Licensed YES ☒ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Angie Lorenz Reviewed and the Number
assigned on Jan 23, 1990 By R. L. Small

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

(See instructions)

No. 5382-3 Hydrologic Unit 10170202
Basin Sioux River
Newspaper Grant Co. Review, Box 390, Milbank (wed)
Watertown Public Opinion, PO Box 10, 57201



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

- 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 John and Joe Arthur Phone No. 532-5194
Post Office Address RR 1, Box 56, Clark South Dakota State 57225
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 3.14 Total acres irrigated 500 (see No. 2333-3) 55 add'l
3. Source of Water supply groundwater two additional wells
4. Location of point of diversion near center of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 34-T120N-R51W and
in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34-T120N-R51W
County Grant
5. Counties where water will be used Grant
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.
same acreage authorized by Water Right No. 2333-3	
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34-120N-51W	7
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	4

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34-120N-51W	9
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	7
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	4
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	8

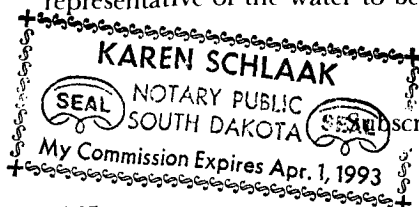
- NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 1 ac. Attach sheet if more space is needed NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35-120N-51W 7
SE $\frac{1}{4}$ SW $\frac{1}{4}$ " 1 ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ " Other:
8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ (Specify) _____
9. Crops to be Irrigated: wheat, potatoes, corn
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application proposes to add two wells and increase the water appropriation authorized by Water Right No. 2333-3 by 3.14 cfs to irrigate the same acreage, plus 55 additional acres as described above.

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 Hughes)^{ss}

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



Signed

James O Arthur

Subscribed and sworn to before me this

9th day of December 1987

Karen Schlaak

Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5382-3 FOR IRRIGATION

Date of first receipt of application December 9, 1987.

Date Soil/Water Compatibility Permit received January 22, 1990.

Date of return to applicant for corrections, amendments or changes January 26, 1988.

Date of receipt of corrected application December 26, 1989.

The Water Management Board approved Water Permit Application No. 5382-3 on March 7, 1990 for John and Joe Authur, RRI, Box 56, Clark, SD 57225 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. 5382-3 appropriates 3.14 cubic feet of water per second (cfs) from 2 additional wells (Antelope Valley Aquifer) approximately 60 feet deep to irrigate 500 acres described on Water Right No. 2333-3, plus 55 additional acres. Water Right No. 2333-3 appropriates 4.00 cfs from 2 wells to irrigate 500 acres in Section 34-T120N-R51W. The 2 additional wells are to be located near the center of the NE1/4 and in the W1/2 SW1/4; both in Section 34-T120N-R51W. The additional 55 acres to be irrigated are located in the S1/2 NE1/4, E1/2 SW1/4, SE1/4 Section 34; W1/2 SW1/4 Section 35; all in T120N-R51W.
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 January 22, 1990.
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.

(continued)

Water Permit No. 5382-3

Page 2

- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- 4) The combined diversion rate authorized by Water Right No. 2333-3 and Permit No. 5382-3 may not exceed 1 cfs for each 70 acres irrigated.

WATER MANAGEMENT BOARD

By: _____

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

JUN 18 1990

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth approximately 60 feet
- b) Casing Type plastic Diameter 16 inch Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) app. 20 feet
- g) Distance to nearest existing domestic well:
 On applicants property 1/2 mile On property owned by others 1 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

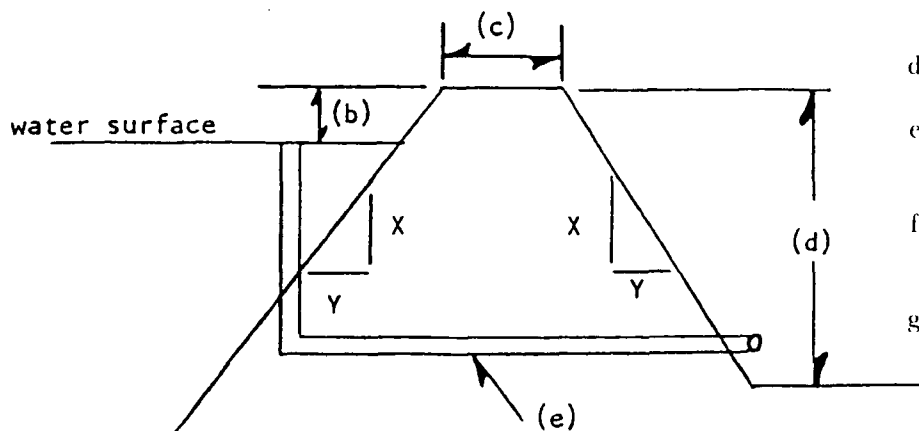
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4436

WR#

89-0027 & 85-0700

OWNERS NAME: John & Joe Arthur

OWNERS ADDRESS: RR 1, Box 56

Clark, South Dakota 57225

COUNTY LAND LOCATED IN: Grant

PHONE: 532-5194

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION near center of NE1/4 34-T120N-R51W and W1/2 SW1/4 34-T120N-R51W

Depth 70' and 60'

Legal Description	Acres	Legal Description	Acres
SE1/4 NE1/4 34-T120N-R51W	7	SE1/4 SE1/4 34-T120N-R51W	8
SW1/4 NE1/4 34-T120N-R51W	4	NW1/4 SW1/4 35-T120N-R51W	7
NE1/4 SW1/4 34-T120N-R51W	1	SW1/4 SW1/4 35-T120N-R51W	7
SE1/4 SW1/4 34-T120N-R51W	1		
NE1/4 SE1/4 34-T120N-R51W	9		
NW1/4 SE1/4 34-T120N-R51W	7		
SW1/4 SE1/4 34-T120N-R51W	4		

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

3. CROPS TO BE IRRIGATED: Wheat, Potatoes, Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0027 & 85-0700

7. ADJUSTED (SAR): 0.17 & 0.29

5. SALINITY (EC X 10⁶): 540 & 390

8. PERCENT SODIUM: 2.36 & 5.35

6. SODIUM (SAR): 0.08 & 0.16

Requirements:



John Arthur
Director, Division of Conservation

January 17, 1990

Date

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

REQUIREMENTS

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4226

WR#

OWNERS NAME: John & Joe Arthur OWNERS ADDRESS: RR 1, Box 56

COUNTY LAND LOCATED IN: Grant PHONE: Clark, SD 57225
532-1194

LEGAL DESCRIPTION: 2 wells - NE $\frac{1}{4}$ 34-120-51 & SE $\frac{1}{4}$ 34-120-51 ☒ Well ☐ Surface
1. LOCATION _____
Depth _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ 34-120N-51W	150		
NW $\frac{1}{4}$ 34-120N-51W	116		
SE $\frac{1}{4}$ 34-120N-51W	132		
SW $\frac{1}{4}$ 34-120N-51W	112	TOTAL ACREAGE = 500	

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY: - Waiver of 2000 ft radius - See WS 75-704 75-118 74-1020	
4. WATER SAMPLE NUMBER: _____	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): _____	8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____	

Requirements:



Todd M. Speltz
Director, Division of Conservation

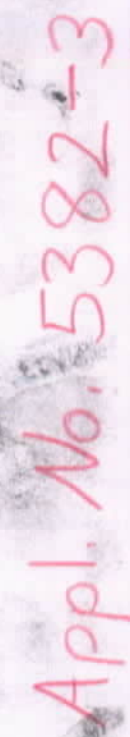
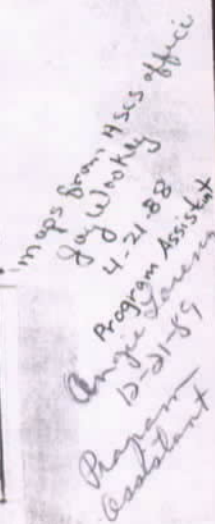
1-14-88
Date

XX APPROVED _____ REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

170-5

24-78-3



Conversation or File Documentation

NAME OF PERSON OR FILE: James Arthur on behalf of John & Joe ArthurADDRESS: RR1, Box 56, Clark SD 57225 COUNTY ClarkDATE: 5/11/88 TELEPHONE _____RE: status of water permit application (25)

COMMENTS:

James Arthur stopped by the office to deliver an aerial photo to partially complete a water permit application on behalf of John & Joe Arthur. A test hole log is also needed for the SE 1/4 section 34-T120N1-R51W. Mr. Arthur inquired about available well drillers and the potential for developing a well in the location on the application. Mr. Arthur & Jim Goodman discussed the hydrology of the area.

11/18/88

James Arthur stopped by the office to check on the status of the pending application. I told Mr. Arthur the application has been on hold pending receipt of a test hole log. Mr. Arthur indicated a hole would soon be drilled. Mr. Arthur also stated he would contact Marion Gunderson to request a special hearing.

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

Conversation or File Documentation

NAME OF PERSON OR FILE: John & Joe ArthurADDRESS: RR1, Box 56, Clark SD COUNTY GrantDATE: Dec 20, 1989 TELEPHONE 532-5194RE: Status of permit application

COMMENTS:

John and Joe Arthur stopped by the office to deliver a test hole log dated January 14, 1989 in response to my letter dated January 9, 1989. The Arthurs also indicated that a 170 acre pivot is to be installed on the ~~SE~~^{SW} 1/4 sec. 34 and will also cover part of the SW 1/4 sec. 35. I informed the Arthurs that the application needs to be revised to include additional acreage and an additional S/W permit will also be needed. The Arthurs left a water analysis which can be forwarded to Conservation when the application is revised. The Arthurs were given aerial photos of sections 34 & 35 and were instructed to have the 170 acre pivot outlined on the map with the well in the SW 1/4 of sec 34 and to have the map signed. I asked the Arthurs if I could revise the application when the map was returned. The Arthurs instructed me to make the needed changes and to notify them if the application fee increased.

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 L. Small

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 26, 1988

John and Joe Arthur
RR 1, Box 56
Clark, South Dakota 57225

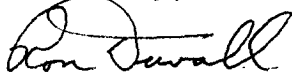
Dear Mr. Arthur:

This letter is in response to our conversation on January 21, 1988 regarding your water permit application for two additional wells to irrigate Section 34-T120N-R51W. I indicated that I would complete the map for the permit application. However, the number of acres being irrigated in each 40 acre area suggests that the pivots are not centered over each quarter (see attached Water License No. 2333-3). Therefore, since I am not positive of the exact pivot locations I cannot complete the map. The map needs to outline the irrigated acreage, well sites and be signed according to directions on the enclosed instruction sheet. An aerial photo from the ASCS office locating the irrigated lands and well sites would be adequate if properly completed.

A test hole log will also be needed for the proposed well in the SE 1/4 Section 34-T120N-R51W. A well log is on file for the NE 1/4 Section 34-T120N-R51W. General Rules Section 74:02:01:08.1 states that diversions from a well requires that a log or test hole log signed by a licensed well driller is needed to complete the application.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
(605) 773-3352

RD:ms
Enc.

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 Twp 120N Rg 50-51W

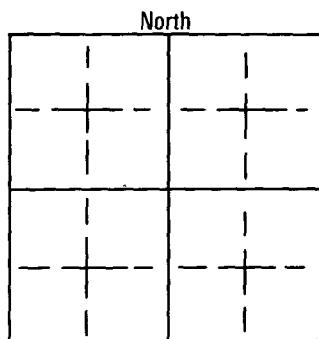
County

Grant

Mazeppa Twp

Please mark well
location with
an "X"

W



1 mile

Well Owner:

Name Joseph Arthur

Address RR 1, Box 7

South Shore, SD 57263

Plugging completion Date January 14, 1989

CHECK APPROPRIATE BOX

EXISTING WELL

☐

TEST HOLE

☒

Well depth

Casing material

Casing size(s)

Casing condition

Hole depth 70

Hole size 6 $\frac{1}{4}$

Describe plugging procedure: Pumped test hole full with Bentonite and drill cuttings from bottom to top.

Describe grout or plugging material: Bentonite and drill cuttings from bottom to top.

Type of non-slip plug:

This well or test hole was plugged under license # 365 And this report is true and accurate.

Drilling firm Steven M. Traut Wells, Inc.

Signature of Licensed Representative

Signature of Well Owner

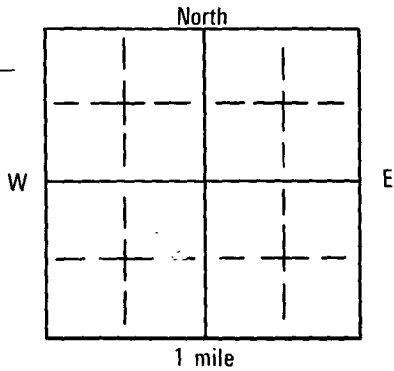
Date January 14, 1989

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 1/4 SW 1/4 Sec 34 Twp 120N Rg 50-51W

County

GrantMazeppa TwpPlease mark well
location with
an "X"Well Completion Date January 14, 1989

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
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ 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? 70 FEETWhat is grouting material? Bentonite & Drill Cuttings

If cement, number of sacks? _____

Describe grouting procedure Pumped test hole full with
Bentonite and drill cuttings from bottom to
top.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Joseph ArthurAddress RR 1, Box 7 South Shore, SD 57263

Well Log:

Depth

Formation

From

To

Brown Clay (Sandy Silt)02Brown Sand225Gray Sand2562Gray Clay6270STATIC WATER LEVEL Est 8' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

We suggest a 12" well with 20' of 120 slot
stainless steel screen gravel packed to pump
and estimated 1000 to 1500 GPM.

This well was drilled under license # 365

And this report is true and accurate.

Drilling firm Steven M. Traut Wells, Inc.

Signature of License Representative:

Signature of Well Owner:

Date January 14, 1989

 **Department of
Water & Natural Resources**

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

January 9, 1989

Jim Arthur
RR 1, Box 56
Clark SD 57225

Dear Mr. Arthur:

This letter is in response to our phone conversation on January 9, 1989 regarding the water permit application received on December 9, 1987.

You indicated that a test hole has been drilled and the test hole log will be submitted. The location of the proposed well is to be relocated from the SE1/4 section 34-T120N-R51W to the SW1/4 section 34. Please have the revised well location in the SW1/4 marked on the enclosed aerial photo and return the photo with the test hole log. You also indicated that the existing well at the pivot center in the SW1/4 would be used to irrigate the SE1/4 and the proposed well would be used to irrigate the SW1/4. Your water permit application will need to be revised if you intend to switch the diversion points. Please indicate, in writing, if you intend to switch the diversion points. I will then make the necessary changes to your application.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Conversation or File Documentation

NAME OF PERSON OR FILE: Jim ArthurADDRESS: Clark SD COUNTY GrantDATE: Jan 23, 1990 TELEPHONE _____RE: Use of wells

COMMENTS:

Contacted Jim Arthur to determine what specific acreage will be irrigated from the proposed wells. Mr. Arthur indicated that the pipelines for the pivots in the N $\frac{1}{2}$ and pipelines for pivots in the S $\frac{1}{2}$ of section 34 are interconnected. Water can be used from either well to irrigate the acreage in the N $\frac{1}{2}$ and S $\frac{1}{2}$ section 34.

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: R. D. Wall

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 NE Section 34 Township 120 Range 51
 Well owner Lymann Janssen South Shore, SD 57263
 Date well drilling completed 11/7/75 Purpose of well Irrigation #1
(Name) (Address) (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-2	top soil	38	
2-13	sand & gravel	22' 4"	
13-30	yellow clay		
30-57	sand & gravel	57	

Casing information: in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

0-37 16" O.D. Steel

Screen information: in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

37-57 16" Johnson Irrigator Screen

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Empire Irrigation Drilling Co
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Not done by Empire HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

Name of Pump Installation Contractor



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411132

Pierre, January 21, 1988, 19

RECEIVED OF Joe Arthur, RR 1, Box 12, Garden City, SD 57236

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	275.00
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	275 00

By John Hatch
Chief Engineer

JOHN HATCH 

CONSERVATION COMMISSION MEETING

DATE: January 14, 1987

Page 1 - APPROVED

NAME: John & Joe Arthur Water Quality: 75-704 75-118 74-1020

ADDRESS: RR 1, Box 56

SALINITY: 498 422 632

ADDRESS: Clark, SD 57225

SAR: 0.06 0.05 0.17

SODIUM: 1.25 1.62 4.10

COUNTY: Grant

ADJ SAR:

LEGAL DESCRIPTION: Section 34-120N-51W = 500 acres

APPLICATION #: 4226

TYPE OF IRRIGATION: Center Pivot

WATER SOURCE: Ground

REQUIREMENTS:

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to control wind erosion and conserve soil moisture. This is an important management aspect due to the amount of sand found in the soils of the area making drought stress and wind erosion a management concern.

Also, we have noted several small areas which maybe subject to wetness. Leaving these areas in a permanent vegetation is an easy means of managing them.

TYPE OF PERMIT GRANTED AND REASON:

The Approved recommendation is based on the consensus that with good management practices no adverse effects will result from irrigation.



REPORT ON APPLICATION NO. 5382-3
for John and Joe Arthur
January 23, 1990

This application proposes to appropriate 3.14 cfs from 2 additional wells approximately 60 feet deep to irrigate 500 acres as described under Permit No. 2333-3, plus an additional 55 acres. Water Right No. 2333-3 appropriates 4.0 cfs from 2 wells to irrigate 500 acres in section 34, T120N R51W. The two proposed wells are to be located near the center of the NE 1/4 and in the W 1/2 SW 1/4, both in section 34, T120N R51W. The additional 55 acres to be irrigated are located in the S 1/2 NE 1/4, E 1/2 SW 1/4, and the SE 1/4 of section 34; W 1/2 SW 1/4 of section 35; all in T120N R51W in Grant County. The combined diversion rate authorized by Right No. 2333-3 and this application may not exceed 1 cfs for each 70 acres irrigated.

AQUIFER - ANTELOPE VALLEY (AV)

The Antelope Valley (AV) aquifer is a Pliestocene outwash (sand and gravel) under water table conditions in this area. The AV aquifer underlies 14,500 acres and contains an estimated 32,630 acre feet of recoverable water in Grant County (Hedges, 1982). The aquifer extends into Codrington County and is probably hydraulically connected to Punished Woman Lake. Test hole data submitted with the application indicate sand from 2 feet to 62 feet below land surface with a static water level of about 8 feet below and surface.

The Division of Water Rights monitors one AV aquifer observation well (GT-77G) which is in the same section as these proposed wells. Water levels for this well show a clear correlation between wet and dry climatic conditions. The effects of recharge are obvious with water levels rising during wet periods and declining during dry periods (Water Rights, 1990). Pumping, mostly for irrigation in this area, does not obviously affect water levels in the observation wells.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing diversion points within this same section which are owned by this applicant. The proposed diversion in the W 1/2 SW 1/4 of section 34 will be approximately 700 feet west of an existing well. The other proposed well is about 1/2 mile from an existing well. Interference is not expected to be a problem. Drawdowns created by pumping high capacity wells in aquifers like the AV aquifer do not extend very far from an individual production well. The wells in the SW 1/4 are close enough for drawdowns to overlap but this is an individual management problem and should not be adverse anyway.

CONCLUSIONS

1. Water is available from the AV aquifer.
2. Interference should not be a problem. Drawdowns will overlap in the SW 1/4 of section 34 but this should not be adverse.
3. Any wells completed for this application if approved must be completed in accordance with SD well construction rules.
4. There is a growing body of evidence that suggests that farming practices over shallow water table aquifers like the AV aquifer can impact the water quality of the aquifer.
5. The standard irrigation questionnaire is required.


James A Goodman

Natural Resources Engineer IV

BIBLIOGRAPHY

- Hedges, L.S., 1982, EVALUATION OF GROUND WATER RESOURCES
EASTERN SD AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US
Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD,
57069.
- Water Rights. 1990, UNPUBLISHED OBSERVATION WELL RECORDS FOR THE
AV AQUIFER IN CODINGTON AND GRANT COUNTIES, SD DWR, Div. of
Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

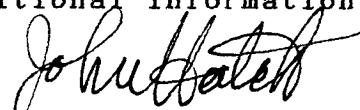
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5382-3, John and Joe Arthur

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. 5382-3, John and Joe Arthur, RR 1, Box 56, Clark SD.

The Chief Engineer is recommending APPROVAL of Application No. 5382-3 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.
4. The combined diversion rate authorized by Water Right No. 2333-3 and Permit No. 5382-3 may not exceed 1 cfs for each 70 acres irrigated.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
January 29, 1990



Department of Water & Natural Resources

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

January 30, 1990

Watertown Public Opinion
Box 10
Watertown, SD 57201

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5382-3 to be published twice. Please publish the first notice on or before February 7, 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 John & Joe Arthur, RR #1 Box 56, Clark, 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

SOUTH Dakota Department of
Water & Natural Resources

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

January 30, 1990

Grant Co. Review
Box 390
Milbank, SD 57252

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5382-3 to be published twice. Please publish the first notice on or before February 7, 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 John & Joe Arthur, RR #1 Box 56, Clark, SD 57225.

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

January 30, 1990

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

John & Joe Arthur
RR #1 Box 56
Clark, SD 57225

Dear Sirs:

Water Permit Application No. 5382-3 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 Publishers of the Grant Co. Review and Watertown Public Opinion printed at Milbank and Watertown 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publishers have 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 February 7, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5382-3 to Appropriate Water

Notice is given that John & Joe Arthur, RR #1 Box 56, Clark, SD 57225 has filed an application for a water permit to appropriate 3.14 cubic feet of water per second (cfs) from 2 additional wells (Antelope Valley Aquifer) approximately 60 feet deep to irrigate 500 acres described on Water Right No. 2333-3, plus 55 additional acres. Water Right No. 2333-3 appropriates 4.00 cfs from 2 wells to irrigate 500 acres in Section 34-T120N-R51W. The 2 additional wells are to be located near the center of the NE1/4 and in the W1/2 SW1/4; both in Section 34-T120N-R51W. The additional 55 acres to be irrigated are located in the S1/2 NE1/4, E1/2 SW1/4, SE1/4 Section 34; W1/2 SW1/4 Section 35; all in T120N-R51W. The combined diversion rate authorized by Water Right No. 2333-3 and this application, if approved, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5382-3 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.

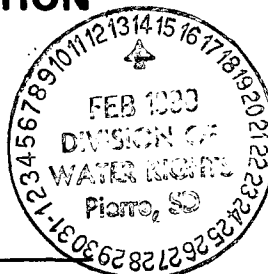
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, 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)
County Codington) ss.



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:

February 3rd, 1990

February 10th, 1990

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

February 10th, 1990
(Date Signed)

Cost of Printing: 90.48

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. (February 3, 10, 1990)

113/4 @ 385X2 =
P 90.48

WATERTOWN

NOTICE OF HEARING ON APPLICATION NO. 5382-3 TO APPROPRIATE WATER

Notice is given that John & Joe Arthur, RR 1, Box 56, Clark, SD 57225 has filed an application for a water permit to appropriate 3.14 cubic feet of water per second (cfs) from 2 additional wells (Antelope Valley Aquifer) approximately 60 feet deep to irrigate 500 acres described on Water Right No. 2333-3, plus 55 additional acres. Water right No. 2333-3 appropriates 4.00 cfs from 2 wells to irrigate 500 acres in Section 34-T120N-R51W. The 2 additional wells are to be located near the center of the NE 1/4 and in the W 1/2 SW 1/4; both in Section 34-T120N-R51W. The additional 55 acres to be irrigated are located in the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 34; W 1/2 SW 1/4 Section 35; all in T120N-R51W. The combined diversion rate authorized by Water Right No. 2333-3 and this application, if approved, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5382-3 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 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 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Grant)

I, Clarence Justice

certify that the attached printed Notice was taken
 from the Grant County Review

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 Milbank

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

February 7 & 14, 1990

Clarence Justice
 (Signature)

Foreman

(Title)

February 14, 1990

(Date Signed)

Cost of Printing: _____

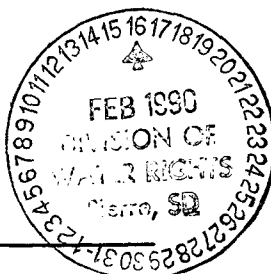
\$42.93

NOTICE OF HEARING
On Application No. 5382-3
To Appropriate Water

Notice is given that John and Joe Arthur, RR 1 Box 56, Clark, SD 57225 has filed an application for a water permit to appropriate 3.14 cubic feet of water per second (cfs) from 2 additional wells (Antelope Valley Aquifer) approximately 60 feet deep to irrigate 500 acres described on Water Right No. 2333-3, plus 55 additional acres. Water Right No. 2333-3 appropriates 4.00 cfs from 2 wells to irrigate 500 acres in Section 34-T120N-R51W. The 2 additional wells are to be located near the center of the NE $\frac{1}{4}$ and in the W $\frac{1}{2}$ SW $\frac{1}{4}$; both in Section 34-T120N-R51W. The additional 55 acres to be irrigated are located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 34; W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35; all in T120N-R51W. The combined diversion rate authorized by Water Right No. 2333-3 and this application, if approved, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5382-3 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 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.

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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, 46-2-15, 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.

Feb. 7

Feb. 14



Department of Water & Natural Resources

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

JUN 18 1990

John and Joe Arthur
RR 1, Box 56
Clark SD 57225

Dear Sirs:

Enclosed is Water Permit No. 5382-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



5382-3

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 8, 1991

JOE, JOHN ARTHUR
RR1 BOX 56
CLARK SD 57225

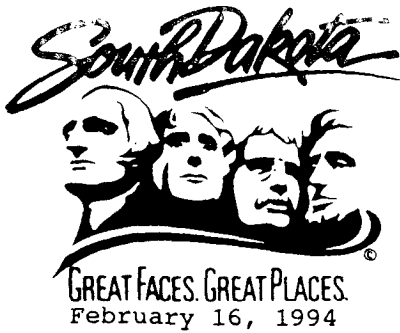
Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1990 chemigation report for Water Right No.(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3. You may disregard the February 1, 1991, Notice of failure to report chemical use for 1990. With receipt of the chemigation report, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall,
Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JOHN & JOE ARTHUR
RR 1 BOX 56
CLARK SD 57225

NOTICE

RE: Violation of Water Permit No(s) 5382-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 5382-3. 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) 5382-3 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) 5382-3 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



5382-3

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

February 16, 1994

NOTICE

TO: JOE, JOHN ARTHUR
RR1 BOX 56
CLARK, SD 57225

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3;
3781-3; 5382-3;

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3; 5382-3;. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3; 5382-3; 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 April 1, 1994, 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 chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

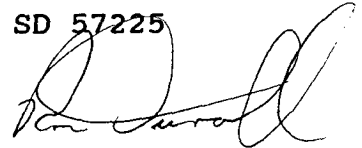
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 7, 1994

5382-3

NOTICE

TO: John & Joe Arthur, RR #1 Box 56, Clark, SD 57225

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

SUBJECT: Unclaimed Certified Mail - Irrigation Questionnaire
Violation

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 17, February 22, and March 4, 1994 to pick up and sign for the certified mail.

The meeting time and place, specified in the attached notice, has been changed. The hearing has been rescheduled as follows:

**April 6, 1994 at 9:30 a.m. in the Conference Room of the
Floyd Matthew Training Center, Joe Foss Building, 523 E
Capitol, Pierre, SD.**

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

enclosure

CERTIFICATION

I hereby certify that on March 7, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1994, along with the Notices dated February 16, 1994, regarding Unclaimed Certified Mail, Return Receipt Requested - Irrigation Questionnaire Violation. The Notices dated February 16, 1994, were regarding violation for not submitting the 1993 Irrigation Questionnaire's. These notices were sent out certified, Return Receipt Requested, but were returned by the U.S. Post Office as "Unclaimed." These notices were mailed out to the names and addresses stated below:

Water Permit No. 1797-2: Lyle Hartshorn
RR 3, Box 16
Hermosa, SD 57744

Water Permit No. 686-3: Richard T. Peterson
29B Ranch Oak Place
Sioux Falls, SD 57103

Water Permit No. 3628-3: Kelvin Kronaizl
RR 1, Box 63
Gayville, SD 57031

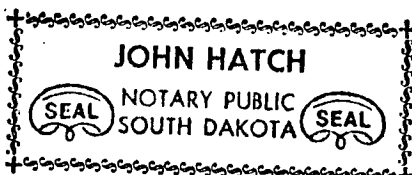
Water Permit No. 5382-3: John & Joe Arthur
RR 1, Box 56
Clark, SD 57225

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 1994

5382-3

Joe Arthur
RR #1 Box 7
South Shore, SD 57263

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire and chemigation report for Water Permit No. 5382-3. A questionnaire and chemigation report were completed for you following our telephone conversation of March 28th. You may disregard the February 16, 1994, **Notice of Violation of Water No. 5382-3 and the Notice of Failure to Report Chemical Use.**

The questionnaire and chemical reporting form were completed and on file 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



5382-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

JOE/JOHN ARTHUR
RR 1 BOX 7
SOUTH SHORE SD 57263

NOTICE

RE: Violation of Water Permit No(s) 2478-3 & 3781-3, 2333-3 & 5382-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 2478-3 & 3781-3, 2333-3 & 5382-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2478-3 & 3781-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 & 5382-3 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 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 3, 1995, 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

to the envelope of

id on the reverse side?

- 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.

3. Article Addressed to:

JOE/JOHN ARTHUR
RR 1 BOX 7
SOUTH SHORE, SD 57263

5. Signature (Addressee)

6. Signature (Agent)

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P757 566 280

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-8-95

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

Thank you for using Return Receipt Service.

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

NOTICE

TO: JOE, JOHN ARTHUR
RR1 BOX 7
SOUTH SHORE, SD 57263

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3;
3781-3; 5382-3

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3; 5382-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3; 5382-3 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 March 3, 1995, 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 chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation 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

March 21, 1995

2333-3 2478-3
3781-3 5382-3

Joe Arthur
PO Box 578
South Shore, SD 57263

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires and chemical reporting forms. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and the Requirements to Submit the 1994 Irrigation Questionnaires and also the Notice of Failure to Report Chemical Use.**

The questionnaires and chemical reporting forms were received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

Your water permits or rights are currently listed in the name of Joe and John Arthur. You made notations on a couple of your irrigation questionnaires changing the address from RR #1 Box 7 to Post Office Box 578, South Shore. The addresses have been changed, however, I was not able to determine from your notes whether the water rights should be transferred from Joe and John Arthur to Joe Arthur or whether you were only making an address change.

If you want the actual names on the water rights/permits to change, I will need to send you forms for use in filing an ownership change. These forms are available upon request.

If you have any questions, please contact me.

Sincerely,

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



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE
TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578

FROM: Ron Duvall, Natural Resources Engineer
 for John Hatch, Chief Engineer
 Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2333-3, 2478-3, 3781-3 & 5382-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2333-3, 2478-3, 3781-3 & 5382-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2478-3, 3781-3 & 5382-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in 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) 2333-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3, 3781-3 & 5382-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263-0578

4a. Article Number

Z 161 984 113

4b. Service Type

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

7. Date of Delivery

2-2-910

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

Joe Arthur

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



January 30, 1996

5382-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A 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 chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1996

Joe & John Arthur
PO Box 578
South Shore, SD 57263

Dear Sirs:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires and chemigation reports. You may disregard the January 30, 1996, **Notice of Violation of Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3.**

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,

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

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578

FROM: Ron Duvall, Natural Resources Engineer
 for John Hatch, Chief Engineer
 Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2333-3 & 5382-3, 2478-3 & 3781-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2333-3 & 5382-3, 2478-3 & 3781-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2478-3 & 3781-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 & 5382-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, 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 (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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263 0578

4a. Article Number

P 378-081-299

4b. Service Type

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

7. Date of Delivery

2-19-97

5. Received By: (Print Name)

Tawny L Arthur

6. Signature: (Addressee or Agent)

X Tawny L Arthur

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

PS Form 3811, December 1994

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 4, 1997

NOTICE

TO: JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3; 3781-3 & 5382-3

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3 & 5382-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3 & 5382-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3 & 5382-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1997

2333-3
2478-3
3781-3
5382-3

Joe & John Arthur
PO Box 578
South Shore, SD 57263-0578

Dear Sirs:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, **Notices of Violation of Water Permits, the 1996 Irrigation Questionnaire Requirements and Failure to Report Chemical Use.**

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

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

Sincerely,

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



January 9, 1998

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

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 2333-3 & 5382-3, 2478-3 & 3781-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2478-3 & 3781-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 & 5382-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, 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 (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE SD 57263

**FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) **2333-3, 2478-3, 3781-3 & 5382-3** was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). **2333-3, 2478-3, 3781-3 & 5382-3** 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 20, 1998, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation 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

January 13, 1998

2333-3
2478-3
3781-3
5382-3

Joe & John Arthur
PO Box 578
South Shore, SD 57263-0578

Dear Sirs:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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

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

Sincerely,

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



5382-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 2333-3 & 5382-3, 2478-3 & 3781-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2478-3 & 3781-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 & 5382-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, 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 (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:

JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263 0578

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

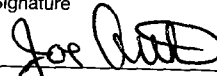
Joe Arthur

B. Date of Delivery

1-21-2000

C. Signature

x

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If 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)

Z 227 670 278

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2000

Joe & John Arthur
PO Box 578
South Shore, SD 57263-0578

RE: Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3

Dear Sirs:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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

If you have any questions, please contact me.

Sincerely,

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

5382-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE

TO: JOE/JOHN ARTHUR, 46409 154TH ST, SOUTH SHORE, SD 57263

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 2333-3 & 5382-3, 2478-3 & 3781-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2478-3 & 3781-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 & 5382-3 qualification:

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

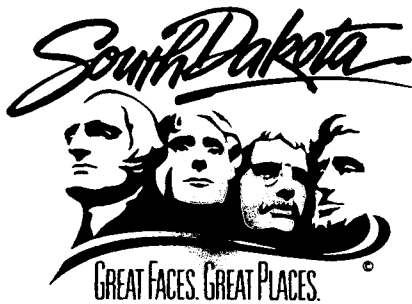
The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, 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 (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.



5382-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2004

2333-3
2478-3
3781-3
5382-3

Joe & John Arthur
46409 154th St
South Shore SD 57263

Dear Sirs:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

5382-3

Joe Arthur
46409 154th St
South Shore SD 57263

Dear Mr. Arthur:

Thank you for sending in your 2004 irrigation questionnaires. I noticed on the form for Water Permit No. 5382-3 you made a notation concerning the number of acres under permit.

I reviewed the permit file (see enclosed copy) to find out if we needed to correct anything. The permit was obtained to add two wells, increase water appropriation and covers an additional 55 acres to what was already covered under Water Right No. 2333-3. Also enclosed is a copy of No. 2333-3.

Please review the enclosed copies. If our records are in error and you show something different, please give me a call and perhaps send a map of what you have down for acres irrigated and we will work through the changes and see what needs to be done with the permits to bring them up-to-date.

Thank you in advance for your help.

Sincerely,

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

enclosures

2004 Water Management Board Irrigation Questionnaire

Please fill out and return before December 3, 2004

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V3-IQ.pdf>

No. 5382-3

JOE/JOHN ARTHUR
46409 154TH ST
SOUTH SHORE SD 57263

Any address/ownership corrections?

Telephone No. 756-4464

1. Is the system constructed? *yes ☒ no ☐

*Type of system used (check all that apply):

center pivots ☒ towlines ☐ big gun ☐

flood ☐ sprinklers ☐ other ☐

2. Did you irrigate in 2004? *yes ☒ **no ☐

*If yes, number of acres irrigated

**If no, list reason(s) in comment box and answer No. 3:

3. Is the land enrolled in CRP? *yes ☐ no ☒

*If yes, through what year?

4. Did you apply chemicals or fertilizer through the system in 2004? yes ☐ no ☒

5. If permitted for more than one water source, circle each source used. A. GROUNDWATER

B.

C.

Comment Box

My records show
167 acres in Sec 34 + 35
on this permit



BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED

JAN 14 2005

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 5382-3

(see above section map for help reading legal descriptions)

sec 34-T120N-R51W, AD -- 7.00 acres
sec 34-T120N-R51W, AC -- 4.00 acres
sec 34-T120N-R51W, CA -- 1.00 acres
sec 34-T120N-R51W, CD -- 1.00 acres
sec 34-T120N-R51W, DA -- 9.00 acres
sec 34-T120N-R51W, DB -- 7.00 acres
sec 34-T120N-R51W, DC -- 4.00 acres
sec 34-T120N-R51W, DD -- 8.00 acres
sec 35-T120N-R51W, CB -- 7.00 acres
sec 35-T120N-R51W, CC -- 7.00 acres

Please provide your 2004 water use to irrigate the above acreage on the REVERSE side of this form.

For an updated example questionnaire, please refer to the reverse side of your cover letter.



5382-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: JOE/JOHN ARTHUR, 46409 154TH ST, SOUTH SHORE, SD 57263

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2478-3 & 3781-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2333-3 & 5382-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 24, 2006**, 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 (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2006

2333-3
2478-3
3781-3
5382-3

Joe & John Arthur
46409 154th St
South Shore SD 57263

Dear Sirs:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 2333-3

5382-3

August 4, 2016

John & Joe Arthur
46409 154th St
South Shore SD 57263

Dear Sirs:

On July 20, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the SW 1/4 Section 34-T120N-R51W onto the adjacent north/south road (see attached photo). This irrigation system is covered by Water Right Nos. 2333-3 and 5382-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 7/20/2016

County: Grant

Water Right/Permit No.: 2333-3 and 5382-3 (additional wells)

Reported by: Watertown Seasonal Observation Well Technician



Description from summer help: 45.155, -96.945 are the coordinates, picture is facing north

Notes: it appears to be the pivot in the SW ¼

