

Considered: _____

WATER PERMIT NO. 5383-3

MAP No. same

Name of Applicant Walter O Keefe

Post Office Address Box 33, Hurley SD 57036

Amount of Water Claimed 1.92 cfs Total Acres 134.8

Source of Water Supply ground water 1 well

Water to be used for irrigation County Turner

About 4 miles N of Hurley.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Jan 22, 1990 Fee \$250⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

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

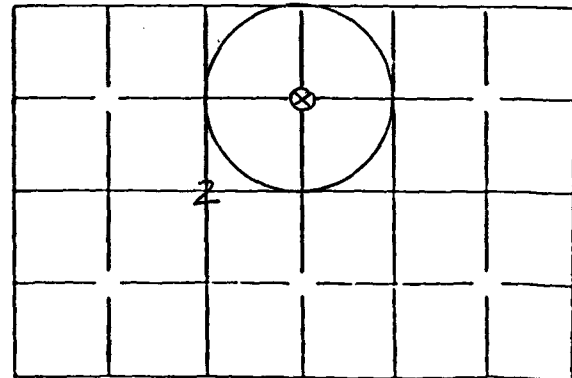
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: center of NE 1/4 section

2-T98N-R53W

Land to be Irrigated NE 1/4 section 2-T98N-

R53W



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

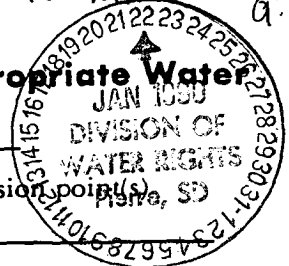
Type of Map aerial photo PREPARED BY Fran Ingalls Reviewed and the Number

assigned on Jan 23, 1990 By R. D. Swall

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352
P.L. 1/2/99

(See instructions)

No. 5383-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Parker New Era, Box 577, (Thurs)
57053-0172



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

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

- Name of Applicant Walter O'Keefe (Vera Lange Att. in fact) Phone No. 238-5893
Post Office Address Box 33 Hurley State S. Dak. Zip Code 57036
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s) 1.92 Total acres irrigated XXXXXX 134.8
- Source of Water supply well
- Location of point of diversion 1300 Feet west + 1300 Feet South of
Northeast Corner of Northeast quarter of 98-53 section
2 center of NE 4 County Turner
- Counties where water will be used Turner
- Annual period during which water is to be used May 1 - October 1
- 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.
<u>N.E. 1/4 of NE 1/4 sect. 2 98-53</u>	<u>33.7</u>
<u>N.W. 1/4 of NE 1/4 sect. 2 98-53</u>	<u>33.7</u>
<u>S.E. 1/4 of NE 1/4 sect. 2 98-53</u>	<u>33.7</u>
<u>S.W. 1/4 of NE 1/4 sect. 2 98-53</u>	<u>33.7</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: Corn, soybeans, Alfalfa
- Give a description of proposed project. (Attach sheet if more space is needed)

Drill well + use center Pivot Irrigation

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 Turner)^{ss}

I, Walter O'Keefe, 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 Walter O'Keefe Vera Lange
P.O. # 150
Subscribed and sworn to before me this 18 day of July, 1999
[Signature]
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5383-3 FOR IRRIGATION**

Date of first receipt of application January 22, 1990.

Date Soil/Water Compatibility Permit received January 26, 1990.

The Water Management Board approved Water Permit Application No. 5383-3 on March 7, 1990 for Walter OKeefe, Box 33, Hurley, SD 57036 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. 5383-3 appropriates 1.92 cubic feet of water per second from one well (Upper Vermillion - Missouri Aquifer) 120 feet deep to irrigate 134.8 acres. The well is to be located near the center of the NE1/4 and the irrigated acreage is also to be located in the NE1/4; all in Section 2-T98N-R53W.
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: May 1 - October 1.
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 well authorized by Permit No. 5383-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
- 2) The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

JUN 18 1990

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 122'
- b) Casing Type Plastic Diameter 16" Thickness 1/4"
- c) Screen Type Plastic Diameter 16" Thickness 1/4"
- d) Gravel Pack Thickness 5" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material Sand + Gravel
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
On applicants property 1250' On property owned by others 3000'

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 _____

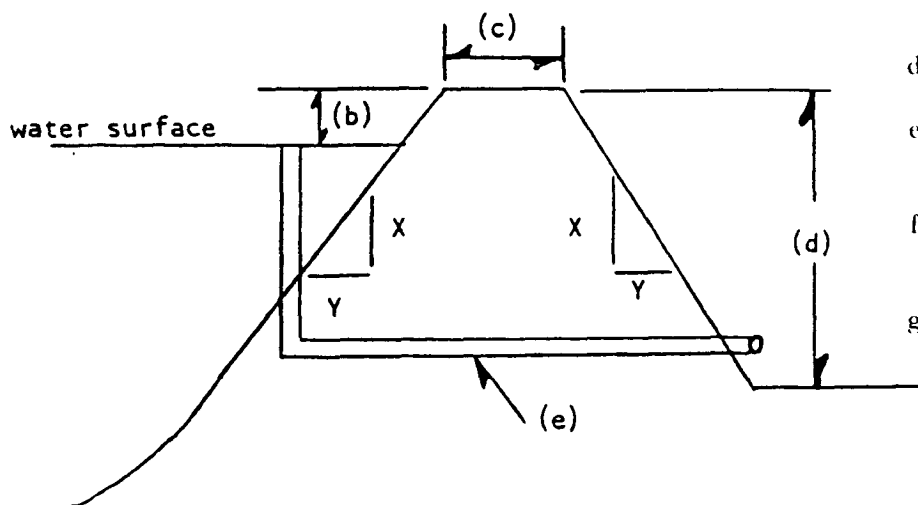
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Walter Okeya Vera Lange
Signature of Applicant
P. O. FL.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412043

Pierre, January 22, 19 90

RECEIVED OF Vera Lange for Walter O'Keefe, Box 33, Hurley SD 57036

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

Fee for Application for Permit No. <u>5383-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By

Chief Engineer

John Hatch

JOHN HATCH

ks

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4443-A

WR#

OWNERS NAME: O'KEEFE, WALTER & Vera Lange

OWNERS ADDRESS:

Box 215
Hurley, SD 57036-0215

COUNTY LAND LOCATED IN: TURNER

PHONE: 238-5893

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: NE $\frac{1}{4}$ 2-T98N-R53W

Depth: _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2-T98N-R53W	33.7		
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2-T98N-R53W	33.7		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2-T98N-R53W	33.7		
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2-T98N-R53W	33.7		

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

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0027

7. ADJUSTED (SAR): 0.65

5. SALINITY (EC X 10⁶): 1300

8. PERCENT SODIUM: 4.18

6. SODIUM (SAR): 0.25

Requirements:

The area mapped as Baltic silty clay loam (Ba) is subject to wetness and a seasonal high table, which may remain wet and have trafficability problems under irrigation. This area shall remain in permanent vegetation.

Russell Stone 7/10/92

Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX AMENDED

XXX REQUIREMENTS

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

Date

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4443

WR#

90-0027

OWNERS NAME: Walter O'Keefe OWNERS ADDRESS: Box 33
ATTENTION: Vera Lange, P.O.A. Hurley, SD 57036

COUNTY LAND LOCATED IN: Turner PHONE: 238-5893

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: NE1/4 2-T98N-R53W
Depth: 122'

Legal Description	Acres	Legal Description	Acres
NE1/4 NE1/4 2-T98N-R53W	33.7		
NW1/4 NE1/4 2-T98N-R53W	33.7		
SE1/4 NE1/4 2-T98N-R53W	33.7		
SW1/4 NE1/4 2-T98N-R53W	33.7		

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

3. CROPS TO BE IRRIGATED: Corn, Soybeans, Alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0027 7. ADJUSTED (SAR): 0.65
5. SALINITY (EC X 10⁶): 1300 8. PERCENT SODIUM: 4.18
6. SODIUM (SAR): 0.25

Requirements:

The areas mapped as Baltic silty clay loam (Ba) and Dime (Do) are subject to wetness and temporary water tables; which under irrigation may remain wet and cause trafficability problems. These areas shall remain in permanent vegetation.



Pete Quirk
Director, Division of Conservation

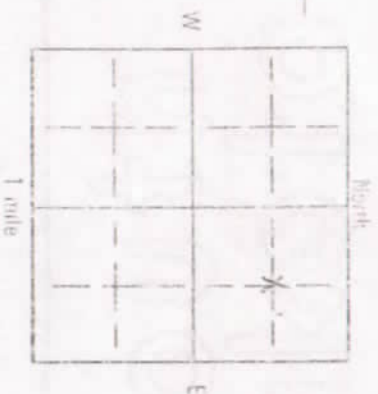
☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

January 23, 1990
Date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N W E W Sec 2 Twp 98 Rg 53County
TurnerPlease mark well
location with
an "X"Well Completion Date 1-17-90

PROPOSED USE:

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

Method of Drilling:

☒ Forward Rotary

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>3</u>	IN	<u>6</u> FT	<u>11 1/2</u> FT
LB/FT		IN		<u>6 3/4</u> IN
LB/FT		IN		FT
LB/FT		IN		FT
LB/FT		IN		FT
LB/FT		IN		FT

SHORT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? Concrete & GravelIf cement, number of sacks? 4Describe grouting procedure line

What was gross weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 20 FEETMaterial Bu.C.Slot Size 0.14 Set From 90 Feet To 110 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:

Walter D Kiefe

Name

Dee Plucker (Owner)

Address

Box 56 Chaville, SD 57015 Attorney

Well Log:

Depth

Formation	From	To
yellow coarse sand & gravel	0	20
yellow sand	20	22
clean coarse sand	22	30
blue clay	30	48
sand & blue clay	48	60
blue clay w/ sand streaks	60	80
medium sand	80	110
medium to fine sand	110	120
blue clay w/ sand streaks	120	130

TD 110'

STATIC WATER LEVEL 36 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:

☒ Pumped70 gpm☐ BailedDescribe: in sequence☐ Other _____

Pumping Level Below Land Surface

	ft	After	Hrs.	pumped	GPM
	ft.	After	Hrs.	pumped	GPM
	ft.	After	Hrs.	pumped	GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm

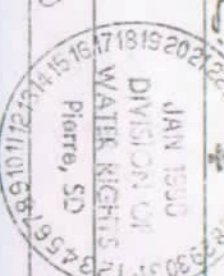
Pullman Well Drilling

Signature of License Representative:

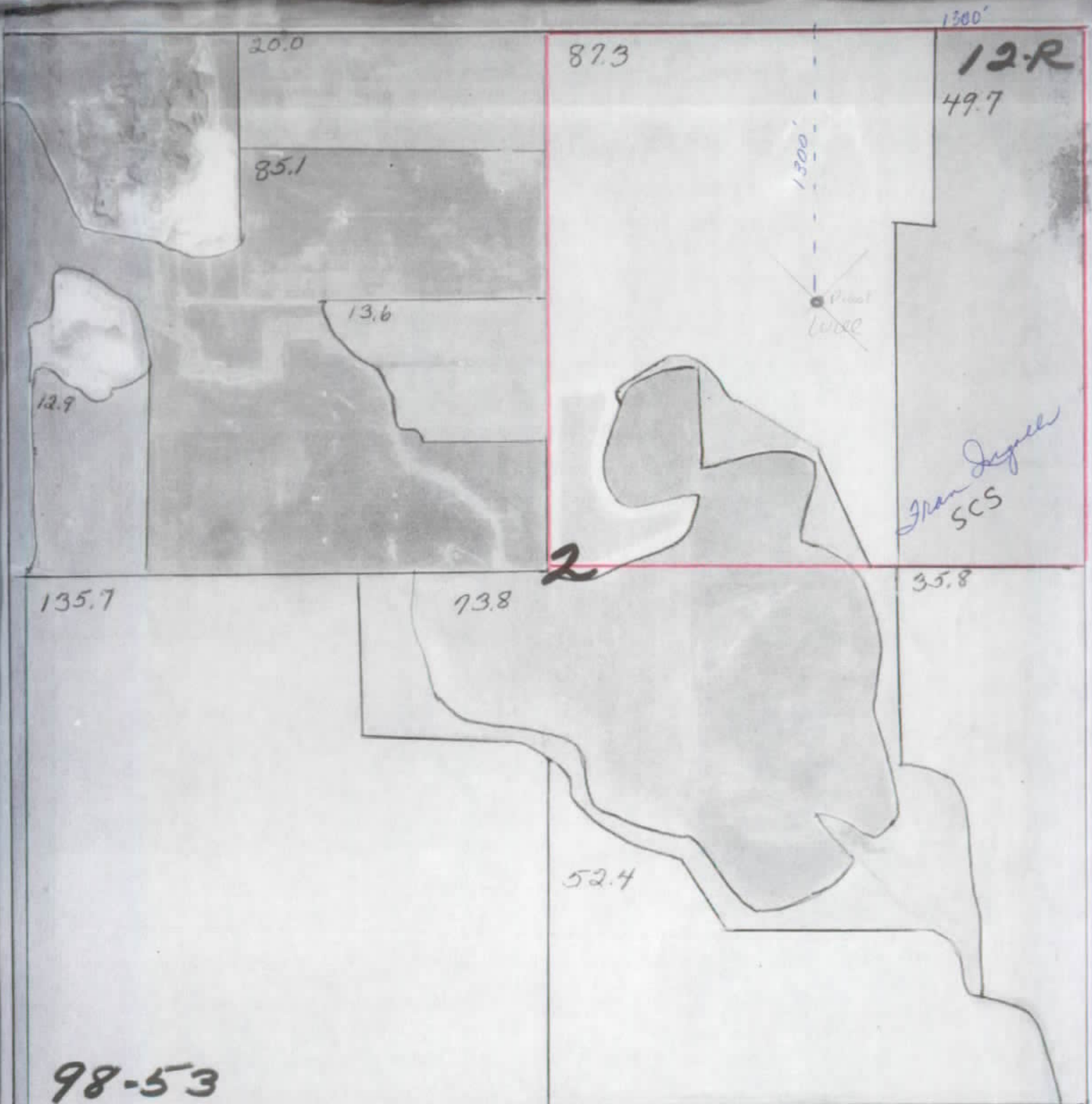
R. E. Leidl Register

Signature of Well Owner:

Date

1-23-90

NOT TO SCALE



7.1

104.0

2.1

20.3

6.0

129.5

12.9
5.3

Appl. No. 5383-3

REPORT ON APPLICATION NO. 5383-3
for Walter OKeefe
January 31, 1990

This application proposes to appropriate 1.92 cfs from one well approximately 120 feet deep to irrigate 134.8 acres. The well is to be located near the center of the NE 1/4 and the irrigated acreage is also located in the NE 1/4; all in section 2 in T98N R53W in Turner County.

AQUIFER - UPPER VERMILLION-MISSOURI (UVM)

The Upper Vermillion Missouri (UVM) aquifer is a Pliestocene buried glacial (sand and gravel) aquifer under artesian conditions. The aquifer underlies 106,400 acres and contains 1,037,400 acre feet of recoverable water in Turner County (Hedges, 1982). The aquifer extends into Lincoln and Clay Counties and hydrologic evidence suggests an interconnection with the Parker-Centerville aquifer which overlies UVM aquifer in this area. Test well data submitted with this application indicates sand and gravel from the land surface a depth of 30 feet (Parker-Centerville) separated by a clay layer from 30 to 80 feet with sand from 80 to 120 feet (UVM). The clay layer is also described as being sandy. This reinforces the idea of interconnection and other well logs in the area indicate the clay layer is either absent or occurs at varying depths (Water Rights, 1990). Water use for the UVM aquifer was reported to be 6234 acre feet in 1988 (Irrigation Report, 1988).

The Division of Water Rights monitors 20 observation wells completed into the UVM aquifer in Turner County. The closest wells to this application are TU-77B and TU-77D. Records for these wells are included with this report. Water levels can fluctuate more than 25 feet annually due to pumping for irrigation. The wells do recover when pumping ceases and water levels are affected by climatic conditions. Water levels do rise in response to recharge (wet years) and decline due to pumping and natural discharge (dry years). In general, water levels in the monitoring wells indicate there is sufficient recharge to meet the needs of the existing development (Water Rights, 1990).

REVIEW OF EXISTING PERMITS/RIGHTS

There are numerous permits/rights in this area. The surrounding lands are intensively irrigated with most of the water coming from wells less than 50 feet deep. These are completed into the Parker-Centerville aquifer. There is one Right No. 3900-3 with a diversion point located about 1/2 mile northeast of this application which obtains water from the UVM aquifer. Also Permit No. 5261-3 authorizes an 80 feet deep well which is located about 1/2 mile southwest of this application. This well

is completed into the Parker-Centerville aquifer but in this particular area the two aquifers appear to be hydrologically connected. Interference should not be a problem. Where the aquifer is under artesian conditions fluctuations will occur but there is no indication this is adverse. Where the aquifer is under water table conditions drawdowns are not significant. This is shown by the monitoring well records for the area.

CONCLUSIONS

1. Water is available from the UVM aquifer.
2. Interference should not be a problem. Drawdowns caused by pumping should not adversely affect the water supply from the aquifer.
3. Any well completed for this application must be constructed in accordance with SD well construction standards.
4. The standard qualification for submittal of the irrigation questionnaire should be included.


James A Goodman

Natural Resources Engineer IV

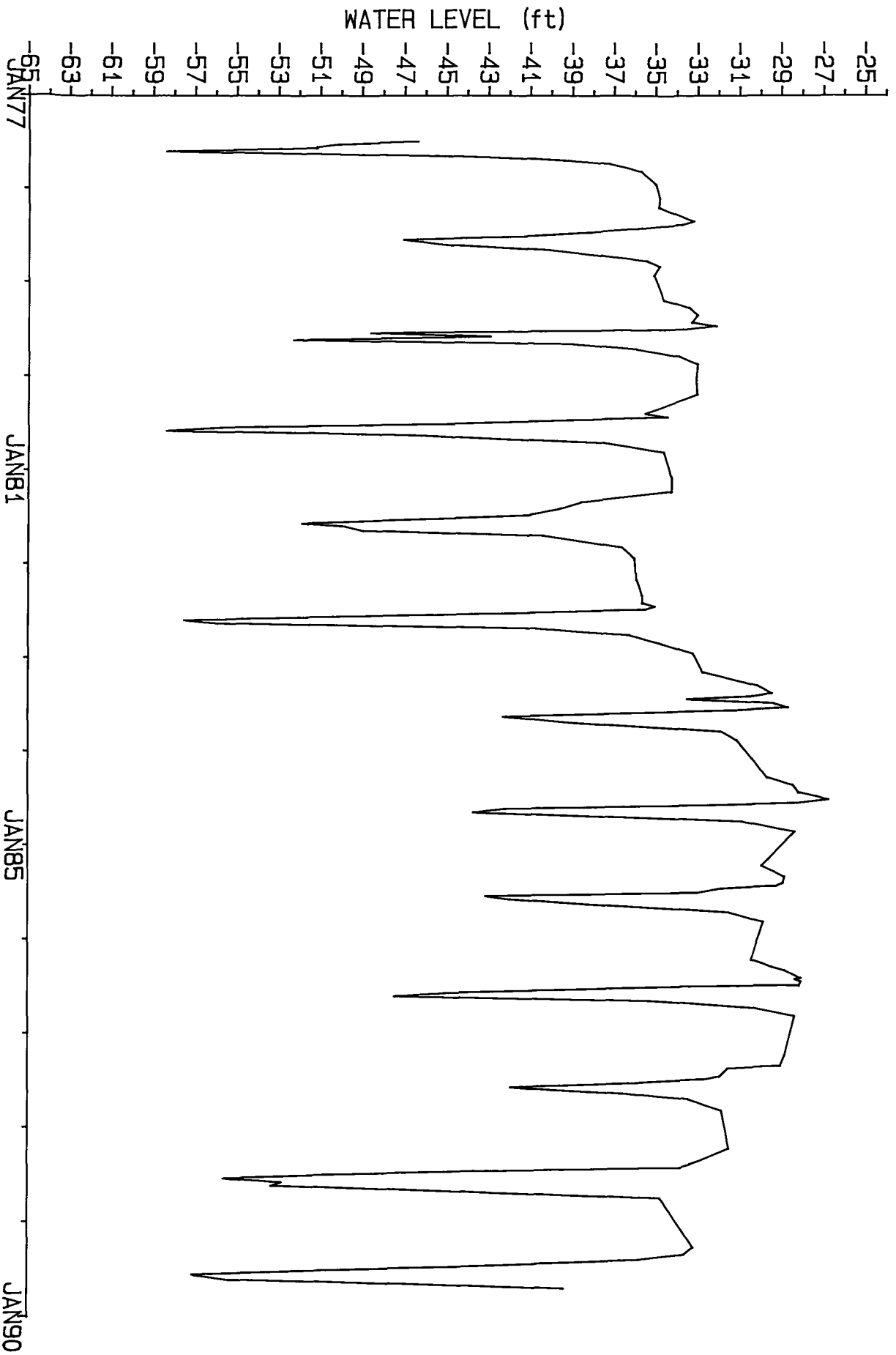
BIBLIOGRAPHY

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.

Irrigation Report, 1988, 1988 IRRIGATION QUESTIONNAIRE SUMMARY, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

Water Rights, 1990, UNPUBLISHED WELL AND OBSERVATION WELL DATA IN TURNER COUNTY FILES, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL
TU-77B



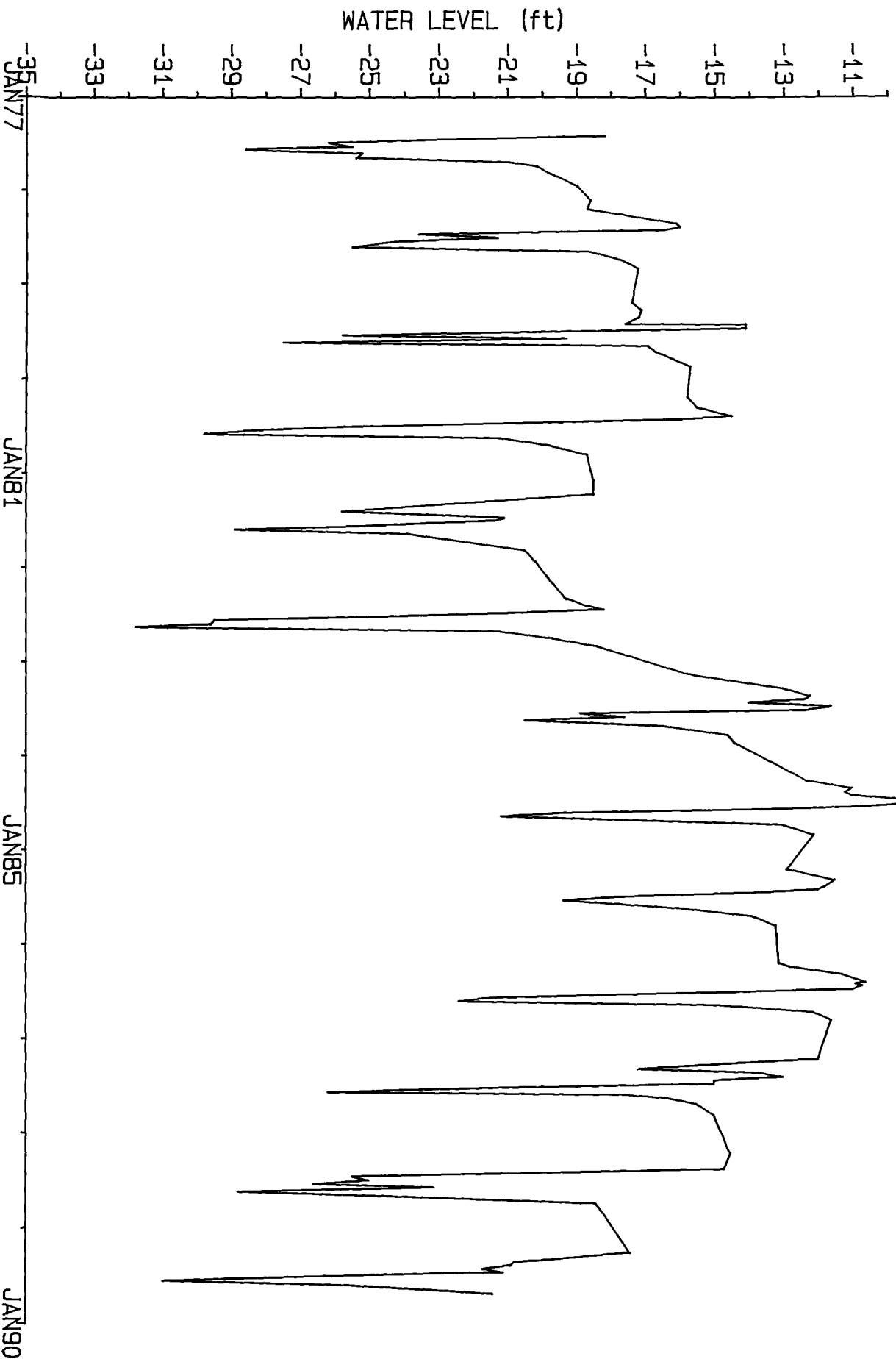
WATER RIGHTS OBSERVATION WE

TU-77B	06/29/77	-46.4
TU-77B	07/14/77	-50.4
TU-77B	07/23/77	-51.2
TU-77B	07/27/77	-51.2
TU-77B	08/10/77	-58.4
TU-77B	08/27/77	-45.1
TU-77B	09/07/77	-40.8
TU-77B	09/14/77	-39.2
TU-77B	09/27/77	-37.2
TU-77B	10/26/77	-35.7
TU-77B	12/13/77	-35.0
TU-77B	02/08/78	-34.8
TU-77B	03/15/78	-34.9
TU-77B	05/09/78	-33.2
TU-77B	05/23/78	-33.8
TU-77B	06/06/78	-35.7
TU-77B	06/21/78	-38.1
TU-77B	07/07/78	-41.3
TU-77B	07/21/78	-47.1
TU-77B	08/10/78	-45.0
TU-77B	08/29/78	-40.2
TU-77B	09/22/78	-37.6
TU-77B	10/12/78	-35.4
TU-77B	11/01/78	-34.8
TU-77B	12/06/78	-35.1
TU-77B	03/13/79	-34.6
TU-77B	04/11/79	-33.4
TU-77B	05/09/79	-33.0
TU-77B	06/07/79	-33.3
TU-77B	06/22/79	-32.1
TU-77B	07/05/79	-33.7
TU-77B	07/19/79	-48.6
TU-77B	08/01/79	-42.9
TU-77B	08/16/79	-52.3
TU-77B	08/30/79	-39.1
TU-77B	09/20/79	-35.9
TU-77B	10/17/79	-33.9
TU-77B	11/16/79	-33.0
TU-77B	01/16/80	-33.1
TU-77B	03/13/80	-33.0
TU-77B	05/27/80	-35.5
TU-77B	06/09/80	-34.4
TU-77B	06/23/80	-39.6
TU-77B	07/07/80	-45.3
TU-77B	07/21/80	-55.7
TU-77B	08/04/80	-58.4
TU-77B	08/11/80	-51.5
TU-77B	08/20/80	-46.2
TU-77B	09/04/80	-42.1
TU-77B	09/17/80	-37.5
TU-77B	10/23/80	-34.6
TU-77B	01/29/81	-34.2
TU-77B	03/26/81	-34.2
TU-77B	05/07/81	-38.6
TU-77B	06/01/81	-39.6
TU-77B	06/24/81	-41.0
TU-77B	06/26/81	-41.0
TU-77B	07/06/81	-43.9
TU-77B	07/30/81	-51.9
TU-77B	08/10/81	-49.8
TU-77B	08/27/81	-48.9
TU-77B	09/15/81	-40.3
TU-77B	10/29/81	-36.6
TU-77B	12/10/81	-36.0

TU-77B	12/10/81	-38.0
TU-77B	03/04/82	-35.9
TU-77B	05/04/82	-35.6
TU-77B	06/02/82	-35.6
TU-77B	06/16/82	-35.0
TU-77B	06/29/82	-35.5
TU-77B	07/14/82	-41.7
TU-77B	07/27/82	-49.7
TU-77B	08/11/82	-57.5
TU-77B	08/23/82	-55.9
TU-77B	09/10/82	-40.9
TU-77B	10/07/82	-36.2
TU-77B	11/06/82	-34.8
TU-77B	12/16/82	-33.2
TU-77B	02/28/83	-32.7
TU-77B	04/20/83	-30.1
TU-77B	05/19/83	-29.4
TU-77B	06/01/83	-30.3
TU-77B	06/15/83	-33.5
TU-77B	06/28/83	-29.3
TU-77B	07/14/83	-28.6
TU-77B	07/26/83	-31.1
TU-77B	08/09/83	-36.6
TU-77B	08/22/83	-42.3
TU-77B	09/14/83	-39.0
TU-77B	10/17/83	-31.8
TU-77B	11/17/83	-31.1
TU-77B	04/10/84	-29.6
TU-77B	05/09/84	-28.4
TU-77B	06/06/84	-28.1
TU-77B	06/20/84	-27.3
TU-77B	07/04/84	-26.7
TU-77B	07/19/84	-28.2
TU-77B	08/01/84	-32.8
TU-77B	08/15/84	-42.2
TU-77B	08/29/84	-43.7
TU-77B	10/01/84	-30.8
TU-77B	11/07/84	-28.3
TU-77B	03/20/85	-29.9
TU-77B	04/30/85	-28.8
TU-77B	05/25/85	-28.9
TU-77B	06/06/85	-29.2
TU-77B	06/20/85	-32.0
TU-77B	07/06/85	-33.0
TU-77B	07/19/85	-43.1
TU-77B	08/01/85	-41.9
TU-77B	08/21/85	-38.1
TU-77B	09/19/85	-31.4
TU-77B	10/24/85	-29.8
TU-77B	03/19/86	-30.4
TU-77B	04/01/86	-29.9
TU-77B	04/16/86	-29.4
TU-77B	04/29/86	-28.8
TU-77B	05/28/86	-28.0
TU-77B	06/02/86	-28.3
TU-77B	06/11/86	-28.0
TU-77B	06/26/86	-28.1
TU-77B	07/10/86	-35.8
TU-77B	07/31/86	-44.8
TU-77B	08/14/86	-47.4
TU-77B	08/30/86	-35.3
TU-77B	09/25/86	-30.2
TU-77B	10/23/86	-28.3
TU-77B	03/26/87	-28.8
TU-77B	05/06/87	-29.0
TU-77B	05/20/87	-31.5
TU-77B	06/18/87	-31.8

TU-77B	06/19/87	-31.9
TU-77B	07/02/87	-32.7
TU-77B	07/17/87	-35.8
TU-77B	08/03/87	-41.9
TU-77B	08/13/87	-39.9
TU-77B	08/27/87	-36.5
TU-77B	09/17/87	-33.4
TU-77B	10/29/87	-31.8
TU-77B	03/24/88	-31.4
TU-77B	05/26/88	-33.3
TU-77B	06/09/88	-33.8
TU-77B	06/23/88	-43.9
TU-77B	07/08/88	-50.8
TU-77B	07/21/88	-55.6
TU-77B	08/05/88	-52.8
TU-77B	08/18/88	-53.3
TU-77B	10/05/88	-34.7
TU-77B	04/12/89	-33.1
TU-77B	05/11/89	-33.6
TU-77B	05/31/89	-35.7
TU-77B	06/14/89	-40.2
TU-77B	06/27/89	-43.9
TU-77B	07/27/89	-57.1
TU-77B	08/16/89	-55.3
TU-77B	09/19/89	-39.3

WATER RIGHTS OBSERVATION WELL
TU-77D



WATER RIGHTS OBSERVATION WE

WELL	DATE	W/L
TU-77D	06/01/77	-18.2
TU-77D	06/28/77	-26.1
TU-77D	06/29/77	-26.2
TU-77D	07/14/77	-25.5
TU-77D	07/23/77	-28.6
TU-77D	07/27/77	-28.6
TU-77D	08/10/77	-25.2
TU-77D	08/27/77	-25.4
TU-77D	09/14/77	-20.9
TU-77D	09/27/77	-20.2
TU-77D	10/26/77	-19.8
TU-77D	12/13/77	-19.0
TU-77D	02/08/78	-18.6
TU-77D	03/15/78	-18.7
TU-77D	05/09/78	-16.1
TU-77D	05/23/78	-16.0
TU-77D	06/05/78	-16.5
TU-77D	06/21/78	-23.6
TU-77D	07/05/78	-21.3
TU-77D	07/21/78	-24.4
TU-77D	08/10/78	-25.5
TU-77D	08/29/78	-18.6
TU-77D	09/22/78	-17.9
TU-77D	10/12/78	-17.5
TU-77D	11/01/78	-17.2
TU-77D	03/13/79	-17.4
TU-77D	04/11/79	-17.1
TU-77D	05/09/79	-17.2
TU-77D	06/05/79	-17.6
TU-77D	06/07/79	-14.1
TU-77D	06/22/79	-14.1
TU-77D	07/19/79	-25.8
TU-77D	08/01/79	-19.3
TU-77D	08/16/79	-27.5
TU-77D	08/30/79	-16.9
TU-77D	09/19/79	-16.7
TU-77D	10/18/79	-16.2
TU-77D	11/16/79	-15.7
TU-77D	03/13/80	-15.8
TU-77D	04/22/80	-15.5
TU-77D	05/27/80	-14.5
TU-77D	06/09/80	-16.0
TU-77D	06/23/80	-20.7
TU-77D	07/07/80	-25.8
TU-77D	07/21/80	-28.4
TU-77D	08/04/80	-29.8
TU-77D	08/20/80	-21.2
TU-77D	09/04/80	-20.4
TU-77D	09/17/80	-19.8
TU-77D	10/23/80	-18.7
TU-77D	01/29/81	-18.5
TU-77D	03/26/81	-18.5
TU-77D	05/07/81	-23.2
TU-77D	06/01/81	-25.8
TU-77D	06/25/81	-21.1
TU-77D	06/26/81	-21.1
TU-77D	07/06/81	-21.4
TU-77D	07/30/81	-25.8
TU-77D	08/10/81	-28.9
TU-77D	08/27/81	-23.9
TU-77D	09/15/81	-22.9
TU-77D	10/29/81	-20.5

TU-77D	12/10/81	-20.2
TU-77D	03/04/82	-19.7
TU-77D	05/04/82	-19.3
TU-77D	06/01/82	-18.7
TU-77D	06/16/82	-18.2
TU-77D	06/29/82	-20.6
TU-77D	07/14/82	-24.5
TU-77D	07/27/82	-29.5
TU-77D	08/11/82	-29.6
TU-77D	08/23/82	-31.8
TU-77D	09/09/82	-21.3
TU-77D	10/07/82	-19.7
TU-77D	11/06/82	-18.4
TU-77D	02/28/83	-15.6
TU-77D	04/20/83	-13.0
TU-77D	05/19/83	-12.2
TU-77D	06/01/83	-12.4
TU-77D	06/15/83	-14.0
TU-77D	06/28/83	-11.6
TU-77D	07/14/83	-12.4
TU-77D	07/26/83	-18.9
TU-77D	08/09/83	-17.6
TU-77D	08/22/83	-20.5
TU-77D	09/14/83	-16.4
TU-77D	10/17/83	-14.6
TU-77D	11/17/83	-14.4
TU-77D	04/10/84	-12.3
TU-77D	05/09/84	-11.0
TU-77D	05/24/84	-11.2
TU-77D	06/06/84	-11.0
TU-77D	06/20/84	-9.6
TU-77D	07/04/84	-9.0
TU-77D	07/19/84	-10.6
TU-77D	08/01/84	-13.2
TU-77D	08/15/84	-19.3
TU-77D	08/29/84	-21.2
TU-77D	10/01/84	-13.0
TU-77D	11/07/84	-12.1
TU-77D	03/20/85	-12.9
TU-77D	04/30/85	-11.5
TU-77D	05/24/85	-11.8
TU-77D	06/07/85	-12.0
TU-77D	06/20/85	-13.8
TU-77D	07/06/85	-17.6
TU-77D	07/20/85	-19.4
TU-77D	08/03/85	-17.8
TU-77D	08/21/85	-15.9
TU-77D	09/19/85	-13.9
TU-77D	10/24/85	-13.2
TU-77D	03/19/86	-13.1
TU-77D	04/01/86	-12.8
TU-77D	04/16/86	-12.0
TU-77D	04/29/86	-11.3
TU-77D	05/29/86	-10.6
TU-77D	06/03/86	-10.9
TU-77D	06/12/86	-10.7
TU-77D	06/26/86	-11.0
TU-77D	07/10/86	-14.4
TU-77D	08/01/86	-21.5
TU-77D	08/15/86	-22.4
TU-77D	08/30/86	-15.0
TU-77D	09/25/86	-12.1
TU-77D	10/23/86	-11.6
TU-77D	03/26/87	-12.0
TU-77D	05/06/87	-17.2
TU-77D	05/20/87	-13.7

TU-77D	06/04/87	-13.0
TU-77D	06/19/87	-15.0
TU-77D	07/02/87	-15.0
TU-77D	07/17/87	-21.2
TU-77D	08/03/87	-26.2
TU-77D	08/13/87	-17.6
TU-77D	08/27/87	-16.3
TU-77D	09/17/87	-15.5
TU-77D	10/29/87	-15.0
TU-77D	03/24/88	-14.5
TU-77D	05/26/88	-14.7
TU-77D	06/09/88	-20.0
TU-77D	06/23/88	-25.5
TU-77D	07/08/88	-25.0
TU-77D	07/22/88	-26.6
TU-77D	08/05/88	-23.1
TU-77D	08/19/88	-28.8
TU-77D	10/05/88	-18.4
TU-77D	04/12/89	-17.4
TU-77D	05/11/89	-19.9
TU-77D	05/19/89	-20.8
TU-77D	05/31/89	-20.9
TU-77D	06/14/89	-21.7
TU-77D	06/27/89	-21.1
TU-77D	07/27/89	-31.0
TU-77D	08/16/89	-25.7
TU-77D	09/19/89	-21.4

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5383-3, Walter O'Keefe

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. 5383-3, Walter O'Keefe, Box 33, Hurley SD.

The Chief Engineer is recommending APPROVAL of Application No. 5383-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5383-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
February 1, 1990



Department of Water & Natural Resources

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

February 2, 1990

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

Walter OKeefe
Box 33
Hurley, SD 57036

Dear Mr. OKeefe:

Water Permit Application No. 5383-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the New Era printed at Parker SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

cc: Jeff Plucker, Box 56, Chancellor, SD 57015

enclosures



Department of Water & Natural Resources

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

February 2, 1990

The New Era
Box 577
Parker, SD 57053-0577

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5383-3 to be published twice. Please publish the first notice on or before February 8, 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 Walter OKeefe, Box 33, Hurley, SD 57036.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before February 8, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5383-3 to Appropriate Water

Notice is given that Walter OKeefe, Box 33, Hurley, SD 57036 has filed an application for a water permit to appropriate 1.92 cubic feet of water per second from one well (Upper Vermillion-Missouri Aquifer) 120 feet deep to irrigate 134.8 acres. The well is to be located near the center of the NE1/4 and the irrigated acreage is also to be located in the NE1/4; all in Section 2-T98N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5383-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)

I, Judith E. Friese
 certify that the attached printed Notice was taken
 from the The New Era

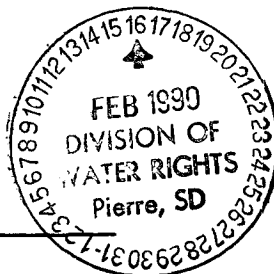
A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

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

February 8, 1990
February 15, 1990

Judith E. Friese
 (Signature)
Secretary
 (Title)
Feb. 8, 1990
 (Date Signed)

Cost of Printing: \$36.⁴³



NOTICE OF HEARING on
 Application No. 5383-3 to
 Appropriate Water

NOTICE IS GIVEN that Walter O'Keefe, Box 33, Hurley, SD 57036 has filed an application for a water permit to appropriate 1.92 cubic feet of water per second from one well (Upper Vermillion-Missouri Aquifer) 120 feet deep to irrigate 134.8 acres. The well is to be located near the center of the NE 1/4 and the irrigated acreage is also to be located in the NE 1/4; all in Section 2-T98N-R53W.

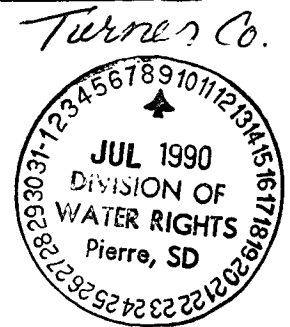
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5383-3 because (1) unappropriated water is available, (2) existing rights will not be unlawfully impaired, (3) it is a beneficial use of water and (4) it is in the public interest. This application 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.

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.

(Publish February 8 & 15, 1990)



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

Date 6/28/90

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

FROM: Walter O'Keefe Box 33 Hurley
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5383-3.

Water Permit No. 5383-3 states that the diversion system is to be constructed by March 7, 1995, and that the water it put to beneficial use by March 7, 1999.

The diversion system was completed on May 1, 1990.
Applying the water to beneficial use was completed on May 1, 1990.

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

Walter O'Keefe
signature
by
Vera Lange
P. O. H.



Department of Water & Natural Resources

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

JUN 18 1990

Walter Okeefe
Box 33
Hurley SD 57036

Dear Mr. Okeefe:

Enclosed is Water Permit No. 5383-3 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.

File No. 5383-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Walter O'Keefe

ADDRESS: Box 33, Hurley, SD 57036 COUNTY: Turner

DATE: 7/31/91 TELEPHONE: (605)/647-5717 Jeff Plucker's #

RE: Farming of O'Keefe land

COMMENTS:

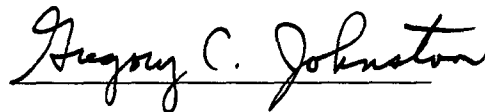
Called Jeff Plucker and found out that he is presently farming the lands irrigated under Application No. 5383-3 with Paul Peterson.

Please send any and all correspondence concerning No. 5383-3 to: Jeff Plucker

Box 56

Chancellor, SD 57015

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.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

Permit No. 5383-3Vermillion River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Walter O'Keefe of Box 33, Hurley, SD 57036 holder of Permit No. 5383-3, bearing the priority of January 22, 1990 authorizing the diversion of 1.92 cu. ft. per second and/or the storage of acre-feet of the waters of the Upper Vermillion-Missouri Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

One Well - 110' deep with 110' of 3" PVC casing and 20' of 016 slot PVC screen; 2 Stage Sargent Pump Model No. 90022 8" outlet 850 GPM @ 35 PSI; US Electric Motor Model No. 6229/T01S272R024R 40HP

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

8' of 8" Aluminum pipe

C. Works used to apply water to beneficial use:

Zimmatic Center Pivot 7 towers 1280' long with End Gun; Low Pressure Rain Bird nozzles 750 GPM capacity

The system is in the following condition Excellent. The point of diversion is located 1300' S and 1300' W of the NE corner of Section 2-T98N-R53W, Turner County, SD. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in NE1/4 of Section 2-T98N-R53W:

NW1/4 = 33 acres

NE1/4 = 33 acres

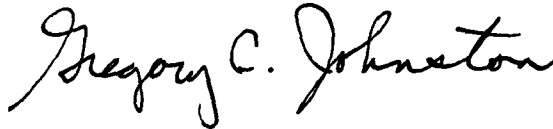
SE1/4 = 33 acres

SW1/4 = 33 acres

comprising a total of 132 acres of land and the license should be issued for 1.67 cfs and/or acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: None Date 7/31/91

A handwritten signature in black ink that reads "Gregory C. Johnston". The signature is written in a cursive style with a large, prominent "G" and "J".

Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5383-3

1. Legal location of wells: 1300' South and 1300' West of the Northeast corner of Section 2 T98N-R53W, Turner County, SD

Dams and Structures None

2. Well Information: Well Drilling Firm Pullman Well Drilling

Completion Report? Yes X No No. of Wells 1 Depth(s) 110' feet

Casing a) diameter 3 inches Screen a) type 016 Slot PVC

b) length 110 feet b) length 20 feet

c) type PVC Static Water Level 30 feet

Pump a) make Sargent

Motor a) make US Electric

b) model GV 90022

b) model no. 6229/T01S272R024R

c) size 8"

c) horsepower rating 40

d) capacity 850 GPM

d) serial no. Unknown

e) turbine pump - no. of stages 2

f) operating PSI 35

3. Distribution lines or canals

a) size 8" inches

b) type Aluminum

c) length 8 feet

5. System Type a) sideroll:

b) towline:

c)gun:

d) center pivot:

1) make

1) make Zimmatic

2) nozzle size

2) number of towers 7

3) capacity (GPM)	3) distance between towers
4) hose size inches	4) overall length <u>1280</u> feet
5) hose length feet	5) end gun (Y/N) <u>Y</u>
e) gated pipe:	6) high or low pressure <u>Low</u>
1) length feet	7) make and size of nozzles:
2) diameter inches	<u>Rain Bird</u>
3) spacing of gates inches	8) capacity (GPM) <u>800</u>

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
<u>X</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS: Chemigation equipment is present, but has not been used yet.

NOT TO SCALE

all in T98N-R53W:

T-1143

136.9

T-3340

NW 1/4 NE 1/4

Sec. 2 =

33 acres

NE 1/4 NE 1/4

Sec. 2 =

33 acres

1300'

Well
x Pivot Pt.

SW 1/4 NE 1/4

Sec. 2 =

33 acres

SE 1/4 NE 1/4 Sec. 2

= 33 acres

Appl. # 5383-3
Walter O'Keefe

T-3341

Drawn by

Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights

8/25/91

Total acres = 132 in
NE 1/4 Sec. 32- T98N-R53W

98-53

4

3

20

1295

T-1139

5383-3

South Dakota

1991

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 1991

5383-3

Walter O'Keefe
% Jeff Plucker
Box 56
Chancellor, SD 57015

Dear Sir:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5383-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

12-5-91

Dept of Environment + Natural Resources:
Attention: Genny Mc Math

As per our telephone conversation
on 12-5-91, I would appreciate
any further correspondence regarding
Water Permit # 5383-3 including
the Water license be sent to
Walter O'Keefe 90 Loveo Lange
Box 215, Hurley, S. Dak 57036

Thank you:

Loveo Lange



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412952

December 6, 1991

Pierre,

Walter O'Keefe c/o Loren Lange, Box 215, Hurley, SD 57036

RECEIVED OF

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

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

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 5383-3

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

50 00

50 00

By

Chief Engineer

John Hatch

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5383-3

(1) Walter O'Keefe & Loren Lange, Box 215, Hurley, SD 57036 made Application No. 5383-3, January 22, 1990 for a water permit to appropriate 1.92 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5383-3 with a priority date of January 22, 1990 was approved March 7, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

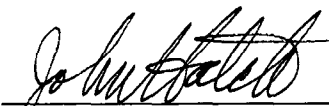
The "Notice of Completion of Works and Application of Water to Beneficial Use" submitted July 9, 1990 stated the system was completed May 1, 1990.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is: 1300'S and 1300'W of the NE corner of Section 2, T98N, R53W (NE 1/4 NE 1/4).

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

T98N, R53W Section 2	NW 1/4 NE 1/4	33 Acres
	NE 1/4 NE 1/4	33 Acres
	SE 1/4 NE 1/4	33 Acres
	SW 1/4 NE 1/4	33 Acres
	Total-----	132 Acres

(4) Pursuant to Section 46-5-30.1 Walter O'Keefe & Loren Lange, Box 215, Hurley, SD 57036 the holder(s) and/or owner(s) of Water Permit No. 5383-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from groundwater (one well) with a priority date of January 22, 1990 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5383-3 and subject to South Dakota State Law.


FEB 27 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1992

5383-3

Walter O'Keefe
% Loren Lange
Box 215
Hurley, SD 57036

Dear Mr. O'Keefe:

Enclosed is Water License No. 5383-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412952 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have continuing right to use the water.

Very truly yours,

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

enclosures



January 29, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: WALTER OKEEFE
BOX 215
HURLEY, SD 57036

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) 5383-3

The first notice to file chemigation report(s) for Permit No(s) 5383-3 was dated . Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 5383-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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 3, 1993, at the 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). 5383-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Walter O'Keefe
Box 215

5. Signature (Addressee)

Walter O'Keefe

6. Signature (Agent)

57036

4a. Article Number

P906 560 225

4b. Service Type

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

7. Date of Delivery

2-2-93

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

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 11, 1993

Walter Okeefe
Box 215
Hurley, SD 57036

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division



5383-3

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: W OKEEFE ESTATE, PAUL A PETERSEN, 45610 282ND ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5383-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5383-3 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) 5383-3 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 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 at (605) 773-3352.

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



5-383-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9449

Your item was delivered at 11:24 am on January 15, 2004 in HURLEY, SD 57036. The item was signed for by P PESERSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9449

W OKEEFE ESTATE
PAUL A PETERSEN
45610 282ND ST
HURLEY SD 57036

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail®
☐ Package Services



5383-3

**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 16, 2004

3246-3
5383-3

Paul Petersen
45610 282nd St
Hurley SD 57036

Dear Mr. Peterson:

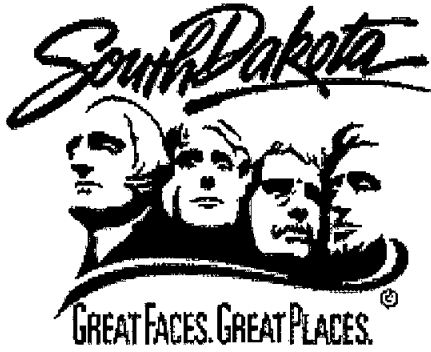
I am writing to acknowledge receipt of the 2003 irrigation questionnaires for Ralph Duxbury and W O'Keefe Estate water rights. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 3246-3 and 5383-3.

We received the forms from you at the same time the mailing went out with the notices for hearing. It was too late for me to pull the letters from the mail. I am writing to let you know that we have everything we need on file and the matter 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**

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

July 23, 2019

5383-3

Glenn Roth, Attorney
PO Box 137
Olivet SD 57052-0137

Dear Mr. Roth:

Thank you for contacting us in regard to the ownership change needed for Water Right No. 5383-3.

Enclosed as we discussed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the Water Right. Please have the owners complete and sign the form. A \$50 filing fee is required for filing the transfer form. The check or money order can be made out to the Water Rights Program.

I have included a copy of the water right for their records. The annual irrigation questionnaire for this water right has been directed to Paul Petersen of Hurley SD since at least 2004. If this should be changed, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

enclosures

GLENN L. ROTH LAW OFFICE

P.O. Box 137
OLIVET, SD 57052

rothlaw@gwtc.net
(605) 925-7681 Fax (605) 387-5550

5383-3

LETTER

Date 10-18-19

Subject Large Permit

To Chief Engineer
Water Rights Program DENR
593 E. Capitol
Pierre, SD 57501-3181

> Enclosed find the Notice of Transfer of Ownership form along with a \$50 check. Please process and send the documents to my office on behalf of the owners.

Sincerely,
Glenn Roth

SIGNED

PAID

OCT 21 2019

Ck# 217

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

OCT 21 2019

WATER RIGHTS
PROGRAM

No. 5383-3

Date: 10-9-19

I/We request that Water Right No. 5383-3

formerly owned by: Walter O'Keefe

be transferred to: (name & address) William Martin Lange, 117 Bank Street Apt. A,
New York, New York 10014 and Lisa Sue Lange, 5636 Meadowcrest,
Nashville, Tennessee, 37209 Telephone No. 615-838-0549

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

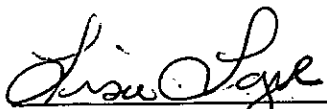
132 acres - NE 1/4 Section 2, T98N, R53W

I/We understand that the validity of Water Right No. 5383-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Lisa Lange, the new owner, certify that the above information is true and correct.


Lisa Lange (Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 21, 2019

RECEIVED OF Lisa Lange 5636 MeadowCrest Ln. Nashville TN 37209-4631

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5383-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **09221**

By *Jeanne Goodman*
Chief Engineer *Jm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 21, 2019

5383-3

Glenn L Roth Law Office
PO Box 137
Olivet SD 57052-0137

Dear Mr. Roth:

Thank you for following up on the ownership change for Water Right No. 5383-3.

The ownership change has been completed. Water Right No. 5383-3, formerly held by Walter O'Keefe is now listed in the names of William Martin Lange (New York, NY) and Lisa Sue Lange (Nashville, TN).

Enclosed is a receipt for the filing fee. If I can answer any questions, please let me know.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is fluid and cursive.

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

enclosure