

Considered: _____

WATER PERMIT NO. 5408-3

HAP No. _____

Name of Applicant Donald Miller

Post Office Address RR. 1 Box 271, Estelline SD 57234

Amount of Water Claimed 1.87 cfs Total Acres 160 ac

Source of Water Supply groundwater

Water to be used for irrigation County Deuel

About 10 miles SW of Clear Lake

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 3/19/90 Fee \$250.00 Remarks This is

from previously cancelled permit #4729-3

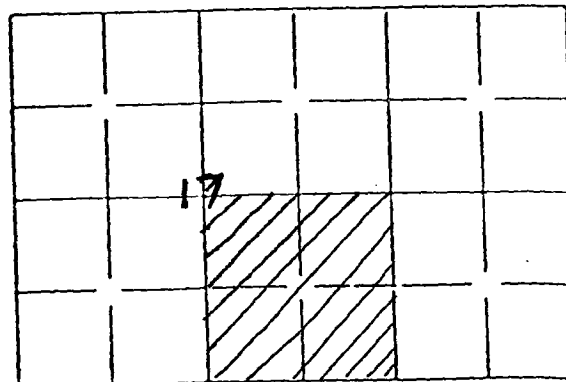
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point Center SE 1/4 Sect 17-T114N-R50W

Land to be Irrigated SE 1/4 Sect 17-T114N-R50W



Well Log: Driller Kaiser Well Works Licensed YES # NO _____

Depth of Well 98 ft REMARKS existing well? - prepared 9/2/80

Type of Map Soils PREPARED BY Kenneth Miller Reviewed and the Number

assigned on _____ By _____

Pub. Wed

FORM 2: Application for irrigation (type or print)
in South Dakota

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 5408-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Clear Lake Courier Box 277 57226

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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Donald Miller Phone No. 605-873-2851
- Post Office Address RR1 Box 271 Estelline State So Dak Zip Code 57234
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 1.87 Total acres irrigated 160A
3. Source of Water supply Well
4. Location of point of diversion Center of the SE 1/4 of Section 17
114N 50R
- County Deuel
5. Counties where water will be used Deuel
6. Annual period during which water is to be used May 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.

T114N-R50W

Land Description	No. Acres Irr.
NE 1/4 of SE 1/4 sec 17	40
NW 1/4 of SE 1/4	40
SE 1/4 of SE 1/4	40
SW 1/4 of SE 1/4	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

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 Deuel ss

I, Donald Miller, 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 Donald Miller

Subscribed and sworn to before me this 3rd day of January 1990

Beth Kessler

Notary Public

Commission expires Aug. 31, 1995

**SOUTH DAKOTA
WATER PERMIT No. 5408-3 FOR IRRIGATION**

Date of first receipt of application January 12, 1990.
Date Soil/Water Compatibility Permit received January 26, 1981.
Date of return to applicant for corrections, amendments or changes March 6, 1990.
Date of receipt of corrected application March 19, 1990.

The Water Management Board approved Water Permit Application No. 5408-3 on May 23, 1990 for Donald Miller, RR 1, Box 271, Estelline, SD 57234 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. 5408-3 appropriates 1.87 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 98 feet deep to irrigate 160 acres. The point of diversion is located in the center of the SE1/4 of Section 17 T114N-R50W. The land to be irrigated is located in the SE1/4 of Section 17 T114N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 31.
3. The date from which applicant may claim right is January 12, 1990.
4. One-fifth of the construction is to be completed on or before November 23, 1992.
5. All construction is to be completed on or before May 23, 1995.
6. Water is to be put to beneficial use on or before May 23, 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 pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

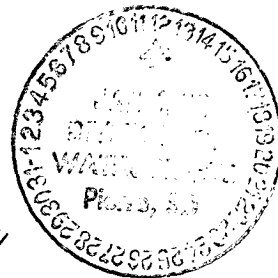
John H. Bates
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 9800 ft
- b) Casing Type pvc Diameter 16 Thickness 1/2"
- c) Screen Type st steel Diameter 16 Thickness 1/4"
- d) Gravel Pack Thickness 5" Length of Gravel Pack 30 ft
- e) Depth to Top of Water Bearing Material 20 ft
- f) Depth of Water (ground surface to water level) 30 ft
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others 2300 ft

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

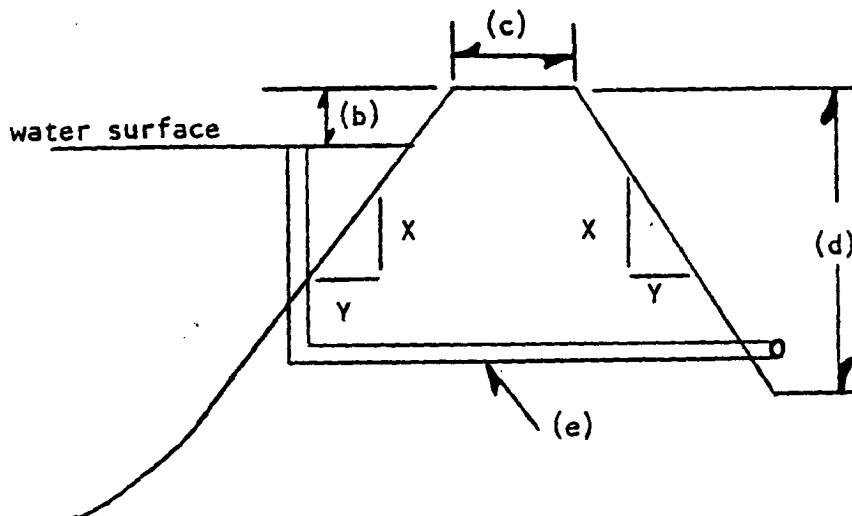
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Donald Miller
Signature of Applicant

 **Department of
Water & Natural Resources**

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

March 6, 1990

Donald Miller
RR. 1, Box 271
Estelline, SD 57234

Dear Mr. Miller:

This letter is in response to your water permit application received on January 12, 1990. The following information is needed to complete your application:

- 1) The map submitted with your water permit application must be signed by one of the following: 1) South Dakota licensed land surveyor; 2) South Dakota registered professional engineer; 3) or by a government employee who regularly prepares such maps as part of his assigned duties. Your local ASCS or SCS office may be able to assist you in fulfilling this requirement and providing a aerial map of your location.
- 2) The map must show the point of diversion.

The water permit application can not be considered by the Water Management Board until the application is complete and your previous soil/water compatibility permit is confirmed by the Department of Agriculture. Please remit the properly completed map to complete the application.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

December 10, 1990

DON MILLER
ESTELLINE SD 57234

Dear MR. MILLER:

A well drillers report filed with this office by PULLMAN WELL DRILLING indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the legal description of the well described on the enclosed well completion report, you may need a water permit for your well. The legal description on the well completion report does not match the legal description described on the enclosed water permit. If the water permit is intended to cover the well, then is the legal description correct on the well completion report or on the water permit? Please clarify this by January 18, 1991.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

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

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412035

Pierre, January 15, 1990

RECEIVED OF Miller Angus Farms, RR #1 Box 271, Estelline, SD 57234

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

Fee for Application for Permit No. <u>5408-3</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 [Signature]
Chief Engineer

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Donald MillerOWNERS ADDRESS: Box 271 R1
Estelline, S.D.A.K.COUNTY AND LOCATED IN: DeuelPHONE: 605-873-2852

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: Center of Section 17 SE 1/4 114 N 50 W
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>Section 17 SE 1/4 114 N 50 W</u>	<u>160</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: Corn & Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 80-783
8. SALINITY (EC X 10⁶): 2185
9. SODIUM (SAR): 1.45
10. ADJUSTED (SAR): 4.30 (3.01)

RECEIVED

JAN 26 1991

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at AM a.m./p.m., on Sept 2, 1980, at the following location: Near center of 17 SE 1/4 114 N 50 W by Ronald Gene Hauser (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

15th DAY OF January, 19 81.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

I M P O R T A N T

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

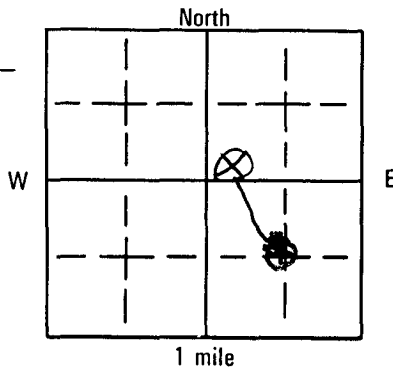
5408

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 Sec 17 Twp 114-N Rg 50-WCounty DEUELBrookings

Please mark well location with an "X"

Well Completion Date 4-16-90

PROPOSED USE:

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

Method of Drilling:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16</u> IN	<u>0</u> FT	<u>77</u> FT	<u>25</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? CementIf cement, number of sacks? 600

Describe grouting procedure _____

line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 15 FEETMaterial StainlessSlot Size _____ Set From 77 Feet To 92 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? _____

Gravel packedWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Don MillerAddress Estelline, S. Dak. 57234

Well Log:

Depth

Formation

From

To

Gravel040Coarse Gravel4045Blue Clay4575Medium Gravel7592TD 92'STATIC WATER LEVEL 31' 7" 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:

☒ Pumped700 gpm☐ BailedDescribe: Draw down 76'☐ 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. Kuehl

Signature of Well Owner:

Date

11-12-90

SEAL



74.5

579-50L



2.8

24.4

131.1

Point of Diversion
X

114-50



DONALD MILLER

R 50W



RECEIVED

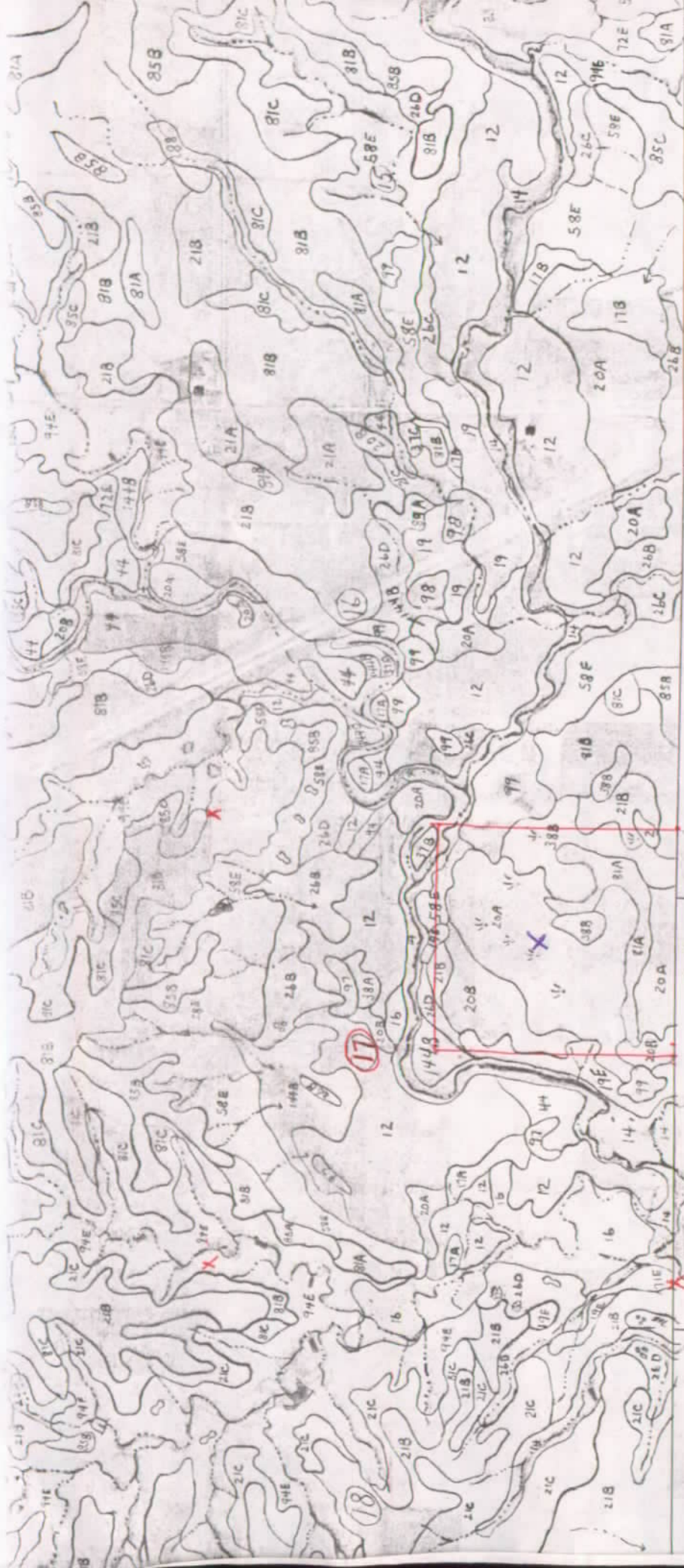
JAN 26 1971

South Dakota
Division of Conservation

Photo No. 3-24 USDA, SCS
Deuel Co., S.D. - Preliminary
work sheets. Subject to change.

old soil map.
X point of diversion





"PRELIMINARY"
"SUBJECT TO CHANGE"

X point of division
New Soil Map.
SE 1/4 Sec. 17, T. 14N. R. 50W
Deuel County SD

Kenneth F. Miller
Soil Scientist
Soil Conservation Service

Appl. No. 5408-3



REPORT ON APPLICATION NO. 5408-3
FOR DONALD MILLER
MARCH 23, 1990

This application proposes to appropriate 1.87 cfs from one well approximately 88 feet deep to irrigate 160 acres. The well is to be located near the center of the SE 1/4 of section 17 and the land to be irrigated is the SE 1/4 of section 17, T114N R50W in Deuel County.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings (BS-B) is a Pliestocene outwash (sand and gravel) and alluvium under predominantly water table conditions in Deuel County. In this area the aquifer is limited to the flood plain of Hidewood Creek (Kume, 1985). The BS-B aquifer underlies 26,500 acres and contains 59,400 acre feet of recoverable water in Deuel County (Hedges, 1982).

The drillers log submitted with this application indicates aquifer from 74 to 88 feet below land surface with an upper layer of sand and gravel from 3 to 35 feet below land surface. Fourteen feet of aquifer may not be able to produce the amount of water requested and testing will be required to determine this. In all likelihood the upper and lower sands and gravels are hydraulically connected. Also Hidewood creek is hydraulically connected to the BS-B aquifer. The BS-B aquifer extends into Hamlin County and the water table slopes from east to west in this area towards the Big Sioux River.

The Division of Water Rights monitors two observation wells (DU-83A and HN-83A) along Hidewood Creek. Both of these wells are 4 miles or more distant from this application. Water levels in these wells respond to climatic conditions, that is, rising during wet years and gradually declining during dry years. Annual fluctuations are typically 1 to 3 feet per year but the total maximum change based upon historical records is 6 to 10 feet. The effects of pumping are not evident from the water level record (Water Rights, 1990).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area. The closest Right is No. 3238-3 which is approximately 2 miles southwest of this application. Interference should not be a problem because of the distance between diversions and the fact that water table conditions prevail.

CONCLUSIONS

1. Water is available from the BS-B aquifer.
2. Interference should not be a problem.
3. The well authorized by this permit if approved must be constructed in accordance with SD Well Construction Standards.
4. There is a growing body of evidence which suggests that land use practices over shallow water table aquifers like the BS-B will affect the water quality of the aquifer.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., 1982, EVALUATION OF GROUND WATER RESOURCES EASTERN SOUTH DAKOTA AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1985, WATER RESOURCES OF DEUEL AND HAMLIN COUNTIES, SOUTH DAKOTA, USGS WRI 84-4069, USGS, Huron, SD, 57350.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR THE BS-B AQUIFER IN DEUEL AND HAMLIN COUNTIES, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5408-3, Donald Miller

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. 5408-3, Donald Miller, RR 1, Box 271, Estelline SD.

The Chief Engineer is recommending APPROVAL of Application No. 5408-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 11, 1990



Department of Water & Natural Resources

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

April 12, 1990

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

Donald Miller
RR #1 Box 271
Estelline, SD 57234-9231

Dear Mr. Miller:

Water Permit Application No. 5408-3 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 Clear Lake Courier printed at Clear Lake 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 Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

April 12, 1990

Clear Lake Courier
Box 277
Clear Lake, SD 57226-0277

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5408-3 to be published twice. Please publish the first notice on or before April 19, 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 Donald Miller, RR #1 Box 271, Estelline, SD 57234-9231.

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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

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 _____

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

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5408-3 to Appropriate Water

Notice is given that Donald Miller, RR #1 Box 271, Estelline, SD 57234-9231 has filed an application for a water permit to appropriate 1.87 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 98 feet deep to irrigate 160 acres. The point of diversion is located in the center of the SE1/4 of Section 17-T114N-R50W. The land to be irrigated is located in the SE1/4 of Section 17-T114N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5408-3 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 Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 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 May 11, 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 May 11, 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 Deuel) ss.

I, Gary DeJong

certify that the attached printed Notice was taken
 from the Clear Lake Courier

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

city Clear Lake of SD

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

April 18, 1990

April 25 1990

Gary DeJong
 (Signature)

Clear Lake Courier
 (Title)

April 26, 1990
 (Date Signed)

Cost of Printing: 35.07



NOTICE OF HEARING ON APPLICATION NO. 5408-3 TO APPROPRIATE WATER

Notice is given that Donald Miller, RR #1 Box 271, Estelline, SD 57234-9231 has filed an application for a water permit to appropriate 1.87 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 98 feet deep to irrigate 160 acres. The point of diversion is located in the center of the SE¼ of Section 17-T114N-R50W. The land to be irrigated is located in the SE¼ of Section 17-T114N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5408-3 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 Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 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 May 11, 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 May 11, 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, 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.
 Apr. 18 & 25



Department of Water & Natural Resources

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

SEP 12 1990

Donald Miller
RR #1 Box 271
Estelline, SD 57234

Dear Mr. Miller:

Enclosed is Water Permit No. 5408-3 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.



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

Date 9-21-90

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

FROM: Donald Miller RR1 Box 271 Estelline, SD 57234
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. ~~508~~ 5408-3

Water Permit No. 5408-3 states that the diversion system is to be constructed by 5-23-1995, and that the water it put to beneficial use by 5-23-1995.

The diversion system was completed on 5-28-90.
Applying the water to beneficial use was completed on 5-23-90.

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

Donald Miller
signature

Permit No. 5408-3

Big Sioux 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 Donald Miller of Estelline, SD holder of Permit No. 5408-3, bearing the priority of 1/12/1991 authorizing the diversion of 1.87 cu. ft. per second and/or the storage of 0 acre-feet of the waters of ground water for irrigation purposes, in Deuel County.

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

A. Works used to divert the water:

A Crown submersible pump with a 700 gpm capacity

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

20' of 8" steel pipe

C. Works used to apply water to beneficial use:

A 1280' Valley center pivot with end gun

The system is in the following condition good. The point of diversion is located from the SE corner of Section 17-T114N-R50W: 1330'W 1320'N. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water and/or storing 0 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 land located in Section 17-T114N-R50W:

NW1/4 SE1/4 - 34 ac NE1/4 SE1/4 - 34 ac

SE1/4 SE1/4 - 34 ac SW1/4 SE1/4 - 34 ac-

comprising a total of 136 acres of land and the license should be issued for 1.56 cfs and/or 0 acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 8/7/91



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5408-3

1. Legal location of wells: from the SE corner of Section 17-T114N-R50W: 1330'W 1320

Dams and Structures

2. Well Information: Well Drilling Firm Pullman (see remarks)

Completion Report? Yes x No No. of Wells 1 Depth(s) 92 feet

Casing a) diameter 16 inches Screen a) type stainless steel

b) length 77 feet b) length 15 feet

c) type plastic Static Water Level 32 feet

Pump a) make Crown Motor a) make Crown

b) model submersible 7H700 b) model no.

c) size c) horsepower rating

d) capacity 700 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI 45

3. Distribution lines or canals

a) size 8 inches

b) type steel

c) length 20 feet

5. System Type a) sideroll:

b) towline:

c)gun:

d) center pivot:

1) make

1) make Valley

2) nozzle size

2) number of towers 7

3) capacity (GPM)

3) distance between towers

4) hose size inches

4) overall length 1280feet

5) hose length feet

5) end gun (Y/N) y

e) gated pipe:

6) high or low pressure hi

- | | | |
|---------------------|--------|------------------------------|
| 1) length | feet | 7) make and size of nozzles: |
| 2) diameter | inches | <u>Rainbird</u> |
| 3) spacing of gates | inches | 8) capacity (GPM) <u>700</u> |

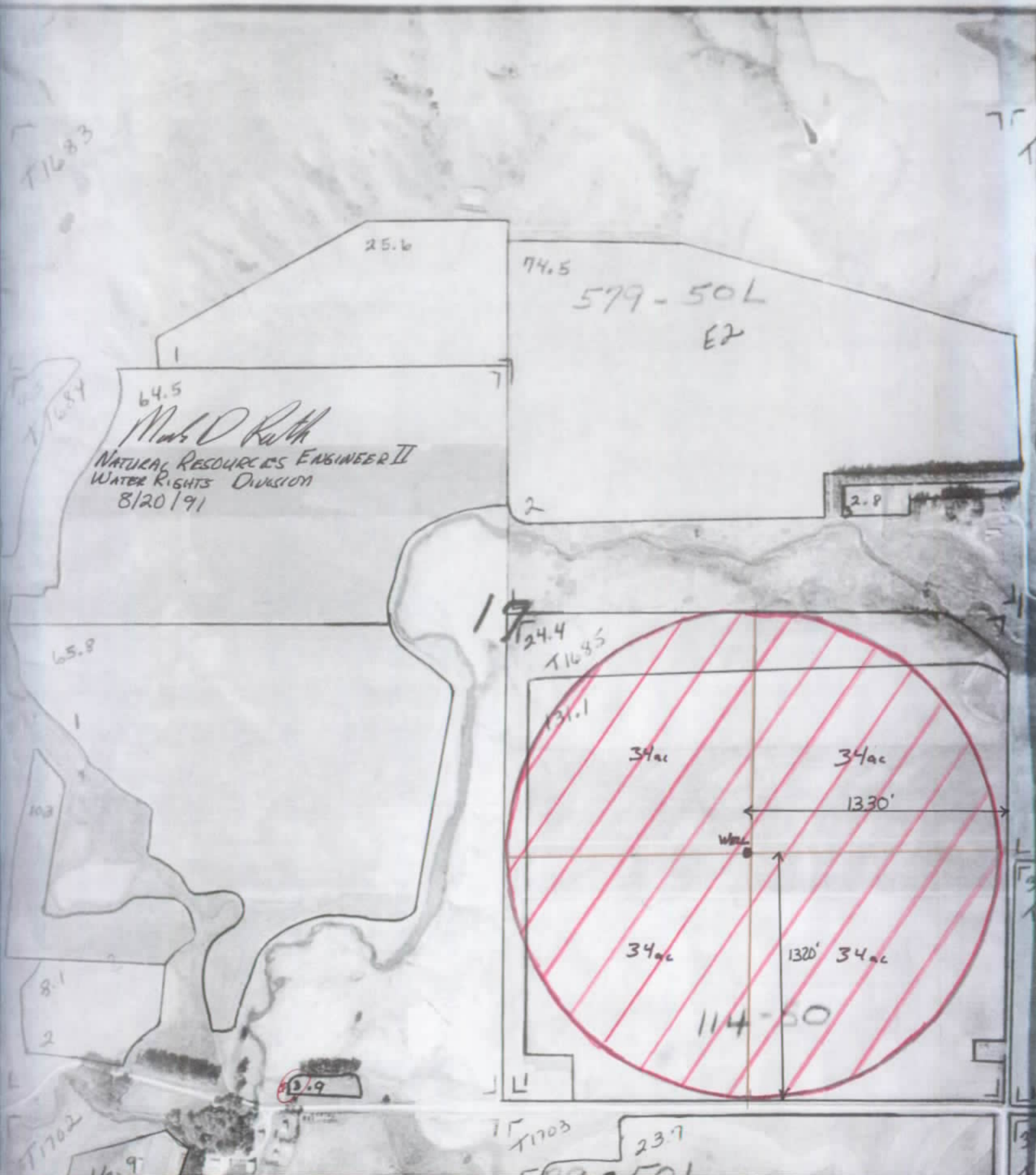
NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

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

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

REMARKS: I called Mr. Miller to verify that the well log submitted by the driller is for
the well in the center of the SE1/4. The driller put down the wrong legal description
Mr. Miller said there is no well near the center of the section.

NOT TO SCALE



South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 1991

5408-3

Donald Miller
RR 1, Box 271
Estelline SD 57234

Dear Mr. Miller:

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. 5408-3, 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
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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412974

Pierre, December 24, 1991

RECEIVED OF Miller Angus Farms, RR 1, Box 271, Estelline, SD 57234

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. <u>5408-3</u>	50	00
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

By John Hatch (CF)
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5408-3

(1) Donald Miller of RR 1, Box 271, Estelline, SD 57234 made Application No. 5408-3, January 12, 1990 for a water permit to appropriate 1.87 cubic feet of water per second from groundwater (one well), Deuel County, South Dakota for irrigation purposes. Permit No. 5408-3 with a priority date of January 12, 1990 was approved May 23, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 23, 1995 and for the application to beneficial use of said water on or before May 23, 1999.

The Permit holder submitted the "Notice of Completion of Works and Application of Water to Beneficial Use" September 24, 1990. The Notice states the diversion system was completed May 21, 1990 and the water put to beneficial use on May 23, 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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is: 1330'W and 1320'N of the SE corner of Section 17, T114N, R50W.

(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:

T114N, R50W Section 17	NW 1/4 SE 1/4	34 Acres
	NE 1/4 SE 1/4	34 Acres
	SE 1/4 SE 1/4	34 Acres
	SW 1/4 SE 1/4	34 Acres
	Total-----	136 Acres

(4) Pursuant to Section 46-5-30.1 Donald Miller of RR 1, Box 271, Estelline, SD 57234 the holder(s) and/or owner(s) of Water Permit No. 5408-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater (one well) with a priority date of January 12, 1991 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. 5408-3 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

5408-3

Donald Miller
RR 1, Box 271
Estelline, SD 57234

Dear Mr. Miller:

Enclosed is Water License No. 5408-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412974 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5408-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures