

Considered: _____

WATER PERMIT NO. 5425-3

Ph# 563-2478

MAP No. _____

Name of Applicant Leroy Johnke

Post Office Address RRI Box 117 Centerville SD 57014

Amount of Water Claimed 2.0 cfs Total Acres 146

Source of Water Supply groundwater

Water to be used for irrigation County Turner & Lincoln

About 1 1/2 miles E of Centerville

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 3/23/90 Fee \$250.00 Remarks _____

Corrected Application Received _____ Period of Annual Use _____

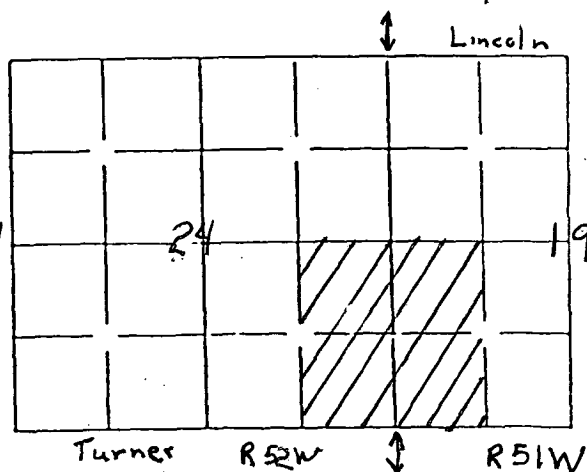
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point ~~1300'~~ 1300' S of NE corner of
the SE 1/4 of Sect 24 - T96N - R52W

Land to be Irrigated NW 1/4 SW 1/4, SW 1/4 SW 1/4 - Sec 19-96-51

NE 1/4 SE 1/4, SE 1/4 SE 1/4 Sec. 24-96-52



Well Log: Driller SDGS Licensed YES X NO _____

Depth of Well 245 226 REMARKS SDGS test hole

of Map Aerial PREPARED BY Robert ? SCS-DC Reviewed and the Number

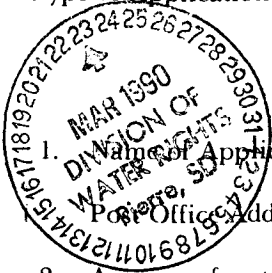
igned on 3/28/90 By Eric Hummel

(See instructions)

No. 5425-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Harley Leader / Lennox Independent
Box 218 57036 / Box 76 57039

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 Leroy E. Johnke Phone No. 563-2478
2. Amount of water claimed (c.f.s.) 2.0 Total acres irrigated 146
3. Source of Water supply ground water
4. Location of point of diversion SE corner of N 1/2 of E 1/2 of SE 1/4 of Section 24-96-52
County Turner
5. Counties where water will be used Lincoln and Turner
6. Annual period during which water is to be used Normal crop-growing season April 1 - Sept 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>N 1/2 W 1/2 SW 1/4 19-96-51</u>	<u>37</u>
<u>S 1/2 W 1/2 SW 1/4 19-96-51</u>	<u>34</u>
<u>N 1/2 E 1/2 SE 1/4 24-96-52</u>	<u>38</u>
<u>S 1/2 E 1/2 SE 1/4 24-96-52</u>	<u>37</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

a Irrigation well using ground water To supply an Electric Driven Center Pivot Irrigator using low pressure spray nozzels.

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, Leroy E. Johnke 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 _____

Subscribed and sworn to before me this 22 day of March 19 90

Charles R. Brown
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5425-3 FOR IRRIGATION

Date of first receipt of application March 23, 1990.

Date Soil/Water Compatibility Permit received April 13, 1990.

The Water Management Board approved Water Permit Application No. 5425-3 on May 24, 1990 for LeRoy E. Johnke, RR. 1, Box 117, Centerville, SD 57014 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. 5425-3 appropriates 2.0 cubic feet of water per second from one well (Upper Vermillion - Missouri Aquifer) 226 feet deep to irrigate 146 acres. The well is to be located in the NE1/4 SE1/4 of section 24 T96N-R52W. The land to be irrigated is located in the W1/2 SW1/4 of Section 19 T96N-R51W and the E1/2 SE1/4 of Section 24 T96N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is March 23, 1990.
4. One-fifth of the construction is to be completed on or before November 24, 1992.
5. All construction is to be completed on or before May 24, 1995.
6. Water is to be put to beneficial use on or before May 24, 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. 5425-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

SEP 13 1990

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24 inches Depth 226 feet
- b) Casing Type PVC Diameter 16 inches Thickness 5/8 inch
- c) Screen Type PVC Slots Diameter 16 inches Thickness 5/8 inch
- d) Gravel Pack Thickness 4 inches Length of Gravel Pack 119 feet
- e) Depth to Top of Water Bearing Material 107 feet
- f) Depth to Water (ground surface to water level) 90 feet
- g) Distance to nearest existing domestic well:
- On applicants property 1550 feet On property owned by others 2100 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) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

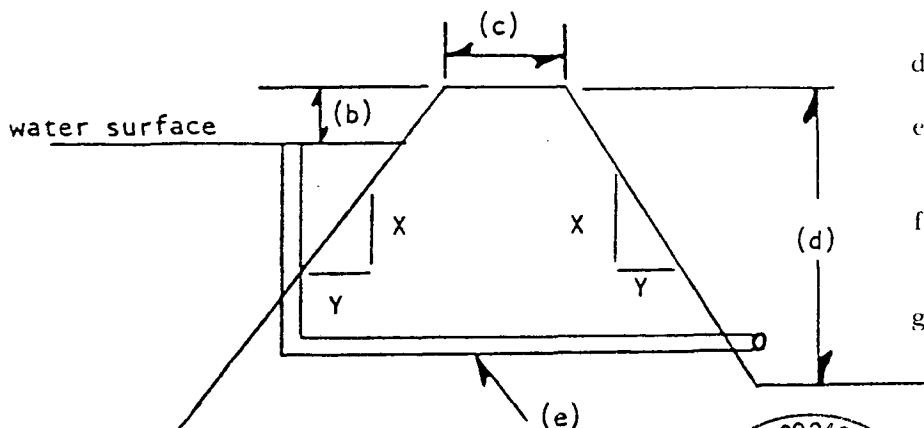
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412163

Pierre, March 27, 1990

RECEIVED OF Leroy E. Johnke, RR #1 Box 117, Centerville, SD 57014

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

Fee for Application for Permit No. <u>5425-3</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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4480

WR#

OWNERS NAME: LEROY E. JOHNSKE OWNERS ADDRESS: RR1, Box 117
Centerville, SD 57014

COUNTY LAND LOCATED IN: Turner PHONE: 563-2478

LEGAL DESCRIPTION:



Well



Surface

1. LOCATION SE Corner of N $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ 24-T96N-R52W
Depth _____

Legal Description	Acres	Legal Description	Acres
<u>N$\frac{1}{2}$ W$\frac{1}{2}$ SW$\frac{1}{4}$ 19-T96N-R51W</u>	<u>37</u>		
<u>S$\frac{1}{2}$ W$\frac{1}{2}$ SW$\frac{1}{4}$ 19-T96N-R51W</u>	<u>34</u>		
<u>W$\frac{1}{2}$ E$\frac{1}{2}$ SE$\frac{1}{4}$ 24-T96N-R52W</u>	<u>38</u>		
<u>S$\frac{1}{2}$ E$\frac{1}{2}$ SE$\frac{1}{4}$ 24-T96N-R52W</u>	<u>37</u>		



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

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

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>90-0114</u>	7. ADJUSTED (SAR): <u>4.61</u>
5. SALINITY (EC X 10 ⁶): <u>1650</u>	8. PERCENT SODIUM: <u>23.15</u>
6. SODIUM (SAR): <u>1.74</u>	

Requirements:

The area mapped as Tetonka silt loam (Te) in SE $\frac{1}{4}$ Sec. 24 are subject to poor drainage and will pond when irrigated. The areas which have not been drained shall remain in permanent vegetation.

The areas mapped as Wentworth-Chancellor-Wakonda (WCA) in SE $\frac{1}{4}$ Sec. 24 and Wentworth-Chancellor (WHA) in SW $\frac{1}{4}$ Sec. 19 may be subject to wetness and a perched water table, which may inhibit the necessary leaching of salts. To remove this hazard, it may be necessary to install an artificial drainage system; (i.e. tile drain). Adequate internal drainage shall be installed, as deemed necessary.

Please be advised, we do not consider the Swampbuster provision from the 1985 Food Security Act in developing our recommendation. Before undertaking any drainage project, contact your local SCS, or ASCS office.

The drainage way located in SW $\frac{1}{4}$ Sec. 19 shall remain in permanent vegetation.

Pete Duvick
Director, Division of Conservation

XXX

APPROVED

DISAPPROVED

WAIVER

XXX

REQUIREMENTS

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

April 3, 1990

Date

South Dakota Department of
Water and Natural Resources
DIVISION OF GEOLOGICAL SURVEY

SCIENCE CENTER, USD
VERMILLION, SD 57069-2390
(605) 677-5227

March 8, 1990

Leroy Johnke
Route 1, Box 117
Centerville, SD 57014

Dear Mr. Johnke:

Enclosed is a copy of the drill log for the test hole drilled at 96N-52W-24DAAA in Turner County. From studying the log you can see that a thick sequence of aquifer material exists between 107 and 226 feet below ground surface. Additional sands and gravels also lie between 230 and 245 feet below land surface.

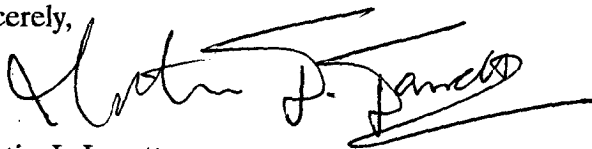
I have also obtained some water-quality data from Colin Niehus, a hydrologist with the U.S. Geological Survey, Huron, South Dakota. He is responsible for the hydrological investigation in that area.

Although the data he provided includes only limited testing on the water chemistry of that particular well, he also included additional data from wells in the area that should aid in a general assessment of the overall quality of the aquifer.

If a new well is to be used for irrigation, in addition to water chemistry, a knowledge of the type of soil, subsoil, and topography are important in selecting the most suitable irrigation system.

If I can be of any further assistance, please feel free to contact me at the above address.

Sincerely,



Martin J. Jarrett
Geologist

For the State Geologist

MJJ:co
Enclosures



COUNTY: TURNER
 LEGAL LOCATION: NE NE NE SE SEC. 24, T. 096 N., R. 52 W.
 LATITUDE: 43.0713
 LAND OWNER:
 PROJECT: LINCOLN-UNION CO. STUDY
 DRILLING COMPANY: SDGS
 DRILLER: C. SCHMIG
 GEOLOGIST: R. HAMMOND
 DATE DRILLED: 06-03-1985
 GROUND SURFACE ELEVATION: 1244.00 T
 TOTAL DRILL HOLE DEPTH: 245.0
 USGS HYDROLOGIC UNIT CODE: 10170102
 ELECTRIC LOG INFORMATION:
 SPONTANEOUS POTENTIAL:
 NATURAL GAMMA: X
 SAMPLES:

LOCATION: 096N-52W-24DAAA
 LONGITUDE: 96.5526

DRILLERS LOG:
 GEOLOGISTS LOG: X
 DRILLING METHOD: ROTARY

TEST HOLE NUMBER: R1-85-29

SINGLE POINT RESISTIVITY: X
 EXTRA: X

SPONTANEOUS POTENTIAL OUT OF ORDER.

1244.00 - 1218.00	0 - 26.0	SILT, YELLOW-BROWN, CLAYEY, SANDY; A FEW SMALL PEBBLES (TILL)
1218.00 - 1209.00	26.0 - 35.0	CLAY, LIGHT-GRAY, VERY SILTY, SANDY, PEBBLY (TILL)
1209.00 - 1198.00	35.0 - 46.0	SILT, REDDISH-BROWN, SLIGHTLY SANDY (LOESS?)
1198.00 - 1137.00	46.0 - 107.0	CLAY, GRAY, SILTY, PEBBLY, SANDY; SOME REDDISH-BROWN VERY SANDY SILT AT 60 TO 70 FEET (TILL)
1137.00 - 1018.00	107.0 - 226.0	GRAVEL, MEDIUM, SANDY, SUBANGULAR TO SUBROUND; SOME 1/2-INCH COAL CLASTS, SOME PYRITE CLASTS
1018.00 - 1014.00	226.0 - 230.0	CLAY, LIGHT-GRAY, PEBBLY, SANDY (TILL)
1014.00 - 999.00	230.0 - 245.0	GRAVEL, GRAY TO DARK-GRAY, MEDIUM, SANDY, SUBROUND
999.00 - 998.00	245.0 - 246.0	QUARTZITE(?); VERY HARD, NO SAMPLE RECOVERY (SIOUX QUARTZITE)

* * * *



NOT TO SCALE

Robert O. Hummel
DC 3-21-90
NE corner of SE Quarter Sec 24-96-52

XIP Turner
Well 1300 ft

75.0
T 1166



96-51

73.1
T124

12L/B1

1. NH_4Cl

T 3238
74.5

AME

19

2 NHF

71.0
T165

62.4

T 83

34.4

T129

24/10/20

79.0

8.0

NSL
3

INHEL

96-51

NH₂CH₃

20

AMEL

REPORT ON APPLICATION NO. 5425-3

Leroy Johnke
April 11, 1990

Application No. 5325-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well (Upper Vermillion-Missouri) 226 feet deep to irrigate 146 acres. The well is located in the NE1/4 SE1/4, section 24, T96N, R52W, Turner County, SD. The land to be irrigated is located in the W1/2 SW1/4, section 19, T96N, R51W (Lincoln Co.) and the E1/2 SE1/4, section 24, T96N, R52W (Turner Co.).

AQUIFER Upper Vermillion-Missouri (UVM)

AQUIFER INFORMATION AND CHARACTERISTICS

The Upper Vermillion-Missouri Aquifer is a confined glacial outwash deposit composed of sand and gravel. The formation underlies 106,400 acres of Turner County and contains approximately 1.0 million acre-feet of recoverable water in storage (Hedges, 1982). There is evidence that indicates a hydraulic connection with the Parker-Centerville Aquifer which overlies the UVM in many areas.

The well log submitted with the application is a test hole drilled by the South Dakota Geological Survey. It describes till from ground level down to 107 feet and gravel with sand from 107 feet down to 226 feet. Quartzite was encountered at a depth of 246 feet and drilling ceased. The water level reported was 90 feet below ground surface thus indicating the formation is under artesian conditions in this region. The Division of Water Rights has an observation well (TU-77M) in this formation that is located approximately 2 1/2 miles northwest of the applicant's well. This well has till from ground level to 106 feet and gravel/sand from 106 feet to 185 feet deep with a water level at 49 to 65 feet (also artesian).

REVIEW OF AREA WATER RIGHTS

According to the 1988 Irrigation Report, there are 48 permits that use water from the Upper Vermillion-Missouri Aquifer for irrigation in Turner County. The total appropriation for 1988 was 22,961.6 acre-feet (about 2% of recoverable water in storage) with an actual amount pumped of 6,234.8 acre-feet. The only water right within a one mile radius that uses water from this formation is Water Right No. 4204-3 which has three wells 135 feet deep to divert 1.0 cfs for municipal use (City of Centerville).

Water levels in observation well TU-77M range from 49 to 65 feet below ground surface. The well fluctuates in response to pumping and seasonal changes but shows no long term effects due to irrigation pumping or other uses. Well interference is not expected to be a problem in the area.

CONCLUSIONS

1. There is water available for further appropriation from the Upper Vermillion-Missouri Aquifer.
2. Application No. 5425-3, if approved, proposes to irrigate 146 acres at a diversion rate of 2.0 cfs. It is not known, however, if the proposed well will produce at this rate.
3. Well interference should not be a problem with the approval of Application No. 5425-3.
4. The well must be constructed in accordance with the South Dakota Well Completion Standards.
5. Approval of this application is subject to completion of the annual irrigation questionnaire.

Terry L. Jorgensen /KS

Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:

Gale N. Selken

Gale N. Selken, P.E.
Natural Resources Engineer IV

REFERENCES

Division of Water Rights, 1990, Observation Well Files, DWNR,
Division of Water Rights, Joe Foss Building, Pierre, SD.

Division of Water Rights, 1988, Irrigation Report by Aquifer,
DWNR, Division of Water Rights, Joe Foss Building, Pierre,
SD.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., 1982,
Evaluation of Groundwater Resources in Eastern South Dakota
and Upper Big Sioux River, South Dakota and Iowa, U.S. Army
Corps of Engineers contract No. DACW 45-80-C0185, DWNR,
Office of Geological Survey, Vermillion, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5425-3, LeRoy Johnke

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. 5425-3, LeRoy Johnke, RR 1, Box 117, Centerville SD.

The Chief Engineer is recommending APPROVAL of Application No. 5425-3 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. 5425-3 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 74:02:04:20. 29 *gh*
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 12, 1990



Department of Water & Natural Resources

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

April 18, 1990

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

Leroy Johnke
RR #1 Box 117
Centerville, SD 57014-9514

Dear Mr. Johnke:

Water Permit Application No. 5425-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Hurley Leader and Lennox Independent printed at Hurley and Lennox 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, reading "Eric Gronlund". The signature is written in dark ink and is positioned above the typed name and title.

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 18, 1990

Hurley Leader
Box 218
Hurley, SD 57036-0218

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5425-3 to be published twice. Please publish the first notice on or before April 26, 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 Leroy Johnke, RR #1 Box 117 Centerville, SD 57014-9514.

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

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

April 18, 1990

Lennox Independent
Box 76
Lennox, SD 57039-0076

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5425-3 to be published twice. Please publish the first notice on or before April 26, 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 Leroy Johnke, RR #1 Box 117 Centerville, SD 57014-9514.

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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 April 26, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5425-3 to Appropriate Water

Notice is given that Leroy Johnke, RR #1 Box 117, Centerville, SD 57014-9514 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Upper Vermillion - Missouri Aquifer) 226 feet deep to irrigate 146 acres. The well is to be located in the NE1/4 SE1/4 of Section 24-T96N-R52W. The land to be irrigated is located in the W1/2 SW1/4 of Section 19-T96N-R51W and the E1/2 SE1/4 of Section 24-T96N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5425-3 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 Lincoln) ss.



I, Mary Hoyer

certify that the attached printed Notice was taken
 from the Lincoln Independent

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 Lincoln

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

Apr. 26, 1990

May 3, 1990

Mary Hoyer
 (Signature)

Bookkeeper
 (Title)

\$-4-'90
 (Date Signed)

Cost of Printing: \$ 32.90

74 lines @ 24.7 per line per wk.
(2 wks.).

NOTICE OF HEARING On Application No. 5425-3 to Appropriate Water

Notice is given that Leroy Johnke, RR #1 Box 117, Centerville, SD 57014-9514 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Upper Vermillion-Missouri Aquifer) 226 feet deep to irrigate 146 acres. The well is to be located in the NE 1/4 SE 1/4 of Section 24-T96N-R52W. The land to be irrigated is located in the W 1/2 SW 1/4 of Section 19-T96N-R51W and the E 1/2 SE 1/4 of Section 24-T96N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5425-3 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, 1) 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 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.

74

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

James E. Wipf

certify that the attached printed Notice was taken
from the Hurley Leader

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

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

4-26-90

5-3-90

X James E. Wipf
(Signature)
Editor
(Title)
5/3/90
(Date Signed)

Cost of Printing: 43³⁹



NOTICE OF HEARING On Application No. 5425-3 to Appropriate Water

Notice is given that Leroy Johnke, RR #1, Box 117, Centerville, S. D., 57014-9514 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Upper Vermillion - Missouri Aquifer) 226 feet deep to irrigate 146 acres. The well is to be located in the NE1/4 SE1/4 of Section 24, T96N, R52W. The land to be irrigated is located in the W1/2 SW1/4 of Section 19, T96N, R51N and the E1/2 SE1/4 of Section 24, T96N, R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5425-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is 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, S. D., 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, S. D. 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.

Publish: In The Hurley Leader April 26 and May 3, 1990, Bill: Johnke; Affids, etc



Department of Water & Natural Resources

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

5425-3

SEP 13 1990

LeRoy E. Johnke
RR #1 Box 117
Centerville, SD 57014

Dear Mr. Johnke:

Enclosed is Water Permit No. 5425-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

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

enclosures

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

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-2-90TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Leroy E. Johnke RR 1 Box 117 Conterville, S D 57014
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. 5425-3.

Water Permit No. 5425-3 states that the diversion system is to be constructed by 5-24-95, and that the water it put to beneficial use by 5-24-99.

The diversion system was completed on 7-3-90.
Applying the water to beneficial use was completed on 7-3-90.

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

L. E. Johnke
signature





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 1993

5425-3

Leroy Johnke
RR 1, Box 117
Centerville, SD 57014

Dear Mr. Johnke:

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. 5425-3, 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,

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

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

RECEIPT

413852

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 11, 19 93

RECEIVED OF Leroy Johnke, Rte 1 Box 117, Centerville, SD 57014

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5425-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Harold Kamm
Chief Engineer

Permit No. 5425-3
Vermillion 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 Leroy Johnke of RR1 Box 117 Centerville, SD 57014 holder of Permit No. 5425-3, bearing the priority of March 23, 1990 authorizing the diversion of 2.0 cu. ft. per second of the waters of the Upper Vermillion-Missouri Aquifer for irrigation purposes, in Lincoln and Turner Counties.

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

A. Works used to divert the water:

One well - 220' deep with 180' of 16" PVC casing and 40' of 16" 100 slot PVC screen, Fairbanks-Morse pump, Model No. H16FL7 100B, 8", 900 GPM, US Electric Motor, Model No. 326 TP WPI, 50 HP

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

80' of 10" Aluminum pipe

C. Works used to apply water to beneficial use:

Lindsay Zimmatic Center Pivot System - 7 towers, 1300' long with end gun, low pressure system, 850 GPM

The system is in the following condition excellent. The point of diversion is located 1353'N and 50'W of the SE corner of Section 24-T96N-R52W. The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 24-T96N-R52W:

NE1/4 SE1/4 = 33 acres

SE1/4 SE1/4 = 33 acres

All in Section 19-T96N-R51W:

NW1/4 SW1/4 = 33 acres

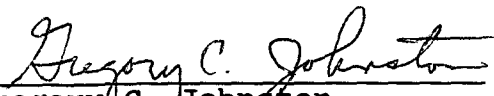
SW1/4 SW1/4 = 33 acres

comprising a total of 132 acres of land and the license should be issued for 1.88 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None

Date: 5/5/93


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

REPORT ON INSPECTION OF PERMIT NO. 5425-3

DATE: 5/5/93

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: 1353'N and 50'W of the SE corner of Section 24-T96N-R52W

WELL INFORMATION:

1) Well Drilling Firm: Wetmore Drilling

2) No. of Wells 1

3) Depth(s) 220 feet

4) Well log is available Y/N Y

5) Comment:

Casing:

1) Diameter 16 inches

2) Length 180 feet

3) Type PVC

Screen:

1) Type 100 slot PVC

2) Length 40 feet

3) Static water level 87 feet

Pump:

1) Make Fairbanks-Morse

2) Model H16FL7 100B

3) Size 8

4) Capacity 900 GPM

Motor:

1) Make US Electric

2) Model No. 326 TP WPI

3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

1) Type Aluminum

2) Size 10 inches

3) Length 80 feet

SYSTEM TYPE:

Center pivot:

1) Make Lindsay Zimatic

2) Overall length 1300 feet

3) Number of towers 7

4) Distance between towers 170 feet

5) End gun Y/N Y

6) High or low pressure Low

7) Capacity 850 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate Y/N N

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N Y

2) Special qualifications to permit being abided by Y/N Y

3) All structures, wells and lands on map Y/N Y

4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N Y

No. 5425-3

N

Leroy Johnke 1"=660'

Drawn by: Gregory C. Johnston

Natural Resources

Engineer

Water Rights Division

DENR

8/1/93

(Turner County)

SE 1/4 Section 24-T96N-R52W

(Lincoln County)

SW 1/4 Section 19-T96N-R51W

Countyline
Road - not irrigated

19

All in Section 24-T96N-R52W:

NE 1/4 SE 1/4 = 33 acres

SE 1/4 SE 1/4 = 33 acres

All in Section 19-T96N-R51W:

NW 1/4 SW 1/4 = 33 acres

SW 1/4 SW 1/4 = 33 acres

Total = 132 acres

NE 1/4 SE 1/4 =
33 acres

NW 1/4 SW 1/4 =
33 acres

Transferred
to Center Pivot
Pad

Well

Center Pivot Pad

Co. 1973
SE 1/4 SE 1/4 =
33 acres

SW 1/4 SW 1/4 =
33 acres

1353' N

5425-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5425-3

(1) Leroy E Johnke, of RR #1 Box 117, Centerville, SD 57014 made Application No. 5425-3, March 23, 1990 for a water permit to appropriate 2.00 cubic feet of water per second from groundwater (one well), Lincoln and Turner Counties, South Dakota for irrigation purposes. Permit No. 5425-3, with a priority date of March 23, 1990 was approved May 24, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 24, 1995 and for the application to beneficial use of said water on or before May 24, 1999. A "Notice of Completion of Works and Application of Water to Beneficial Use" was received from the permit holder on November 6, 1990. The "Notice" indicated the diversion system was completed and the water placed to beneficial use on July 3, 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 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is 1353'N and 50'W of the SE corner of Section 24, T96N, R52W (NE $\frac{1}{4}$ SE $\frac{1}{4}$).

(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:

T96N, R52W	Section 24	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
T96N, R51W	Section 19	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
		Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Leroy E Johnke of RR #1 Box 117, Centerville, SD 57014 the holder and/or owner of Water Permit No. 5425-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with a priority date of March 23, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5425-3 and subject to South Dakota State Law.


SEP 20 1993
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

SEP 20 1993

5425-3

Leroy E. Johnke
RR 1, Box 117
Centerville, SD 57014

Dear Mr. Johnke:

Enclosed is Water License No. 5425-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413852 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. 5425-3, 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

gm
enclosures

5425-3

Dec. 29, 2006

Please note:

My husband, Leroy E. Johnke passed away - 12/18/05.
The land is now in the Johnke Land Trust.
I have rented out the land.
In the process of all of these changes I neglected to send in this Irrigation Questionnaire.

I called the office today & explained & was told to go ahead and send it in today.

Thank you for your consideration

Cheri Johnke
Johnke Land Trust
46418 295th St.
Centerville, SD.
57014

RECEIVED
JAN - 2 2007
WATER RIGHTS
PROGRAM



**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 3, 2007

5425-3

Cheri Johnke
46418 295th St
Centerville SD 57014

Dear Ms. Johnke:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire and your note about the change needed for Water Right No. 5425-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the transfer form and fee from you, the water right will be changed from LeRoy's name to the Johnke Land Trust. Thank you for letting us know and if you have any questions, please give me a call.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 23, 2007

5425-3

Cheri Johnke
46418 295th St
Centerville SD 57014

Dear Ms. Johnke:

In January, a "Notice of Transfer of Ownership" form was forwarded to you for changing ownership of Water Right No. 5425-3. The water right is currently listed in the name of LeRoy Johnke. To date, we have not received anything back from you.

In the event you no longer have the original form, I am sending along another form for your use. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the transfer form and fee from you, the water right will be changed from LeRoy's name to the Johnke Land Trust. If you have any questions, please give me a call.

Sincerely,

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

enclosure

RECEIVED

JUN - 1 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5425-3

Date: 5/28/07

I/We request that Water Right No. 5425-3

formerly owned by: LeRoy E Johnke

be transferred to: (name & address) Johnke Land Trust, % Cheri Johnke
46418 295th St, Centerville SD 57014

Telephone No. 605 563-2478

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

132 acres - W 1/2 SW 1/4 Section 19, T96N, R51W and E 1/2 SE 1/4 Section 24, T96N, R52W

I/We understand that the validity of Water Right No. 5425-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Cheri Johnke the new owner, certify that the above information is true and
Johnke Land Trust correct.

Cheri Johnke
(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 6/1, 20 07

RECEIVED OF CHERI JOHNKE JOHNKE LAND TRUST 46418 295th ST Centerville SD 57014

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	2	50
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>5425-3</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	2 50

No.

03061

By

Garland Erbe
Chief Engineer

RG



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 4, 2007

5425-3

Cheri Johnke
46418 295th St
Centerville SD 57014

Dear Ms. Johnke:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee for Water Right No. 5425-3. The change of ownership has been completed. The water right, formerly held by LeRoy Johnke, is now listed in the name of "Johnke Land Trust".

Enclosed is your Receipt No. 03061 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please give me a call.

Sincerely,

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

enclosure



5425-3

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 18, 2008

NOTICE

TO: JOHNKE LAND TRUST, CHERI JOHNKE, 46418 295TH ST, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5425-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 5425-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 5425-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<http://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

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CHERI JOHNKE
46418 295TH ST
CENTERVILLE SD 57014

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
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www.state.sd.us/denr

February 25, 2008

5425-3

Cheri Johnke
Johnke Land Trust
46418 295th St
Centerville SD 57014

Dear Ms. Johnke:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5425-3.

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

If you have any questions, please contact me.

Sincerely,

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

3994-3, 4204-3, 5319-3, 117-3A, 2268-3, 2372-3, 2941-3
5352-3, 5425-3, 5886-3, 2950-3, 3328-3, 3409-3, 3507-3
5898-3, 6810-3, 6922-3, 3646-3, 3737-3, 3918-3, 3948-3
7002-3, 7191-3, 7384-3, 6754-3, 7128-3

Page 1 of 4

Water Rights Program File Documentation

Date: June 16, 2025

Counties: Clay and Turner

Re: Aquifer management unit redesignation for selected water rights/permits on Clay and Turner Counties

COMMENTS:

Review of a request to change diversion point for Water Permit No. 8790-3, authorized to withdraw water from the Upper Vermillion Missouri: South aquifer (UVM:S), determined the well they wished to use is authorized under authorized by Water Right No. 7384-3 Water Right No. 7384-3 does not currently have a management unit designated for withdrawal from the Upper Vermillion Missouri aquifer (Water Rights, 2025). In reviewing the best information currently available for aquifer and management unit naming conventions, the best aquifer and management unit designation for Water Right No. 7384-3 is the Southern management unit of the Upper Vermillion Missouri aquifer (UVM:S) as shown in Figure 1. Furthermore, there are an additional 25 other water rights/permits, see Table 1, which should have the UVM:S management unit assigned (Water Rights, 2025).

This addition of the management unit designation, to the Southern management unit of the Upper Vermillion Missouri aquifer, does not represent a physical change in the water source. It is an update to the naming convention to reflect the currently best available information for aquifer and management unit extents. This update to the aquifer management unit name does not authorize any increase in the amount of water appropriated by any of these water rights/permits, change in diversion rate, relocation of existing wells, completion of additional wells into the aquifer, or change of acres permitted for irrigation. Going forward, issuance of any pertinent documents will reflect the updated aquifer and management unit designation.

Table 1- Water rights/permits requiring an aquifer management unit designation to the Upper Vermillion Missouri: South (Water Rights, 2025)

Water Rights							
PERMIT NO	NAME	COUNTY	PRIORITY DATE	STATUS	USE	CFS	ACRES
117-3A	GLYNDON KNUTSON	CL	04/14/1955	LC	IRR	0.95	66
2268-3	WILLIAM KNUTSON	CL	08/07/1975	LC	IRR	2	206
2372-3	LARRY ERICKSON	CL	10/07/1975	LC	IRR	1.76	123
2941-3	RUSSELL D AUSTIN	TU	08/16/1976	LC	IRR	1.11	140
2950-3	TERRY & ALBERTA SURPRENANT	CL	08/13/1976	LC	IRR	1.57	110
3328-3	TOM AUSTIN	CL	11/12/1976	LC	IRR	1.33	121
3409-3	STEVEN R NULL	TU	12/07/1976	LC	IRR	1.88	136
3507-3	W JERALD HANSEN	TU	12/28/1976	LC	IRR	0.99	69
3646-3	STEVEN R NULL	TU	02/04/1977	LC	IRR	2	144
3737-3	WILLIAM M JENTER	TU	09/16/1976	LC	IRR	4.57	320
3918-3	JBS HANSEN FARMS	TU	04/18/1977	LC	IRR	2.66	295.3
3948-3	JASON KNUTSON	CL	04/19/1977	LC	IRR	1.88	135
3994-3	GLYNDON KNUTSON	CL	07/07/1956	LC	IRR	4.94	332
4204-3	CITY OF CENTERVILLE	TU	01/01/1900	LC	MUN	0.22	n/a
5319-3	LARRY ERICKSON	CL	04/13/1989	LC	IRR	1.89	132
5352-3	BILL & SCOTT HANSEN	TU	09/13/1989	LC	IRR	2.15	151
5425-3	JOHNKE LAND TRUST	TU	03/23/1990	LC	IRR	1.88	132
5886-3	TIM OSTREM	CL	09/28/1995	LC	IRR	1.78	134
5898-3	CITY OF CENTERVILLE	TU	01/09/1996	LC	MUN	0.89	n/a
6810-3	JESSE & TANYA VANDESTROET	CL	02/20/2007	LC	IRR	1.56	65
6922-3	JOHN SHUBECK	CL	12/13/2007	LC	IRR	1.78	122
7002-3	JESSE & TANYA VANDESTROET	CL	03/14/2008	LC	IRR	1.39	123
7191-3	ROGER BLAKE	CL	02/01/2008	LC	IRR	1.56	255
7384-3	NICHOLAS & COURTNEY BLAKE	CL	07/20/2012	LC	IRR	1.67	67
Water Permits							
PERMIT NO	NAME	COUNTY	PRIORITY DATE	STATUS	USE	CFS	ACRES
6754-3	JBS HANSEN FARMS	TU	09/05/2006	PE	IRR	0	35
7128-3	JOHN SHUBECK	TU	04/13/2009	PE	IRR	1.78	207

CL= Clay; TU= Turner; LC= Water Right, PE= Water Permit; IRR= Irrigation; MUN= Municipal

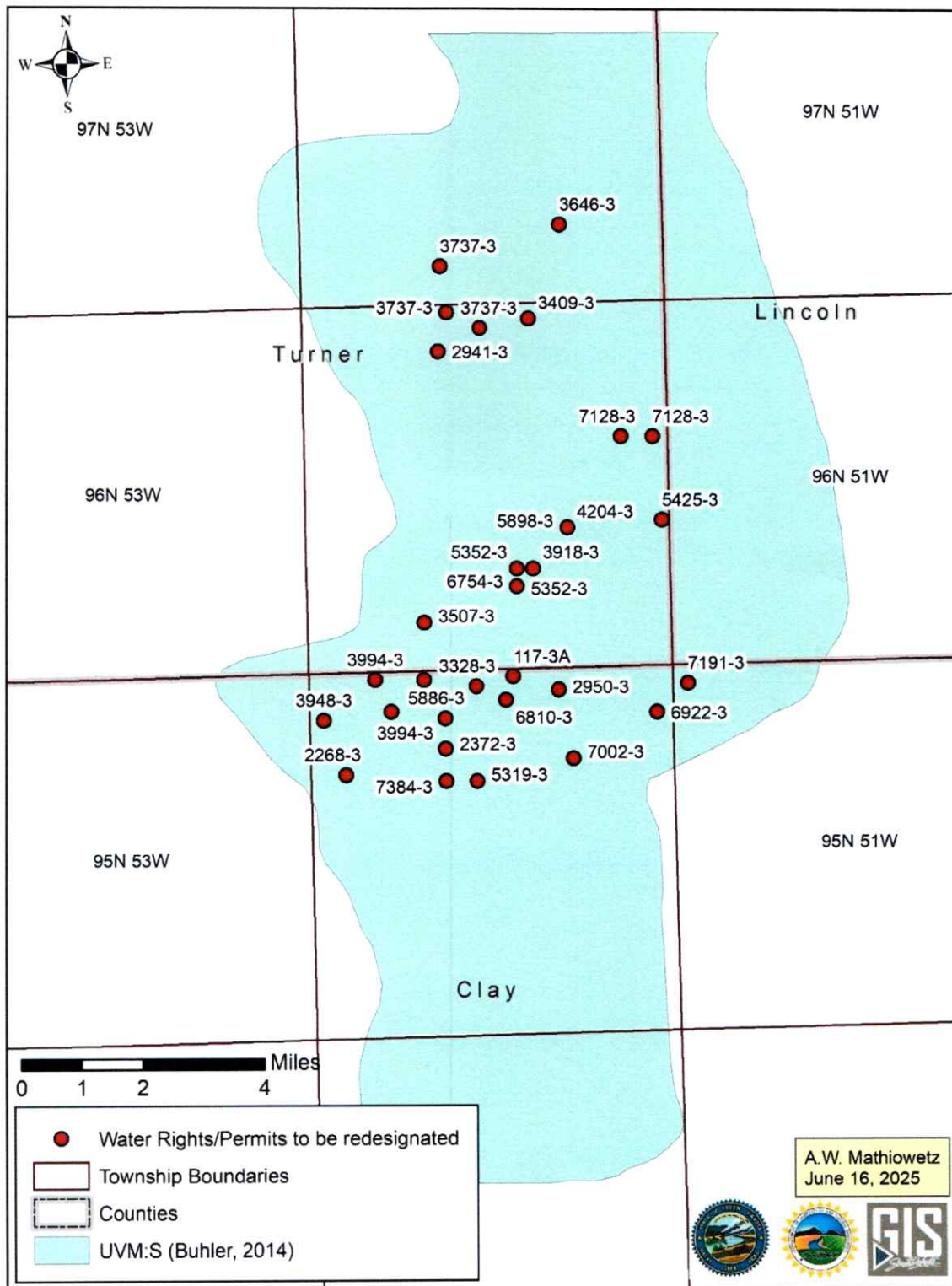


Figure 1- Map of approximate areal extent of the Upper Vermillion Missouri: South aquifer (Buhler, 2014) and water right/permits to be redesignated to include the South management unit designation (Water Rights, 2025)



Adam Mathiowetz
Natural Resources Engineer IV



Mark Mayer
Director of Office of Water

REFERENCES

Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.

Water Rights. 2025 Water Right/Permits Database. SD DANR-Water Rights Program. Pierre, South Dakota

5425-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: JOHNKE LAND TRUST, CHERI JOHNKE, 46418 295TH ST, CENTERVILLE, SD 57014
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5425-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 5425-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** 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) 5425-3 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 before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LFBQLQ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 23, 2026

5425-3

Johnke Land Trust
C/O Cheri Johnke
46418 295th St
Centerville, SD 57014

Dear Ms. Johnke,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us