

Considered: _____

WATER PERMIT NO. 5469-3

Phone: 432-4221

Name of Applicant: Michael Johnson

Post Office Address: Rt. 1, Box 142, Milbank, SD 57252

Amount of Water Claimed: No Add'l Total Acres: 24 acres (corrected)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Grant

About 6 miles East of Milbank

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: July 16, 1990 Fee: \$50 Remarks correction of

location of 24 acres developed under Nos. 2722-3 and 2722-3A

Corrected Application Received _____ Period of Annual Use March 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED 8/24/90 APPROVED/CONDITIONAL (Circle one)

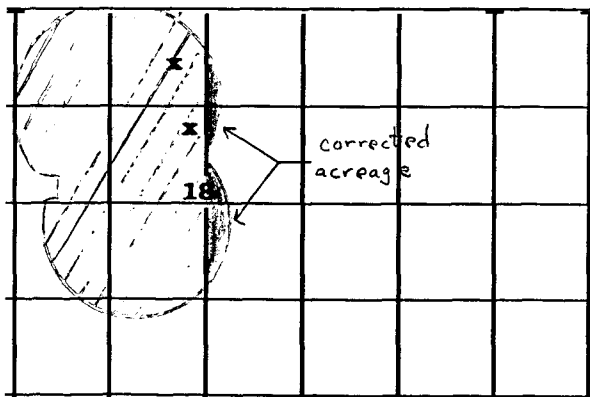
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NE1/4 NW1/4, SE1/4 NW1/4 Sec. 18

T120N-R47W

Correct Land Being Irrigated: W1/2 NE1/4,

NW1/4 SE1/4 Section 18 T120N-R47W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 93' & 70' REMARKS _____

Type of Map: ASCS Aerial PREPARED BY: Mark Rath Reviewed and the Number

Assigned on 9/12/90 By Eric Gronlund

Pub day - Wed

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

MR
6/2

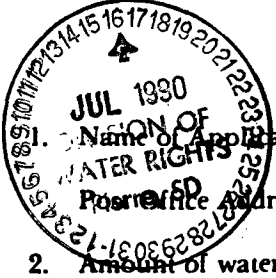
(See instructions)

No. 5469-3 Hydrologic Unit 07020001
Basin Minnesota - Whetstone
Newspaper Grant Co. Review, Box 390, Milbank, SD

57252

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

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



- Name of Applicant MICHAEL JOHNSON Phone No. 432-4221
 Residence Address Rt 1 Box 142 Milbank State SD Zip Code 57252
 (Street, RR or Box) (City) 24 add'l _____
 2. Amount of water claimed (c.f.s) No Add'l Total acres irrigated 230 ~~(SEE PERMITS 2722-3)~~
 3. Source of Water supply GROUND WATER
 4. Location of point of diversion NE 1/4 NW 1/4 Sec 18-T120N-R47W (2722-3A)
SE 1/4 NW 1/4 Sec 18-T120N-R47W (2722-3)
 _____ County GRANT
 5. Counties where water will be used GRANT
 6. Annual period during which water is to be used MARCH 1 - NOVEMBER 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>W 1/2 NE 1/4 Sec 18-120-47</u>	<u>10</u>
<u>NW 1/4 SE 1/4 "</u>	<u>14</u>
<u>(IRRIGATED FROM WELL CONVEYED</u>	
<u>UNDER WATER PERMIT 2722-3)</u>	

& 2722-3A

Attach sheet if more space is needed

Land Description	No. Acres Irr.
<u>W 1/2 NE 1/4 Sec 18-120-47</u>	<u>1</u>
<u>IRRIGATED FROM WELL</u>	
<u>CONVEYED UNDER WATER PERMIT</u>	
<u>PERMIT 2722-3A)</u>	

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____
 9. Crops to be Irrigated: CORN, SMALL GRAINS, SOYBEANS, ALFALFA
 10. Give a description of proposed project. (Attach sheet if more space is needed) TO CHANGE ACREAGE
IRRIGATED UNDER PERMITS 2722-3 & 2722-3A

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 Grant) ss

I, Michael Johnson, 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 Michael Johnson

Subscribed and sworn to before me this 11 day of July 19 90

Loren North

Notary Public

Comm. Expires: 7-31-96

**SOUTH DAKOTA
WATER PERMIT No. 5469-3 FOR IRRIGATION**

Date of first receipt of application July 16, 1990.

Date Soil/Water Compatibility Permit received August 24, 1990.

The Water Management Board approved Water Permit Application No. 5469-3 on December 5, 1990 for Michael Johnson, Rt. 1, Box 142, Milbank, SD 57252 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. 5469-3 corrects the location of 24 irrigated acres. Water Permit Nos. 2272-3 and 2272-3A appropriate 2.0 cubic feet of water per second from two existing wells 93 and 70 feet deep located in the NE1/4 NW1/4, SE1/4 NW1/4 Section 18 T120N, R47W to irrigate 270 acres located in the NW1/4, SW1/4 Section 18 T120N, R47W. An inspection of Permit Nos. 2272-3 and 2272-3A found 2 wells constructed to irrigate 230 acres. The correct location of 24 irrigated acres is the NW1/4 SE1/4, W1/2 NE1/4 Section 18 T120N, R47W. This Permit does not authorize any increase in the diversion rate from the 2 existing wells.
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: March 1 - November 30.
3. The date from which applicant may claim right is April 29, 1976.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

MAR 27 1991

(date)



DEPARTMENT OF WATER & NATURAL RESOURCES

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

Huron Drilling Inc.
PO Box 1422
Huron, SD 57350

Dear Sir:

Our records indicate that you may have drilled a well for Don Johnson of Milbank, SD. The well is located in NW1/4 of Section 18 T120N R47W. I have not been able to find the as completed well log for the irrigation well. I would appreciate it if you would check your files for the well log and then send any information you have concerning this to me.

If you need any additional information feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

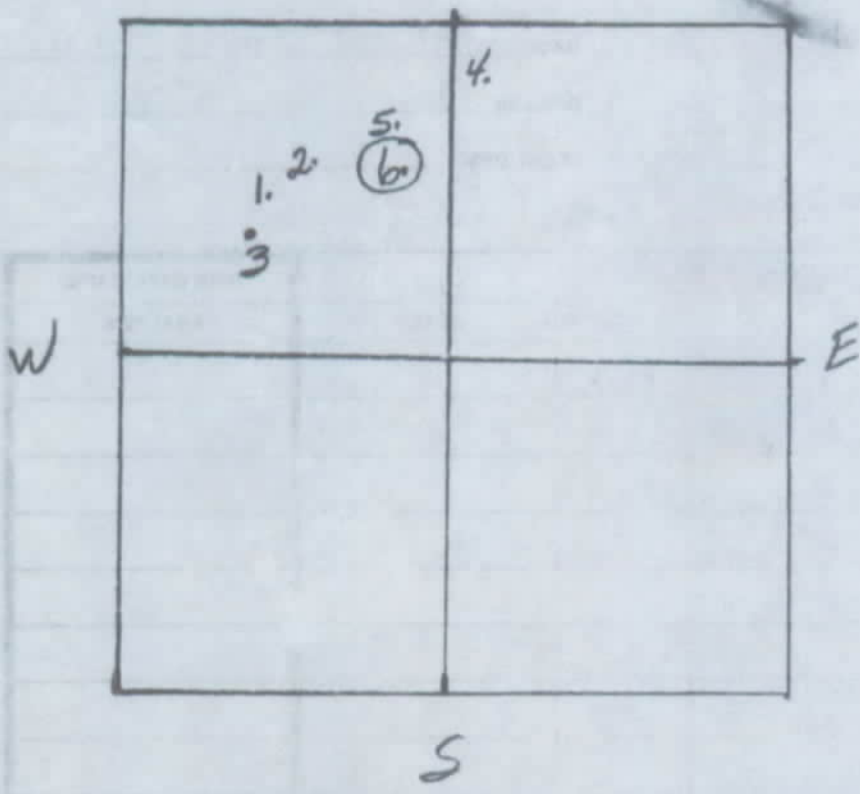
CUSTOMERS NAME Don Johnson DATE 4-6-81 (Drilling - 3-4-81)
ADDRESS _____ DRILLER Melvin Backowski
CITY AND STATE Millbank, SD 57252 LEGAL DESC. _____
PHONE 605-432-4221 Dakota Granite

[illegible]

REFLECTION. REDUCTION 25:1 ROL NO 35 4-16-82 Don E. Gandy



#6 is where test well is



CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

0663-GT

NAME Donald E. Johnson - Granite View Farms

ADDRESS Milbank, South Dakota 57252

COUNTY Grant



LEGAL DESCRIPTION

1. WELL LOCATION: S.E. 1/4 of the N.W. 1/4 Sec. 18-120-47
2. LOCATION OF AREA TO BE IRRIGATED N.W. 1/4 & S.W. 1/4 of Sec. 18-120-47

TYPE OF IRRIGATION

3. GRAVITY TOWLINE CENTER PIVOT X GUN
4. CROPS TO BE IRRIGATED corn, alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-282
6. SALINITY (EC X 10⁶) 1257 (high)
7. SODIUM (SAR) 0.98 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Grant County Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Donald E. Johnson
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
17 DAY OF March 1976.

Ken L. Higginbotham
(TITLE OR SEAL)
Comm. expires 3/4/84

Albert H. Maffett
APPROVED/DENIED

(SOILS INFORMATION ON REVERSE SIDE)

Signed By Tom Catlow Date 6-12-8

5469-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1992

Don Larson
Larson Engineering
102 S Dakota St
Milbank, SD 57252

Dear Mr. Larson:

Pursuant to your request, I have reviewed our permit files for any permits issued after April 1990 in the following areas:

T120N, R48W Sections 12, 13 and 24
T120N, R47W Sections 17, 18, 19 and 20

There are two permits within this area. No. 5564-3 Cold Spring Granite Company (Section 17, T120N, R47W and No. 5469-3 Michael Johnson (Section 18, T120N, R47W). I have enclosed a copy of Water Permit No. 5469-3 and a copy of the application for Water Permit No. 5564-3. No. 5564-3 was approved in October, 1991, however, has not yet been issued by the Chief Engineer.

You also inquired about the existence of any permits issued in Sections 11, 14 and 23, T120N, R48W. I was unable to find any permits in these sections.

If you have any questions or need information on additional legal descriptions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412316

Pierre, _____

July 16, 1990

RECEIVED OF Granite View Farms, RR #1 Box 142, Milbank, SD 57252

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

Fee for Application for Permit No. 5469-3 to Appropriate Water, to construct works and to put water to beneficial use _____

50 00

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____

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

Chief Engineer

John H. H. H. H.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4519

WR#

OWNERS NAME: JOHNSON, MICHAEL

OWNERS ADDRESS: ROUTE 1 BOX 142
MILBANK, SD 57252

COUNTY LAND LOCATED IN: GRANT PHONE: 432-4221

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18-T120N-R47W (2722-3A)

Depth: SE $\frac{1}{4}$ NW $\frac{1}{4}$ 18-T120N-R47W (2722-3)

Legal Description	Acres	Legal Description	Acres
<u>W$\frac{1}{4}$ NE$\frac{1}{4}$ 18-T120N-R47W</u>	<u>10</u>		
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ 18-T120N-R47W</u>	<u>14</u>		
<u>*Irrigated from Well covered under</u>			
<u>Water Permit 2722-3 & 2722-3A</u>			

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

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

WATER QUALITY:

4. WATER SAMPLE NUMBER: 81-237 7. ADJUSTED (SAR): 0.49

5. SALINITY (EC X 10⁶): 1140 8. PERCENT SODIUM: _____

6. SODIUM (SAR): 0.18

Requirements:

The area mapped as Renshaw-Sioux complex 6-15% slope is restricted from irrigation in slopes greater than 9%.

The area mapped as Sioux-Renshaw Complex 15-40% are excessively steep and subject to a severe erosional hazard and shall not be irrigated.



XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

August 9, 1990

Date

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

Report on
Water Permit Application No. 5469-3
Michael Johnson
October 12, 1990

Application No. 5469-3, Michael Johnson, proposes to correct the location of 24 acres irrigated under Water Permit Nos. 2272-3 and 2272-3A. The two water permits appropriate 2.0 cubic feet of water per second (cfs) from two wells located in the NE1/4 NW1/4, SE1/4 NW1/4 of Section 18-T120N-R47W to irrigate 270 acres located in the NW1/4, SW1/4 of Section 18-T120N-R47W. An inspection of Water Permit Nos. 2272-3 and 2272-3A found 230 acres irrigated by the irrigation system with 24 of those acres not included in lands covered by the permits. The additional 24 acres are located in the NW1/4 SE1/4, W1/2 NE1/4 Section 18-T120N-R47W. This application does not propose to increase the diversion rate from the 2 existing wells. The priority date of April 29, 1976 should be retained by this application.

Review of Existing Water Rights

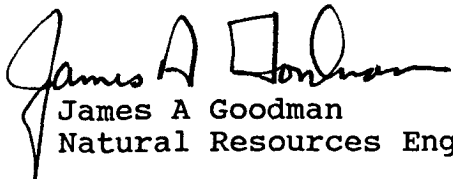
There are six existing water rights located in the immediate vicinity. This irrigation system has been operated for several years without any reported complaints. Interference by this proposed application with existing water rights would not be expected.

Conclusions

1. There are a total of 230 acres irrigated under Water Permit Nos. 2272-3 and 2272-3A, with 24 of those acres not covered under the permits. This application is to correct these acreages.
2. There is to be no additional diversion beyond the 2.0 cfs already appropriated.
3. Interference with existing water rights would not be expected.
4. The priority date of April 29, 1976 should be retained.


Mark D. Rath
Natural Resources Engineer II

Approved by:


James A Goodman
Natural Resources Engineer IV

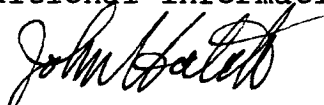
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5469-3, Michael Johnson

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. 5469-3, Michael Johnson, RR #1 Box 142, Milbank SD.

The Chief Engineer is recommending APPROVAL of Application No. 5469-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
October 25, 1990



Department of Water & Natural Resources

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

October 26, 1990

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

Michael Johnson
RR #1 Box 142
Milbank SD 57252

Dear Mr. Johnson:

Water Permit Application No. 5469-3 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 Grant Co. Review printed at Milbank 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

October 26, 1990

Grant Co. Review
Box 390
Milbank SD 57252

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5469-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Michael Johnson, RR #1 Box 142, Milbank SD 57252.

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 _____

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

NOTICE OF HEARING on Application No. 5469-3 to Correct the Location
of 24 Irrigated Acres

Notice is given that Michael Johnson, RR #1 Box 142, Milbank SD 57252 has filed an application for a water permit to specify the correct location of 24 irrigated acres. Water Permit Nos. 2272-3 and 2272-3A appropriates 2.0 cubic feet of water per second from two existing wells 93 and 70 feet deep located in the NE1/4 NW1/4, SE1/4 NW1/4 Section 18 T120N-R47W to irrigate 270 acres located in the NW1/4, SW1/4 Section 18 T120N-R47W. An inspection of Permit Nos. 2272-3 and 2272-3A found 2 wells constructed to irrigate 230 acres. The correct location of the 24 irrigated acres is the NW1/4 SE1/4, W1/2 NE1/4 Section 18 T120N-R47W. This application does not authorize any increase in diversion rate from the 2 existing wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5469-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 1990. 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 the petitioner's legal counsel, if legal counsel is obtained.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

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. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County GRANT)

I, NINA BEILKE

certify that the attached printed Notice was taken
 from the GRANT COUNTY REVIEW

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

CITY of MILBANK

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

NOVEMBER 7, 1990

NOVEMBER 14, 1990

Nina Beilke
 (Signature)

Office Mgr.
 (Title)

11-14-90
 (Date Signed)

Cost of Printing: _____

FIRST PUBLICATION: 109 LINES @ .2765 30.14

SECOND PUBLICATION: 80% OF ABOVE 24.11

TOTAL COST 54.25

NOTICE OF HEARING

On Application No. 5469-3 to Correct
 The Location of 24 Irrigated Acres

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5469-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 1990. 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 the petitioner's legal counsel, if legal counsel is obtained.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 a.m., on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The



above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

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. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Nov. 7

Nov. 14



MAR 27 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

Michael Johnson
Rt 1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

Enclosed is Water Permit No. 5469-3 For Irrigation as approved by the Water Management Board authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosures

South Dakota



GREAT FACES. GREAT PLACES.
March 28, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

received
4-1-91



Tom Oothoudt
North Star Well Drilling
Box 355
Little Falls, Mn 56345

Dear Mr Oothoudt:

Our records indicate that you may have drilled a well for Don Johnson of Milbank, SD. The well is located in NW1/4 of Section 18 T120N R47W I have not been able to find the as completed well log for the irrigation well. I would appreciate it if you would check your files for the well log and then send any information you have concerning this to me.

If you need any additional information feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

4-3-91

Dear Mr. Rath,

I have attached a copy of our Well Drillers Report from 1981 for a 91'12" irrigation well we drilled for Don Johnson. Well Owner on the report is Dakota Granite Co., perhaps the name difference is why you can not find the log. We drilled another well in 1982 for Johnson but it is located on the SW1/4 of Sec. 7, T120N, R47W.

Please let me know if you need any additional information.

Sincerely,

Sally Oothoudt Erickson
Office Manager

MINNESOTA - WHEATSTONE Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by MICHAEL JOHNSON_____ of MILBANK, SD holder ofPermit No. 2722-3, 2722-3A ÷ 5469-3, bearing the priority of APRIL 29 19 76 authorizingthe diversion of 2.0 cu. ft. per second of the waters of GROUND WATERfor IRRIGATION purposes, in GRANT County.

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

A. Works used to divert the water: A WETLINE ELECTRIC PUMP, MODEL NO AXN145911 BEN 10" PUMP WITH A 700gpm CAPACITY AND A 12" VERTILINE - 12RL ELECTRIC PUMP WITH A 750 gpm CAPACITY

B. Works used to transport water to place of use: 1900' of 8" PVC

C. Works used to apply water to beneficial use: A 7 TOWER AND A 9 TOWER LINDSEY ZIMMATIC CENTER PIVOTS

The system is in the following condition GOOD

The point of diversion is located FROM THE NW CORNER OF SECTION 18-T120N-R47W
Well #1, 2050' EAST 1000' SOUTH, WELL #2, 2350' EAST 1750' SOUTH.

The works are capable of diverting and conveying to the place of use 3.22cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL LAND LOCATED IN

SECTION 18-T120N-R47W NW¼ NW¼ - 34ac NW¼ NE¼ - 0.5ac

SW¼ SW¼ - 0.1ac NE¼ NW¼ - 34ac SW¼ NE¼ - 9.5ac

NW¼ SW¼ - 22ac SW¼ NW¼ - 31ac NW¼ SE¼ - 14ac

NE¼ SW¼ - 40ac SE¼ NW¼ - 40ac SE¼ SW¼ = 4.9ac

comprising a total of 230 acres of land and the license should be issued for 2.0 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 3/28/91

Mark D. Roth
 (signature)

LICENSE FOR PERMIT NUMBER 2722-3 2722-3A

1. Legal location of wells: NE 1/4 NW 1/4 OF SECTION 18-T120N-R47W

dams & structures: _____

2. Well Information: Well Drilling Firm NORTH STAR DRILLING INC

Completion Report Yes X No _____ No. of Wells 1 Depth 93'

Casing	a) diameter <u>12"</u>	Screen	a) type <u>STAINLESS STEEL</u>
	b) length _____		b) length _____
	c) type <u>STEEL</u>	Static Water Level	_____
Pump	a) make <u>WETLINE</u>	Motor	a) make <u>NEWMAN</u>
	b) model <u>AXN145911BEH</u>		b) model No. <u>S20035211</u>
	c) size <u>10"</u>		c) horsepower rating <u>60</u>
	d) capacity <u>700</u> gpm		
	e) turbine pump - no. of stages <u>3</u>		
	f) operating PSI <u>60</u>		

3. Distribution lines or canals

a) size 8"

b) type PVC

c) length 600'

4. Dam Information:

a) height to crest _____	m) Outlet tubes:
b) height to primary spillway _____	1) diameter _____
c) height to secondary spillway _____	2) type _____
d) crest width _____	3) valved (Y/N) _____
e) crest length _____	4) valve type _____
f) spillway length _____	5) location on structure _____
g) spillway width _____	
h) approx. storage _____	n) Category of Dam _____
i) approx. storage to crest _____	
j) date constructed _____	
k) inspection sheet completed (Y/N) _____	
l) Name of Contractor _____	

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make LYNDSEY ZIMMATIC
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1280
- 5) end gun (Y/N) Y
- 6) high or low pressure 60
- 7) make & size of nozzles RAINBIRD, NELSON
- 8) capacity (GPM) 700

g) siphons

- 1) size _____
- 2) number _____

NOTE:

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

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

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

REMARKS:

LICENSE FOR PERMIT NUMBER 2722-3 & 2722-3A

1. Legal location of wells: SE 1/4 NW 1/4 of SECTION 18-T120N-R47W

dams & structures: _____

2. Well Information: Well Drilling Firm HYRON WELL DRILLING

(Test Hole Log Only)

Completion Report Yes X No _____ No. of Wells 1 Depth 70

Casing a) diameter 16" Screen a) type STAINLESS STEEL
b) length 50 b) length 20'
c) type STEEL Static Water Level 17'

Pump a) make AURORA Motor a) make 45 ELECTRICAL
b) model VERTILINE-12RL b) model No. 365 TP
c) size 12" c) horsepower rating 75
d) capacity 750 gpm
e) turbine pump - no. of stages 4
f) operating PSI 70

3. Distribution lines or canals

a) size 8"
b) type PVC
c) length 1300'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make LINDSEY ZIMMATIC
- 2) number of towers 9
- 3) distance between towers _____
- 4) overall length 1280'
- 5) end gun (Y/N) Y
- 6) high or low pressure HL
- 7) make & size of nozzles
RAINBIRD, NELSON
- 8) capacity (GPM) 750

g) siphons

- 1) size _____
- 2) number _____

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

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

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

REMARKS:



SEP 18 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5469-3
2272-3
2272-3A

Michael Johnson
RR 1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

Enclosed is Water License No. 5469-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412646 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. 5469-3, 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

The applicable portions of Permit Nos. 2272-3 and 2272-3A are incorporated into this Water License No. 5469-3. A priority date of April 29, 1976 is retained.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412646

Pierre, April 18, 19 91

RECEIVED OF Granite View Farms, RR 1, Box 142, Milbank, SD 57252

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 <u>5469-3</u>	50	00
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>5469-3</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. 5469-3

(1) Michael Johnson of RR 1 Box 142, Milbank, SD 57252 made Application No. 5469-3, July 16, 1990 for a water permit to appropriate no additional cubic feet of water per second from groundwater (two existing wells), Grant County, South Dakota for irrigation purposes. Permit No. 5469-3 with a priority date of April 29, 1976 was approved December 5, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5469-3 corrected the location of 24 irrigated acres developed under Water Permit Nos. 2272-3 and 2272-3A. No. 5469-3 did not authorize an increase in the diversion rate from the two existing wells.

The applicable portions of Permit Nos. 2272-3 and 2272-3A are incorporated into this Water License No. 5469-3. A priority date of April 29, 1976 is retained.

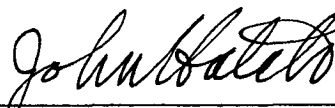
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 2050'E and 1000'S of the NW corner; Well #2 - 2350'E and 1750'S of the NW corner, Section 18, T120N, R47W.

(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:

T120N, R47W Section 18	SW 1/4 SW 1/4	0.1 acre
	NW 1/4 SW 1/4	22.0 "
	NE 1/4 SW 1/4	40.0 "
	SE 1/4 SW 1/4	4.9 "
	NW 1/4 NW 1/4	34.0 "
	NE 1/4 NW 1/4	34.0 "
	SW 1/4 NW 1/4	31.0 "
	SE 1/4 NW 1/4	40.0 "
	NW 1/4 NE 1/4	0.5 "
	SW 1/4 NE 1/4	9.5 "
	NW 1/4 SE 1/4	<u>14.0 "</u>
Total		230.0 acres

(4) Pursuant to Section 46-5-30.1 Michael Johnson of RR 1 Box 142, Milbank, SD 57252 the holder(s) and/or owner(s) of Incorporated No. 5469-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (two wells) with a priority date of April 29, 1976

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 Incorporated No. 5469-3 and subject to South Dakota State Law.



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

SEP 18 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 26, 1991

Michael Johnson
RR 1 Box 142
Milbank, SD 57252

Dear Mr. Johnson:

Enclosed is a corrected copy of Water License No. 5469-3. The license that was sent to you had an error in paragraph 2 and 3. Water Permit Nos. 2272-3 and 2272-3A should read 2722-3 and 2722-3A. This error was made in both paragraphs. Please discard the incorrect copy.

If you have any questions, please feel free to contact this office.

Sincerely,

Jaci R Konop
Senior Secretary
(605) 773-3352

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5469-3

(1) Michael Johnson of RR 1 Box 142, Milbank, SD 57252 made Application No. 5469-3, July 16, 1990 for a water permit to appropriate no additional cubic feet of water per second from groundwater (two existing wells), Grant County, South Dakota for irrigation purposes. Permit No. 5469-3 with a priority date of April 29, 1976 was approved December 5, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5469-3 corrected the location of 24 irrigated acres developed under Water Permit Nos. 2722-3 and 2722-3A. No. 5469-3 did not authorize an increase in the diversion rate from the two existing wells.

The applicable portions of Permit Nos. 2722-3 and 2722-3A are incorporated into this Water License No. 5469-3. A priority date of April 29, 1976 is retained.

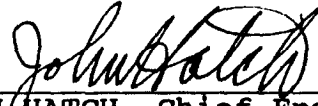
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 2050'E and 1000'S of the NW corner; Well #2 - 2350'E and 1750'S of the NW corner, Section 18, T120N, R47W.

(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:

T120N, R47W Section 18	SW 1/4 SW 1/4	0.1 acre
	NW 1/4 SW 1/4	22.0 "
	NE 1/4 SW 1/4	40.0 "
	SE 1/4 SW 1/4	4.9 "
	NW 1/4 NW 1/4	34.0 "
	NE 1/4 NW 1/4	34.0 "
	SW 1/4 NW 1/4	31.0 "
	SE 1/4 NW 1/4	40.0 "
	NW 1/4 NE 1/4	0.5 "
	SW 1/4 NE 1/4	9.5 "
	NW 1/4 SE 1/4	<u>14.0 "</u>
Total		230.0 acres

(4) Pursuant to Section 46-5-30.1 Michael Johnson of RR 1 Box 142, Milbank, SD 57252 the holder(s) and/or owner(s) of Incorporated No. 5469-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (two wells) with a priority date of April 29, 1976

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 Incorporated No. 5469-3 and subject to South Dakota State Law.



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

SEP 18 1991



5469-3

**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 26, 2007

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 3234-3, 4735-3, 4856-3 & 5469-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 3234-3, 4735-3, 4856-3 & 5469-3 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 1, 2007, 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:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2007

3234-3
4735-3
4856-3
5469-3

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 3234-3, 4735-3, 4856-3 and 5469-3.

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

5469-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2009

Mike Johnson
14962 483rd Ave
Milbank SD 57252

Dear Mr. Johnson:

I am writing in regard to a well driller's report filed by Jennings Well Drilling, Inc. The report shows a new well was completed on May 15, 2008 located in the SE ¼ Section 18-T120N-R47W.

A review of our files indicates that you hold Water Right No. 5469-3 for 900 gallons per minute (gpm) from two wells, located in the NW ¼ Section 18-T120N-R47W to irrigate 230 acres.

Is this well a replacement well or an additional well which does not increase the total appropriation of 900 gpm? If the authorized diversion rate is to be increased, a new water permit will need to be obtained. Once we know this information we can determine what additional action, if any, needs to be taken to ensure your water rights accurately reflect your water use system.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Schlaak, Karen

From: Nancy Johnson [mnjohn@tnics.com]
Sent: Tuesday, March 03, 2009 11:51 AM
To: Schlaak, Karen
Subject: Water Right-Mike Johnson

Dear Karen,

In regard to your question about the well that was drilled on May 15, 2008 concerning water right #5469-3 for 900 gallons per minute, this was a well to replace one of the two wells. Nothing therefore changes concerning our water use. The abandoned well was filled in and capped. Please contact me further if you have any other questions.

Nancy Johnson
Granite View Farms, Inc.
14962 483rd Ave
Milbank, SD 57252

04/02/2009



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2010

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234A-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 3234A-3, 4735-3, 4856-3 & 5469-3 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 10, 2010** 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) 3234A-3, 4735-3, 4856-3 & 5469-3 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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2010

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

RE: 2009 irrigation questionnaires for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3.

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
email: genny.mcmath@state.sd.us



5469-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: MICHAEL D JOHNSON, 14962 483RD AVE, MILBANK, SD 57252
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3234A-3, 4735-3, 4856-3 & 5469-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 3234A-3, 4735-3, 4856-3 & 5469-3 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 9, 2011** 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) 3234A-3, 4735-3, 4856-3 & 5469-3 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 4, 2011**, 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 Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2011

Michael D Johnson
14962 483rd Ave
Milbank SD 57252

RE: Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 3234A-3, 4735-3, 4856-3 & 5469-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

5369-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 5, 2018

Mike & Steve Allard
33075 477th Ave
Elk Point SD 57025

RE: Address changes for Water Permit/Right Nos. 5369-3, 5992-3, 6047-3, 7011-3 & 7856-3

Dear Sirs:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires for the above referenced water permit and water rights.

The notice was originally mailed to 33073 477th Ave, Elk Point. The post office notified us that your address has changed and I will update our records accordingly.

One thing to note, Water Right No. 5369-3 is still listed as owned by Alfred Allard with you as the manager. Please let me know if this should be transferred and I can send you paperwork for that.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

enclosures