

Considered: _____

WATER PERMIT NO. 5506-3

Phone: 605 297-4728

Name of Applicant: John R Davis

Post Office Address: RR 7, Box 46, Parker SD 57053

Amount of Water Claimed: 1.11 cfs Total Acres: 240

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 4 miles South of Parker

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12-20-90 Fee: \$275.00 Remarks _____

Corrected Application Received _____ Period of Annual Use June 1 - Sept 30

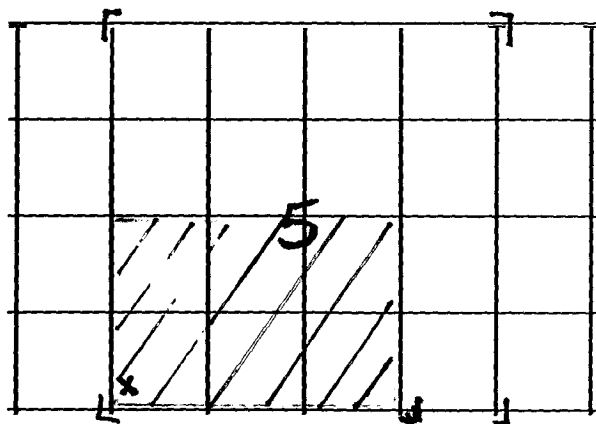
WATER QUALITY APPROVAL RECEIVED 2/15/91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SW 1/4 5-98-53

Land to be Irrigated: SW 1/4, E 1/2 SE 1/4

5-98-53



Well Log: Driller: Pullman Well Drilling Licensed YES X NO _____

Depth of Well: 70' REMARKS _____

Type of Map: soils map PREPARED BY: Kyle Huberer Reviewed and the Number

Assigned on 2-15-91 By Karen Schlaak

(See instructions)

No. 5506-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper The New Era, Box 57, Parker, SD

(Thurs)

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 John P. Davis Phone No. 227-4928
Post Office Address RR 1, Box 16, Parker State SD Zip Code 57553
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 500 gpm (1.11 cfs) Total acres irrigated 200
3. Source of Water supply 1 well
4. Location of point of diversion See map SW 1/4 SW 1/4 Sec 5-T98N-R53W

County Turner
5. Counties where water will be used Turner
6. Annual period during which water is to be used July 1 to Dec 31 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>NE 1/4 SW 1/4 Sec 5</u>	<u>40</u>
<u>NW 1/4 SW 1/4 Sec 5</u>	<u>40</u>
<u>SE 1/4 SW 1/4 Sec 5</u>	<u>40</u>
<u>SW 1/4 SW 1/4 Sec 5</u>	<u>40</u>

Land Description	No. Acres Irr.
<u>NW 1/4 SW 1/4 Sec 5</u>	<u>40</u>
<u>SW 1/4 SW 1/4 Sec 5</u>	<u>40</u>

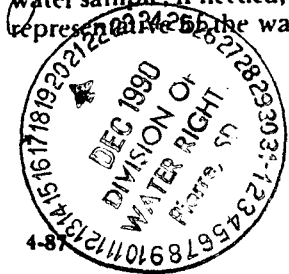
Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Other (Specify) Other
9. Crops to be Irrigated: Soybean and corn
10. Give a description of proposed project. (Attach sheet if more space is needed)
SW 1/4 SW 1/4 Sec 5 T98N R53W
W 1/4 SW 1/4 Sec 5 T98N R53W
200 acres total part of total 1990
of 200 acres total

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}

John P. Davis, 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 John P. Davis
Subscribed and sworn to before me this 19 day of December 1990
Gloria P. Pichem
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5506-3 FOR IRRIGATION**

Date of first receipt of application December 20, 1990.
Date Soil/Water Compatibility Permit received February 15, 1991.
Date of return to applicant for corrections, amendments or changes
December 28, 1990.
Date of receipt of corrected application January 2, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5506-3 to John R Davis, RR 7, Box 46, Parker SD 57053 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. 5506-3 appropriates 1.11 cubic feet of water per second (cfs) from one well (Niobrara Formation) 70 feet deep to irrigate 240 acres. Water Permit Nos. 4572-3 and 4736-3 authorize irrigation of the same acreage. This permit is to supplement irrigation of the 240 acres from a difference groundwater source. The well is to be located in the SW 1/4 SW 1/4 Section 5-T98N-R53W and the irrigated acreage is located in the SW 1/4, W 1/2 SE 1/4 Section 5-T98N-R53W. Combinations of diversions authorized by Nos. 4572-3 and 4736-3 and this permit, may not exceed 1.0 cfs for each 70 acres irrigated.
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: July 1 - September 30.
3. The date from which applicant may claim right is December 20, 1990.
4. The date of approval of Permit No. 5506-3 is May 23, 1991.
5. One-fifth of the construction is to be completed on or before November 23, 1993.
6. All construction is to be completed on or before May 23, 1996.
7. Water is to be put to beneficial use on or before May 23, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

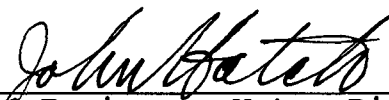
QUALIFICATIONS

1. The well authorized by Permit No. 5506-3 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.

(continued)

2. The well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The well owner under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Combinations of diversions authorized by Water Permit Nos. 4572-3 and 4736-3 and this Permit may not exceed 1.0 cfs for each 70 acres irrigated.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

JUL 29 1991
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 2 1/2" Depth 20
- b) Casing Type PVC Diameter 16 in Thickness 1/2 in
- c) Screen Type 2 1/2" 30x36 in Diameter 16 in Thickness 3/16 in
- d) Gravel Pack Thickness 5 in Length of Gravel Pack 30 5 40
- e) Depth to Top of Water Bearing Material 27
- f) Depth to Water (ground surface to water level) 20
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 500 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 _____

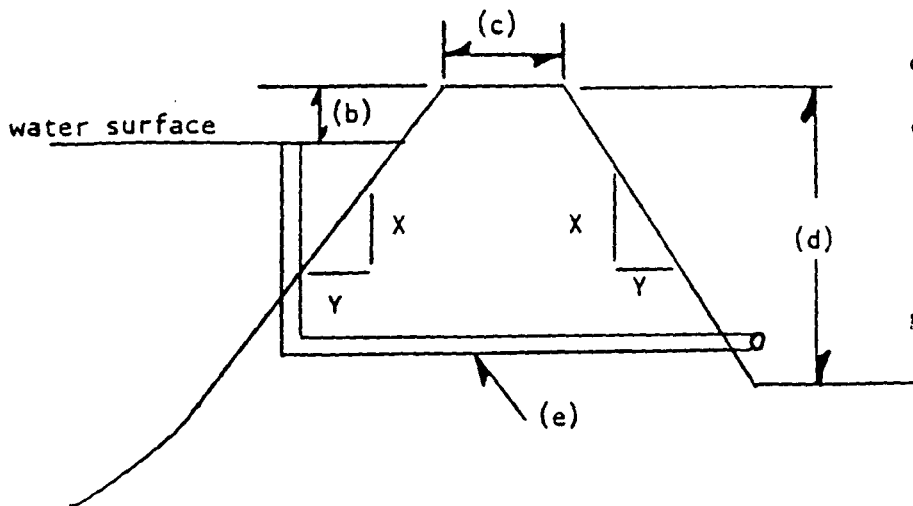
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

07-92

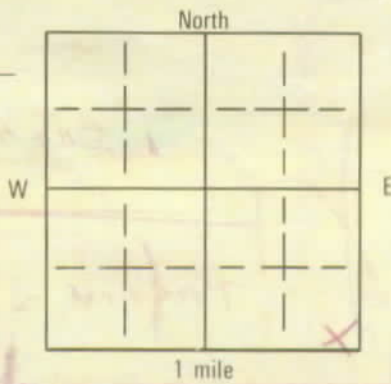
Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 5 Twp 98N Rg 53WCounty Turner

Please mark well location with an "X"

Well Completion Date 11-2-90

PROPOSED USE:

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

Method of Drilling:

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	3 IN	0 FT	30 FT	6 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? 4 bags cement

If cement, number of sacks? _____

Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 40 FEETMaterial PVCSlot Size 1/16 Set From 30 Feet To 70 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name John DavisAddress RR Chancellor, SD 57015

Well Log: _____ Depth _____

Formation _____ From _____ To _____

Yellow Clay 0 17Red Clay 17 27Chalk 27 71Shale 71 80

WELL TEST DATA:

☒ Pumped 70 sp. m☐ Bailed Describe: air compressor☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

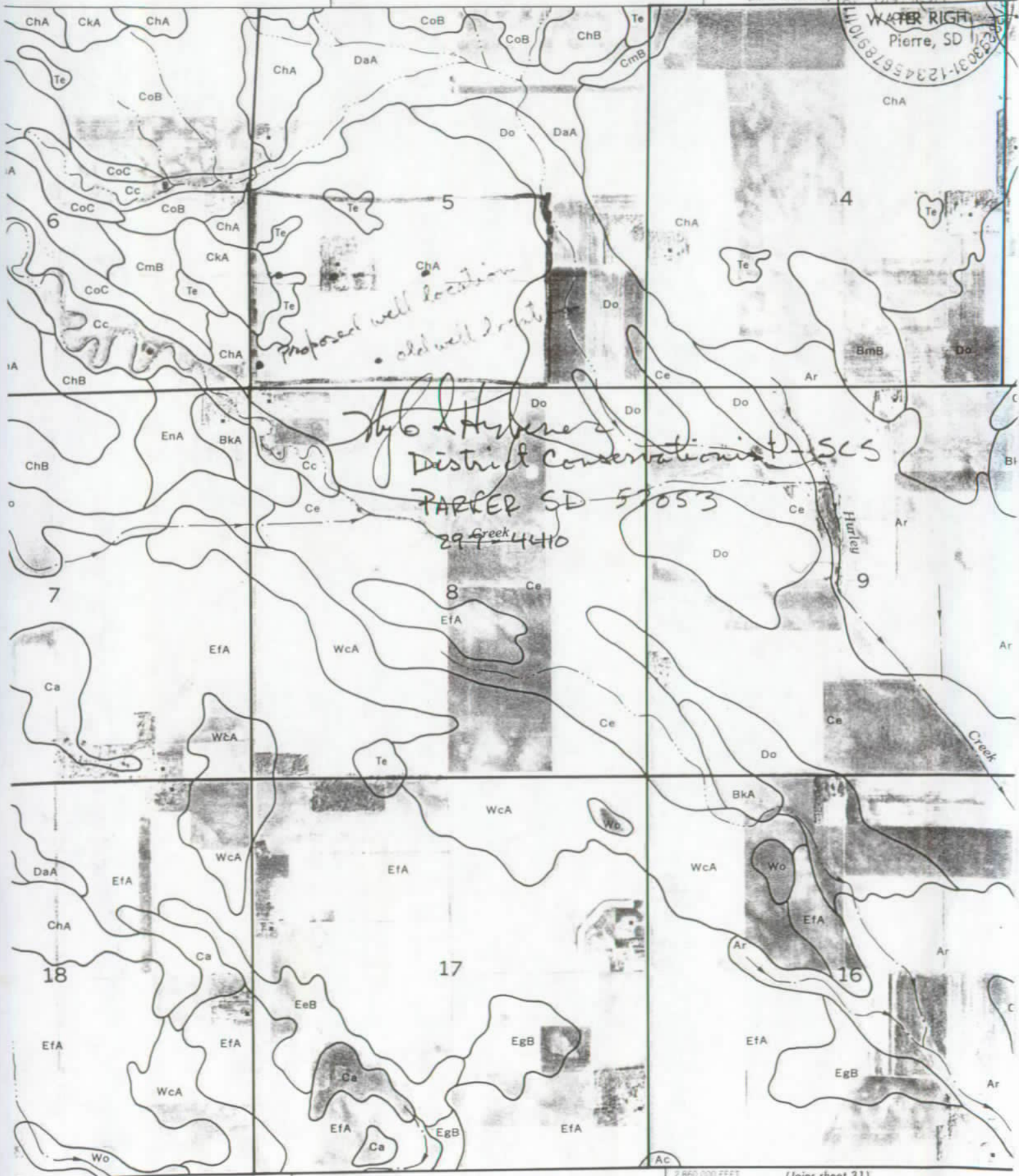
Drilling firm Pullman Well DrillingSignature of License Representative: James Pullman

Signature of Well Owner: _____

Date 11-6-90

App'l. No. 5506-3

5-98-53 Turner, Co. (Joins sheet 20)



Pasture Group is A - Wet soils suitable for all climatically adapted plants, including those capable of utilizing extra moisture. These soils receive extra moisture from runoff or high water table. They are artificially drained or wetness is short of duration.

Windbreak Suitability Group is 2 - wet soils-

Soils in this Group are well suited to all climatically adapted species. 2s - Somewhat poorly drained sandy and sandy loam soils 2w - Somewhat poorly drained and drained phases of poorly drained clayey and loamy soils.

ChA Clarno-Bonilla loams, 0-2% slopes

Deep, moderately well and well drained loamy soils with moderate permeability.

Capability is 12 Deep, loamy, well drained soils on nearly level (0-2%) upland slopes. They have few or no limitations in use.

Range site is Si (silty) - This site includes deep or moderately deep soils that have a fine sandy loam to silty clay loam surface and subsoil. The principal plants in the original vegetation were: big and little bluestem, green needlegrass, western wheatgrass and needleandthread.

Pasture Group is F - Loamy or Silty Soils - well suited for all climatically adapted plants.

Windbreak Suitability Group is 3 - silty and loamy soils - soils in this Group are well suited to all climatically adapted species except those that have high moisture requirements. They are mainly deep, well drained loamy and silty soils on uplands.

ChB Clarno-Bonilla loams, 1-6% slopes

Deep, moderately well and well drained loamy soils with moderate permeability.

Capability is 11e2 Deep, loamy, well drained soils on gently undulating (2-6%) slopes. They have a moderate water erosion hazard.

Range site is Si (silty) - This site includes deep or moderately deep soils that have a fine sandy loam to silty clay loam surface and subsoil. The principal plants in the original vegetation were: big and little bluestem, green needlegrass, western wheatgrass and needleandthread.

Pasture Group is F - Loamy or Silty Soils - well suited for all climatically adapted plants.

Windbreak Suitability Group is 3 - silty and loamy soils - soils in this Group are well suited to all climatically adapted species except those that have high moisture requirements. They are mainly deep, well drained loamy and silty soils on uplands.



CkA Clarno-Crossplain-Davison complex, 0-3% slopes
Deep, moderately well and poorly drained loamy soils with moderate permeability in the Crossplain soils. Water table may rise to 1 foot in the spring of most years.
Capability is 12 Deep, loamy, well drained soil on nearly level (0-2%) upland slopes. They have few or no limitations in use.
Range site is Si (silty) - This site includes deep or moderately deep soils that have a fine sandy loam to silty clay loam surface and subsoil. The principal plants in the original vegetation were: big and little bluestem, green needlegrass, western wheatgrass and needleandthread.
Pasture Group is F - Loamy or Silty Soils - well suited for all climatically adapted plants.
Windbreak Suitability Group is 3 - silty and loamy soils - soils in this Group are well suited to all climatically adapted species except those that have high moisture requirements. They are mainly deep, well drained loamy and silty soils on uplands.

CmB Clarno-Davison loams, 2-5% slopes
Deep, moderately well and poorly drained loamy soils with moderate permeability in the Clarno and slow in the Crossplain soils. Water table may rise to 1 foot in the spring of most years.
Capability is 11e2 Deep, loamy, well drained soils on gently undulating (2-6%) slopes. They have a moderate water erosion hazard.
Range site is Si (silty) - This site includes deep or moderately deep soils that have a fine sandy loam to silty clay loam surface and subsoil. The principal plants in the original vegetation were: big and little bluestem, green needlegrass, western wheatgrass and needleandthread.
Pasture Group is F - Loamy or Silty Soils - well suited for all climatically adapted plants.
Windbreak Suitability Group is 3 - silty and loamy soils - soils in this Group are well suited to all climatically adapted species except those that have high moisture requirements. They are mainly deep, well drained loamy and silty soils on uplands.

CoB Clarno-Ethan loams, 2-6% slopes
Deep, well drained loamy soils with moderate permeability.
Capability is 11e2 Deep, loamy well drained soils on gently undulating (2-6%) slopes. They have a moderate water erosion hazard.

silty and moderately deep or shallow. They are limited in their ability to grow trees well because they are droughty. Careful selection of species is necessary and optimum growth and survival is not expected.



Di-Do Domo clay loams, 0-2X slopes

Somewhat poorly drained soils with 20 to 40 inches of loamy material over sand and gravel.

Permeability is moderate in the upper part and rapid in the underlying sand and gravel.

Capability is IIs3 Moderately deep, well drained soils with 20-40 inches of loamy material over sand and gravel on nearly level (0-2X) upland slopes. Sandy and gravelly subsoils and subdrata limit water storage and capacity rooting depths.

Range site is Ov (overflow)- This site regularly receives additional moisture from adjacent slopes or stream overflow. The principal plants in the original vegetation were: big bluestem, green needlegrass, perennial forbs, and in some places trees or shrubs.

Pasture Group is K - Moist soils with thick surface layers, suitable for all climatically adapted plants. These soils are moderately well and well drained and receive extra moisture from runoff water which increases yields compared with adjacent upland soils.

Mindbreak Suitability Group 1- Moist soils- Soils in this Group are well suited to all climatically adapted species. The soils are in positions in the landscape to receive beneficial moisture from run-in from adjacent uplands, flooding or have a temporary water table during the spring of most years.

EeA Egan-Ethan complex, 0-2X slopes

Deep, well drained loamy soils with moderate permeability.

Capability is I2 Deep, loamy, well drained soils on nearly level (0-2X) upland slopes. They have few or no limitations in use.

Range site is Si (silty) - This site includes deep or moderately deep soils that have a fine sandy loam to silty clay loam surface and subsoil. The principal plants in the original vegetation were: big and little bluestem, green needlegrass, western wheatgrass and needleandthread.

Pasture Group is F - Loamy or Silty Soils - well suited for all climatically adapted plants.

Mindbreak Suitability Group is 3- silty and loamy soils - soils in this Group are well suited to all climatically adapted species except those that have high moisture requirements. They are mainly

Sa

Capability is 1Ww2 Deep, loamy to clayey, poorly drained soils in depressions and on bottom lands. An intermittent water table, occasional flooding, and salinity severely limits use.

Pasture Group is J - Saline soils where choice of species and yields are severely limited by high salinity and/or alkalinity.

Te

Windbreak suitability is 2 - wet soils - soils in this group are well suited to all climatically

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412480

Pierre, December 31, 1990

RECEIVED OF John Davis, Rt 1, Box 46, Parker SD 57063

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

Fee for Application for Permit No. <u>5506-3</u> to Appropriate Water, to construct works and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	275 00

By John Haken
Chief Engineer

(KS)



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 28, 1990

John Davis
RR. # 1, Box 46
Parker, SD 57053

Dear Mr. Davis:

This letter is in reference to your water permit application for irrigation of 240 acres in the S1/2 Section 5, T98N, R53W. The following issues must be addressed before the application can be processed.

1. The application must have a notary public's signature and seal affixed prior to processing. The application you submitted was signed by the county auditor.
2. On Item No. 3 of the application, you state the source of the water supply to be wells. From our previous phone conversation, I understood that you planned only to drill one additional well to supplement your currently permitted wells. How many wells are you planning to drill?
3. Finally, the amount of water claimed (Item No. 2) was left blank on the application. From our conversation it was my understanding that you planned to divert 500 gallons per minute from this 70 feet deep well if the application was approved. What is the planned diversion rate from the well(s)?

Upon receipt of a completed application which addresses the above mentioned items and the approval of a Soil Water Compatibility Permit from the Department of Agriculture, I will proceed with processing your water permit application.

If you have any questions, please, do not hesitate to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4559

WR#

OWNERS NAME: JOHN R. DAVIS

OWNERS ADDRESS: RR 1 BOX 46

PARKER SD 57053

COUNTY LAND LOCATED IN: TURNER PHONE: 297-4728

LEGAL DESCRIPTION:

1. LOCATION SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T98N-R53W

☒ Well

☐ Surface

Depth _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T98N-R53W		NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T98N-R53W	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T98N-R53W		SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T98N-R53W	
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5-T98N-R53W		SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5-T98N-R53W	

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

3. CROPS TO BE IRRIGATED: SOYBEANS AND CORN

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1623

7. ADJUSTED (SAR): 1.53

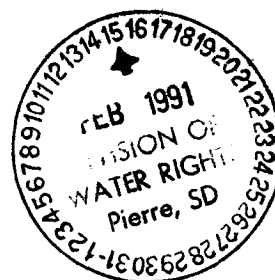
5. SALINITY (EC X 10⁶): 1700

8. PERCENT SODIUM 7.97

6. SODIUM (SAR): 0.55

Requirements:

(See Permit #2845-Tu & 2616-Tu)




Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

JANUARY 31, 1991

Date

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

REPORT ON APPLICATION NO. 5506-3
for John R Davis
March 25, 1991

Application No. 5506-3 proposes to appropriate 1.11 cfs from one well approximately 71 feet deep to irrigate 240 acres. Water Permit Nos. 4572-3 and 4736-3 authorize irrigation of the same acreage. This application will supplement existing irrigation with ground water from another source. The well is to be located in the SW 1/4 SW 1/4 of section 5, T98N R53W and the irrigated acreage is located the the SW 1/4, W 1/2 SE 1/4 of section 5, T98N R53W in Turner County. Combinations of diversions authorized by Permit Nos. 4572-3 and 4736-3 and this application, if approved, may not exceed 1.0 cfs for each 70 acres irrigated.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation underlies about 729 square miles and is estimated to contain 6.998 million acre feet of water in storage in both Turner and Hutchinson Counties (Hansen, 1990). This location is in area D as described in the Hansen Report and the direction of ground water movement is to the southeast. The aquifer is under artesian conditions and according to the test well log was encountered at a depth of 27 feet to 71 feet below land surface with a static water level of 20 feet below land surface. According to test well drilling in the area the Niobrara is overlain by glacial sediments which are probably hydraulically connected to the Niobrara in this area. The test well log submitted with the application indicates no outwash above the Niobrara but just east of this site shallow wells are present.

The Division of Water Rights monitors two observation wells TU-79C and TU-79D in this immediate area. TU-79C is completed into outwash (Parker Centerville) and TU-79D is completed into the Niobrara Formation (chalk). Water levels for these wells respond to climatic conditions, that is, rising during wet years and declining during dry years (Water Rights, 1991). The observation well record indicates the aquifers do recharge and that water is available for appropriation.

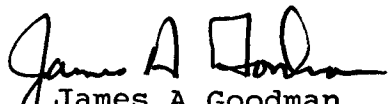
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits in this area which obtain water from the Niobrara Formation. Interference should not be a problem.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The Niobrara is under artesian conditions. In all likelihood the Niobrara is hydraulically connected to the Parker Centerville aquifer further to the east. It is not known how the Niobrara will respond to pumping; however, with the interconnection of the Niobrara and the Parker Centerville, drawdowns are not expected to be significant.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The lands to be irrigated are also covered by wells which obtain water from two other aquifers, the Parker Centerville and the Dakota Formation. The combined diversions of all wells cannot exceed 3.43 cfs.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.
- Water Rights, 1991, Observation Wells in Turner County, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5506-3, John R. Davis

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. 5506-3, John R. Davis, RR #7, Box 46, Parker, SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 5506-3 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. 5506-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The well owner under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Combinations of diversion authorized by Water Permit Nos. 4572-3 and 4736-3 and this Permit may not exceed 1.0 cfs for each 70 acres irrigated.

See report on application for additional information.



JOHN HATCH, Chief Engineer
April 3, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

April 17, 1991

John R Davis
RR 7 Box 46
Parker, SD 57053

Dear Mr. Davis:

Water Permit Application No. 5506-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The New Era printed at Parker, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 17, 1991

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5506-3 to be published twice. Please publish the first notice on April 25, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is John R. Davis, RR 7, Box 46, Parker, SD 57053.

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. No action may be taken on the permit application 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 April 25, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5506-3 to Appropriate Water

Notice is given that John R Davis, RR 7, Box 46, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from one well (Niobrara Formation) 70 feet deep to irrigate 240 acres. Water Permit Nos. 4572-3 and 4736-3 authorize irrigation of the same acreage. This application is to supplement irrigation of the 240 acres from a different groundwater source. The well is to be located in the SW 1/4 SW 1/4 Section 5-T98N-R53W and the irrigated acreage is located in SW 1/4, W 1/2 SE 1/4 Section 5-T98N-R53W. Combinations of diversions authorized by Nos. 4572-3 and 4736-3 and this application, if approved, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5506-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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 opposed to 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 May 13, 1991. 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.

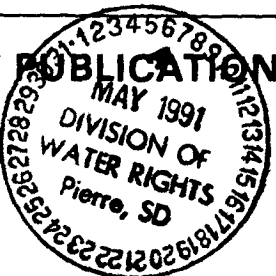
For purposes of publishing 1) the notice of hearing on Application No. 5506-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 23, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 23, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 23, 1991, 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 May 13, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition 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)
 County Turner) ss.



I, Bruce J. Bormann

certify that the attached printed Notice was taken
 from the The New Era

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

City of Parker

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

April 25, 1991

May 2, 1991

Bruce J. Bormann
 (Signature)
Publisher
 (Title)

May 2, 1991
 (Date Signed)

Cost of Printing: 50⁰⁰

Wendy L. Konda
My Commission
Expired Nov. 29, 1998

applicant. The applicant files a petition
 contesting the chief engineer's
 recommendation, the Water Management
 Board will NOT CONDUCT a HEARING
 to consider this application and the chief
 engineer will issue the permit as
 recommended. Petitions filed in support of
 the application will NOT require the
 Board to hear the application.

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 opposed to the Chief
 Engineer's recommendation. The Chief
 Engineer's address is "Water Rights Divi-
 sion, Foss Building, 523 E. Capitol, Pierre
 SD 57501 (605/773-3352)" and the appli-
 cant's mailing address is given above. A
 petition filed by either an interested person
 or the applicant must be filed by May 13,
 1991. 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 sup-
 porting the application, and the signature
 and mailing address of the petitioner or the
 petitioner's legal counsel, if legal counsel
 is obtained.

For purposes of publishing (1) the no-
 tice of hearing on Application No. 5506-3
 and (2) the chief engineer's recommenda-
 tion, a special Board meeting is schedu-
 led for May 23, 1991, at 9:00 a.m. in Room
 413, Joe Foss Building, 523 E. Capitol,
 Pierre, SD. If this application is opposed
 or the recommendation is contested, the
 May 23, 1991, hearing date may be
 rescheduled for another Board meeting. If
 the hearing is rescheduled, notice of the
 time and place will be given by First
 Class Mail to the applicant and persons
 filing petitions. Anyone not filing a
 petition, but interested in attending the
 hearing, may contact the Division of
 Water Rights to confirm a hearing date
 and location. The May 23, 1991, 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 May 13, 1991.

If a hearing is held, 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
 hearing will be an adversary proceeding.
 Any person filing a petition 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.

(April 25 & May 2, 1991)

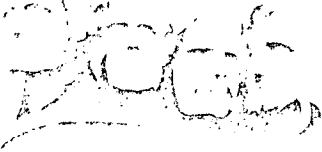
NOTICE OF HEARING
on Application No. 5506-3 to
Appropriate Water

NOTICE IS GIVEN that John R. Davis, RR 7, Box 46, Parker SD 57053 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from one well (Niobrara Formation) 70 feet deep to irrigate 240 acres. Water Permit Nos. 4572-3 and 4736-3 authorize irrigation of the same acreage. This application is to supplement irrigation of the 240 acres from a different groundwater source. Well is to

SW 1/4 Section 5, T98N-R53W
and the irrigated acreage is located
1/4, W 1/2 SE 1/4 Section 5-T98N-R53W.
Combinations of diversions authorized by
Nos. 4572-3 and 4736-3 and this application, if approved, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5506-3 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. Unless a petition is filed opposing the

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1991

John R Davis
RR 7 Box 46
Parker, SD 57053

Dear Mr. Davis:

Enclosed is Water Permit No. 5506-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: MRS JOHN R DAVIS
RR 1 BOX 46
PARKER SD 57053

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

RE: Violation of Water Permit No(s) 4572-3, 4736-3 & 5506-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4572-3, 4736-3 & 5506-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4572-3, 4736-3 & 5506-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4572-3, 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

MRS JOHN R DAVIS
RR 1 BOX 46
PARKER SD 57053

4. Article Number

P906 560 120

4b. Service Type

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

7. Date of Delivery

1-30-93

5. Signature (Addressee)

Christina Davis

6. Signature (Agent)

Christina Davis

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

Thank you for using Return Receipt Service.

Attention Water Board:



Dear Sirs:

I have filled out the questionnaires that have been sent to my mom. My Dad passed away $1\frac{1}{2}$ years ago and we have finally settled the estate. They seem to have been set aside amongst all the other paperwork. I now own the SW $\frac{1}{4}$ Sec 5 and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec 5. If you would please forward any and all questionnaires ~~to~~ regarding this property to
James J Davis
RR1 Box 43
Parker S Dak 57053

I would also appreciate if you would send copies of any test holes used for application of water permits back to me. I am looking into drilling a well in one location where a test hole was drilled and a permit ~~app~~ granted. Also please tell me if all 3 questionnaires apply

to the same farm. I am assuming
they are.

Thank You for your
Consideration,

Sincerely,
James J Davis



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1993

4572-3
4736-3
5506-3

James J Davis
RR #1 Box 43
Parker, SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993 Notice of Violation of Water Permit Nos. 4572-3, 4736-3 and 5506-3. Since the questionnaires were received in our office prior to the Water Management Board Meeting, your name has been deleted from the agenda.

Enclosed, as you requested, are copies of the test hole logs submitted with the water permit applications.

Also enclosed, are three "Notice of Transfer of Ownership" forms. You indicated in your letter, that you now own the land. There is a form for each permit, however, you will note that the permits all cover the same land. Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

Water Permit Nos. 4572-3, 4736-3 and 5506-3 will be transferred to your name as soon as the forms and filing fees are returned to our office. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures: test hole logs
transfer forms

5506-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 1993

SECOND NOTICE
PERMIT NO. 4572-3
4736-3
5506-3

James J. Davis
RR 1, Box 43
Parker, SD 57053

Dear Mr. Davis:

On February 18, 1993, notice was sent to you concerning the transfer of Water Permit Nos. 4572-3, 4736-3 and 5506-3 in the name of John R. Davis. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per "Notice of Transfer of ownership", a total of \$7.50. The permits can then be transferred to your name. If you are not the present owner of the land covered under these permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4572-3

4736-3

5506-3

James J. Davis
RR 1, Box 43
Parker, SD 57053

4a. Article Number

P 318 052 514

4b. Service Type

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

7. Date of Delivery

5-20-93

5. Signature (Addressee)

Marly M. Davis

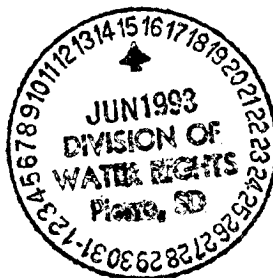
6. Signature (Agent)

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

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5506-3

Date: June 2, 1993

I\We request that Water Permit No. 5506-3

formerly owned by: John R Davis

be transferred to: James J Davis, RR #1 Box 43, Parker, SD 57053 (Telephone No) _____

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

SW 1/4, W 1/2 SE 1/4 Section 5, T98N, R53W

I\We understand that the validity of Water Permit No. 5506-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

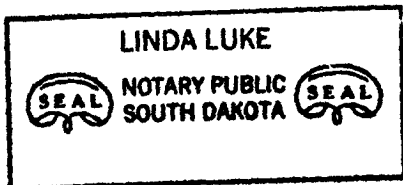
STATE OF SOUTH DAKOTA)

County of TURNER)

I\We James J. Davis being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

James J Davis
(Signed)

Subscribed and sworn to before me this 2nd day of June, 19 93.



Linda Luke
(Notary Public)

MY COMMISSION EXPIRES JULY 28, 1999

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

413805

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, June 15, 19 93

RECEIVED OF Marlys Davis, RR 1 Box 43, Parker, SD 57053

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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5506-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 13, 1993

No. 4572-3

4736-3

5506-3

James J. Davis
RR 1, Box 43
Parker, SD 57053

Dear Mr. Davis:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 4572-3, 4736-3 and 5506-3.

Our records now show you as the owner of Water Permit Nos. 4572-3, 4736-3 and 5506-3.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1994

James J. Davis
RR 1, Box 43
Parker, SD 57053

Dear Mr. Davis:

This letter is in response to your request for a list of the water rights in your name, and the lands covered by those water rights.

Enclosed you will find a completion of construction form to be filled out and sent to Water Rights Division upon completion of construction for Permit No. 5506-3. The construction completion date on Water Permit No. 5506-3 is May 23, 1996. I have also enclosed copies of your permits and license for your records.

License No. 2810-3 appropriates 1.88 cubic feet per second of water (846 gallons per minute) to irrigate 136 acres located in the NE 1/4 Section 27-T99N-R53W from one well located in the NE 1/4 Section 27.

Permit No. 4572-3 appropriates 3.43 cfs (1543 gpm) to irrigate 240 acres located in the SW 1/4 and W 1/2 SE 1/4 Section 5-T98N-R53W from two wells located in the SW 1/4 SW 1/4 Section 5. *No longer use wells*

Permit No. 4736-3 appropriates no additional water to Permit No. 4572-3 but authorizes four additional points of diversion located in the N 1/2 SW 1/4 Section 5-T98N-R53W to irrigate the same 240 acres covered under Permit No. 4572-3. *A-wells there are 5 wells in the N 1/2 SW 1/4 Section 5*

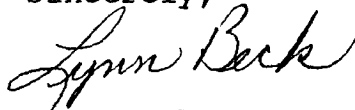
Permit No. 5506-3 appropriates no additional water to Permit No. 4572-3 but authorizes one additional point of diversion located in the SW 1/4 SW 1/4 Section 5-T98N-R53W to irrigate the same 240 acres covered under Permit No. 4572-3.

James J. Davis
January 28, 1994
Page 2

Permit Nos. 4572-3, 4736-3 and 5506-3 have been transferred from John R. Davis to James J. Davis. I will wait until the construction period is up for Permit No. 5506-3 before completing the licensing reports on these permits. When these permits are licensed they will most likely be licensed under one license number since water is from the same source to irrigate the same acres.

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

Sincerely,

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

enclosures

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: James J. Davis **File No.** 4572-3, 4736-3 & 5506-3

Address: RR1 Box 43, Parker, SD 57053 **County:** Turner

Date: 1-31-94 **Telephone:** (605) 297-4728

RE:

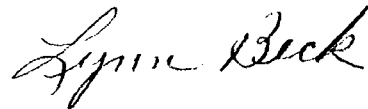
Comments: I spoke with Mr. Davis on the phone and he said that the two wells south of the irrigation ditch are no longer used.

Permit No. 4572-3 authorizes the irrigation of 240 acres from the wells mentioned above.

A third permit, Permit No. 5506-3 authorizes an additional diversion point. Mr. Davis stated that he had not constructed the well yet, but is going to contact a drilling company this spring to investigate the feasibility of a chalk well in the area of Permit No. 5506-3.

If the well under Permit No. 5506-3 is constructed on or before the end of the construction period (May 23, 1996) all three permits could be incorporated. The new well will need to be inspected. If the diversion point under Permit No. 5506-3 is not developed, Permit Nos. 4572-3 and 4736-3 could be incorporated and licensed. These two permits were inspected by Greg Johnston 5-4-93.

The two wells located in the SW 1/4 SW 1/4 Sec. 5 authorized under Permit No. 4572-3 are no longer used and should be plugged or capped.



Lynn Beck
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 1995

James J. Davis
RR 1 Box 43
Parker, SD 57053

Dear Mr. Davis:

Enclosed you will find a partially completed application form for an additional well to permit no. 4736-3 and instruction sheet. This application does not authorize additional water or acres to be irrigated, it is an amendment to Permit No. 4736-3. Also enclosed find a copy of part of a letter sent to you on January 28, 1994 describing the license and permits you currently hold.

Permit No. 4736-3 authorizes four wells located in the N 1/2 SW 1/4 Section 5-T98N-R53W, while Permit No. 4572-3 appropriates 3.43 cubic feet of water per second, cfs (1543 gpm) to irrigate 240 acres of land. The two wells authorized under Permit No. 4572-3, located in the SW 1/4 SW 1/4 Section 5-T98N-R53W, are no longer used and need to be plugged or capped. At the time of inspection an additional well was found in the N 1/2 SW 1/4 Section 5. Once application is made for the additional well and Permit No. 4736-3 is amended, these permits can be licensed and will most likely be incorporated into one license. Payment of the \$50.00 inspection and licensing fee is necessary before a Water License will be issued.

The completion of construction date for Permit No. 5506-3 is May 23, 1996. As per item number six on the instruction sheet, upon completion of the well an inspection will be conducted. The fee for the inspection is \$50.00. After the inspection and payment of the fee, a Water License will be issued. The issuance of the Water License is the final action for obtaining a water right.

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

Sincerely,

Lynn Beck
Natural Resources Engineer III
(605) 773-3352

encls

REPORT ON INSPECTION OF PERMIT NO. 5506-3

Other permit(s) associated with the project: 4736-3

DATE OF INSPECTION: June 19, 1996

NAME OF INSPECTION CONTACT: James Davis

NAME & ADDRESS OF PERMIT HOLDER: James Davis, 45557 277TH Street, Parker, SD 57053

DIVERSION POINT LEGAL LOCATIONS: Well #1= 1445' N and 80' E; Well #2= 1370' N and 518' E; Well #3= 1370' N and 1326' E; Well #4= 1374' N and 1451' E; Well #5= 1375' N and 1751' E; Well #6 (covered under Water Permit No. 5506-3) =200' N and 20' E; all from the SW corner of Section 05; T098N R53W.

WELL INFORMATION:

- 1) Well Drilling Firm: Jon Reiners Pump
- 2) No. of Wells 5
- 3) Depth(s) 34' - 32' - unknown - 29' - 26' -
- 4) Well log is available N

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1 (well #6)
- 3) Depth(s) 70'
- 4) Well log is available Y

Casing: (Well #1)

- 1) Diameter 16 inches
- 2) Length 21 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 20 feet

Casing: (well#2)

- 1) Diameter 16 inches
- 2) Length 19 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 18 feet

Motor: (well #1)

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 HP

Pump:

- 1) Make unknown
- 2) Model No. unknown
- 3) Capacity 300 GPM

Motor: (well #2)

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 HP

Pump:

- 1) Make unknown
- 2) Model No. unknown
- 3) Capacity 200 GPM

Casing: (well #3)

- 1) Diameter 16 inches
- 2) Length unknown feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level unknown feet

Motor: (well #3)

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 HP

Pump:

- 1) Make unknown
- 2) Model No. unknown
- 3) Capacity 100 GPM

Casing: (well #4)

- 1) Diameter 16 inches
- 2) Length 16 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 13 feet

Motor: (well #4)

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 HP

Pump:

- 1) Make unknown
- 2) Model No. unknown
- 3) Capacity 100 GPM

Casing: (well #5)

- 1) Diameter 16 inches
- 2) Length 13 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 12 feet

Motor: (well #5)

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 HP

Pump:

- 1) Make unknown
- 2) Model No. unknown
- 3) Capacity 300 GPM

Casing: (well #6)

- 1) Diameter 16 inches
- 2) Length 30 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 14 feet

Motor: (well #6)

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 15 HP

Pump:

- 1) Make Crown?
- 2) Model No. 8L 600
- 3) Capacity 500 GPM

DISTRIBUTION LINES OR CANALS:

- | | | |
|---------------------|-------------------------|----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>6</u> inches | 3) Length <u>1128</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>4</u> inches | 3) Length <u>35</u> feet |
| 1) Type <u>Iron</u> | 2) Size <u>6</u> inches | 3) Length <u>155</u> feet |

SYSTEM TYPE:**Lateral Move:**

- 1) Make Zimmatic
- 2) Overall length 2600 feet
- 3) Number of towers 14
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 1500 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Permit No. 5506-3
Big Sioux River - Water District

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

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

I have this day, **June 19, 1996**, made a thorough examination of the water use system constructed by **James Davis** of **45557 277TH Street, Parker, SD 57053** holder of Permit No. **5506-3**, and Water License No. **4736-3** bearing the priorities of **December 20, 1990 & April 6, 1981 (respectively)** authorizing the diversion of **1.11 & 2.22** cu. ft. of water per second from **ground water** for **irrigation** purposes, in **Turner** County.

Water Permit No. 5506-3 was obtained as a supplemental water source to irrigate the land described in Water Right No. 4736-3. Since well no. 6 authorized under 5506-3 and well nos. 1 thru 5 authorized under No. 4736-3 are from different aquifers, the licenses will not be incorporated. The following report reflects the entire system utilized under No. 4736-3 and 5506-3.

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

A. Works used to divert the water:

Well #1= 34 feet deep with 21 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 300 GPM capacity and the motor is 5 HP.

Well #2= 32 feet deep with 19 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 200 GPM capacity and the motor is 5 HP.

Well #3= Unknown depth, cement-asbestos screen and casing. The pump has a 100 GPM capacity and the motor is 5 HP.

Well #4= 29 feet deep with 16 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 100 GPM capacity and the motor is 5 HP.

Well #5= 26 feet deep with 13 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 300 GPM capacity and the motor is 5 HP.

Well #6= 70 feet deep with 30 feet of 16 inch PVC casing and 40 feet of 16" PVC screen. The pump has a capacity of 500 GPM and the motor is 15 HP.

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

1128 feet of 6" aluminum pipe, 35 feet of 4 inch PVC pipe, and 155 feet of 6 inch iron pipe.

C. Works used to apply water to beneficial use:

Lateral move zimmatic, two systems each 1300 feet long, 7 towers and an end gun. Both are high pressure systems with a combined capacity of 1500 GPM.

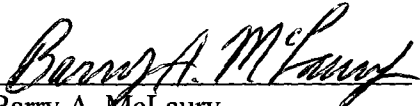
The system is in the following condition fair. The points of diversion are located Well #1= 1445' N and 80' E; Well #2= 1370' N and 518' E; Well #3= 1370' N and 1326' E; Well #4= 1374' N and 1451' E; Well #5= 1375' N and 1751' E; Well #6 (covered under Water Permit No. 5506-3) =200' N and 20' E; all from the SW corner of Section 05; T098N R53W. The works are capable of diverting and conveying to the place of use 3.33 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T098N R53W	SECTION 5	NE1/4 SW1/4	36 acres
		NW1/4 SW1/4	37 acres
		SW1/4 SW1/4	40 acres
		SE1/4 SW1/4	40 acres
		NW1/4 SE1/4	40 acres
		SW1/4 SE1/4	40 acres

comprising a total of 233 acres of land and Water Permit No. 5506-3 should be issued for 1.11 cfs from well No. 6 to irrigate land authorized under Water Right No. 4736-3.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: January 31, 1997


Barry A. McLaury

Natural Resources Scientist
DENR, Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5506-3**

(1) John R Davis, Parker SD made Application No. 5506-3, December 20, 1990 for a water permit to divert 1.11 cubic feet of water per second (cfs) from groundwater (one additional well), Turner County, South Dakota for irrigation purposes. Permit No. 5506-3, with a priority date of December 20, 1990 was approved May 23, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 23, 1996 and for the application to beneficial use of said water on or before May 23, 2000.

On June 15, 1993, Water Permit No. 5506-3 was transferred to James J Davis.

Water License No. 4736-3, authorizes diversion of 2.22 cfs from five wells (Well #1 thru Well #5 - Parker Centerville aquifer) to irrigate 233 acres in portions of the S $\frac{1}{2}$ Section 5, T98N, R53W. Water Permit No. 5506-3, authorizes diversion of 1.11 cfs from an additional well (Well #6 - Niobrara formation) to irrigate the same acreage authorized by Water License No. 4736-3.

Nos. 4736-3 and 5506-3 authorize use of water from different water sources and will not be incorporated. Combinations of diversions may not exceed 1.0 cfs for each 70 acres irrigated.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point (Well #6) is: Well #6 - 200'N and 20'E of the SW corner of Section 5-T98N-R53W (SW $\frac{1}{4}$ SW $\frac{1}{4}$).

(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 land authorized under Water Right No. 4736-3 (described below):

Section 5-T98N-R53W			
NE $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	37 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres		
Total - 233 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 James Davis, 45557 277th St, Parker SD 57053 the holder and/or owner of Water Permit No. 5506-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater (one well) with a priority date of December 20, 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. 5506-3 and subject to South Dakota State Law.

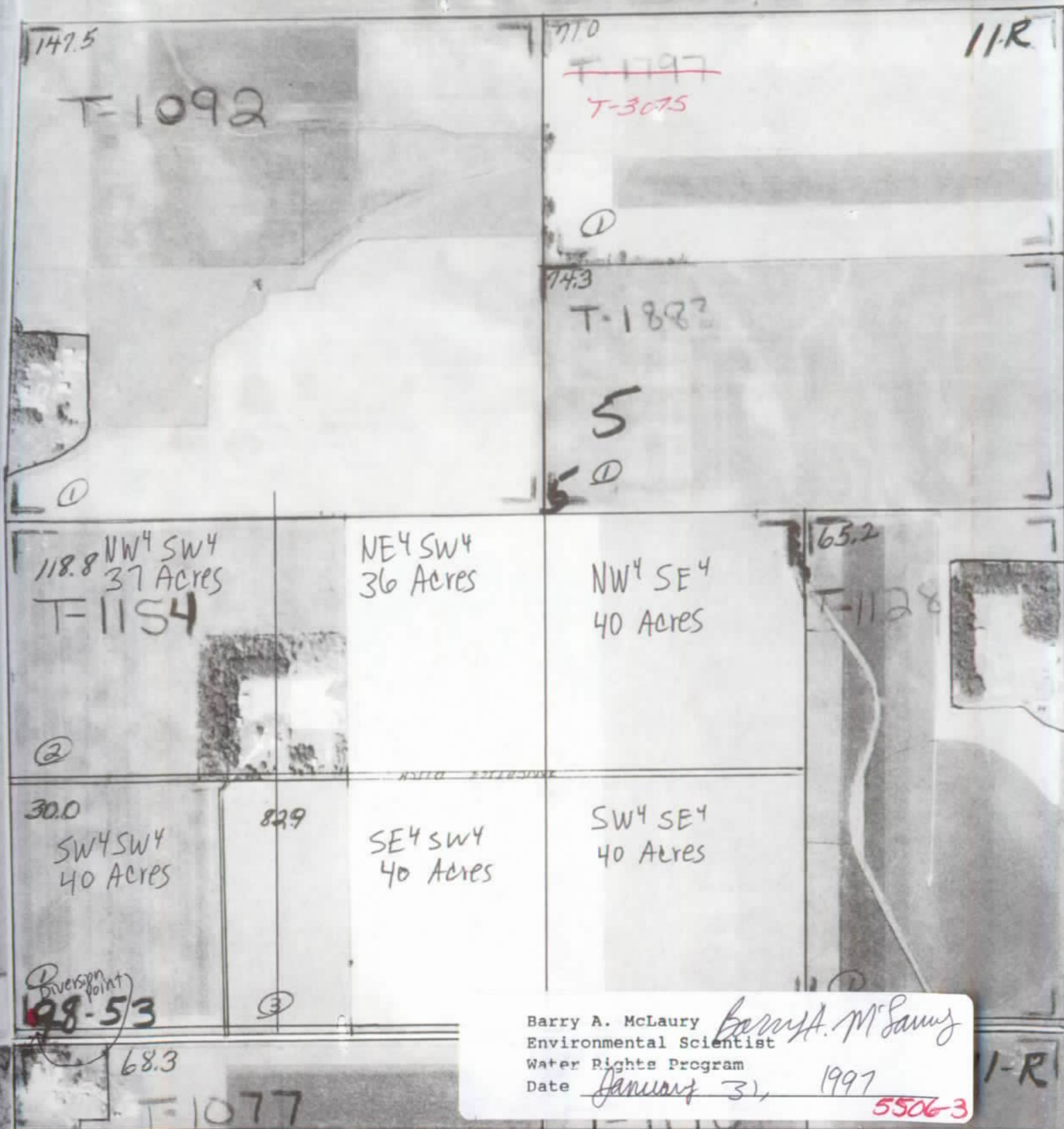

JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 7 1997

date



NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1997

5506-3

James Davis
45557 277th St.
Parker, SD 57053

Dear Mr. Davis:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5506-3, 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 investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

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

RECEIPT

415247

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 12, 19 97

RECEIVED OF James J. Davis, 45557 - 0277th St., Parker, SD 57053

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>5506-3</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 Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

5506-3

James Davis
45557 277th St.
Parker, SD 57053

Dear Mr. Davis:

Enclosed is Water License No. 5506-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415247 in the amount of \$50.00 which you paid for the investigation 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. 5506-3, 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 Program
(605) 773-3352

gm
enclosures



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JAMES J DAVIS, 45557 277TH STREET, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 4736-3 & 5506-3, 2810-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2810-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4736-3 & 5506-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2810-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

James J Davis
45557 277th St
Parker SD 57053

4a. Article Number

2 179 157 139

4b. Service Type

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

7. Date of Delivery

1-12-98

5. Received By: (Print Name)

James J Davis

6. Signature: (Addressee or Agent)

X

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1998

2810-3
4736-3
5506-3

James Davis
45557 277th St
Parker, SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 1997 chemical reporting information and irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2810-3, 4736-3 and 5506-3.

I completed questionnaires for you based on our January 27th and February 4th telephone conversations. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



5506-3

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 20, 2005

NOTICE

TO: JAMES J DAVIS, 45557 277TH STREET, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2810-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4736-3 & 5506-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2810-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

5506-3



Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4791

Your item was delivered at 2:34 pm on February 01, 2005 in PARKER, SD 57053. The item was signed for by J DAVIS.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

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JAMES J DAVIS
45557 277TH STREET
PARKER SD 57053

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Access internet web site at
www.usps.com
or call 1-800-222-1811

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Package Services

(See Reverse)

PS Form 153, February 2001



5506-3

**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 22, 2005

2810-3
4736-3
5506-3

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2810-3, 4736-3 and 5506-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 2008

5506-3
4736-3

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

I am writing in follow up to your inquiry concerning the acres and wells described under Water Right Nos. 4736-3 and 5506-3.

The water rights authorize irrigation of the same land in the S ½ Section 5, T098N, R53W. The difference between the two is the water source. Water Right No. 4736-3 authorizes wells drilled into the Parker – Centerville Aquifer (30-34 feet deep). Water Right No. 5506-3 was obtained to supplement irrigation on the same land from a well drilled into the Niobrara Formation (about 70 feet deep).

For reporting purposes, if you use the shallower wells, report irrigation on the form for No. 4736-3. If you use the deeper well, please report irrigation on the questionnaire for No. 5506-3. We actually need the amount of water that is pumped from each ground water source. For instance if you did not use the deeper well, check "no" on the questionnaire for No. 5506-3 and return it along with the other forms.

I hope I have addressed your concerns. If you still have questions, please get in touch with me.

Sincerely,

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

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



**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: JAMES J DAVIS, 45557 277TH STREET, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2810-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4736-3 & 5506-3 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) 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2810-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the 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**

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January 25, 2010

2810-3
4736-3
5506-3

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

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. 2810-3, 4736-3 and 5506-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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denr.sd.gov

4736-3

5506-3

July 23, 2015

James Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

The Department of Environment and Natural Resources (DENR) has received information alleging the irrigation system located in the SW 1/4 Section 5-T98N-R53W had irrigation water from the end gun overspraying on the road. Water Right Nos. 4736-3 and 5506-3 listed in your name authorize irrigation at this location.

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

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

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

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, July 22, 2015 10:21 AM
To: Schlaak, Karen
Subject: FW: Overspray

-----Original Message-----

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]
Sent: Wednesday, July 22, 2015 10:18 AM
To: Gronlund, Eric
Subject: Overspray

July 21st these two were spraying water on the road

*WR 4736-3 & 5506-3 (same lands
James Davis different water
formations)*

T98N R53W sec. 5 SW 1/4 Hurley twp Turner county Water was spraying on 280th st around 6:45 pm

T98N R53W sec. 11 NE1/4 Hurley twp Turner county Water was spraying on 280th st around 9:30 pm

Kelly Knittel
Freeman SD
605-929-6340

No letter sent

*199-3 Harriette & James Mershon
Paul Petersen, op*

Sent ltr 6-23-15



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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denr.sd.gov

No. 4736-3
5506-3

July 18, 2016

James Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation system located in the SW 1/4 and the W 1/2 SE 1/4 Section 5-T98N-R53W had irrigation water from the end gun overspraying on the road.

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

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

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

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, July 18, 2016 10:19 AM
To: Schlaak, Karen
Subject: FW: july 2016 water overspray

-----Original Message-----

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]
Sent: Monday, July 18, 2016 10:18 AM
To: Gronlund, Eric
Subject: RE: july 2016 water overspray

3805-3 Richard Horton

It is the one that is just north of 280 st and right west of the old gravel pit that is on hwy 19. It is the one that is in the SE corner.

On 2016-07-18 08:19, Gronlund, Eric wrote:

> Mr. Knittel:

>

> On the last legal description in the SE 1/4 Section 3, which pivot are
 > you referring to? There are actually three pivots that this could be
 > in reference to between two different landowners. DENR does not want
 > to be sending notification to the wrong person.

>

> Eric Gronlund

>

> -----Original Message-----

> **From:** kknittel@gwtc.net [mailto:kknittel@gwtc.net]
 > **Sent:** Sunday, July 17, 2016 10:28 PM
 > **To:** Gronlund, Eric; Duvall, Ron
 > **Subject:** july 2016 water overspray

>

> On July 12th at 8:30 am there were 2 center pivots spraying water
 > on the road.

> T98N R53W sec 11 NW1/4 this is the 2nd time I reported this one this
 > season

> the other one is T98N R53W sec 5 SW1/4 & W1/2 of SE1/4 at 8:30 am.

> Then on July 16 at 12:30am T98N R53W sec 3 SE1/4 this one was just
 > replaced with a new unit last week and now it is spraying water on the
 > road.

>

>

> Kelly Knittel
 > 605 925 4388 home
 > 605 929 6340 cell
 > Freeman SD

181-3 James Bondesen

4736-3 James Davis
 5506-3

Schlaak, Karen

From: Grönlund, Eric
Sent: Thursday, July 21, 2016 4:28 PM
To: Schlaak, Karen
Subject: James Davis

We sent him a letter on overspray. He indicated he has adjusted the stops about 7 – 8 times already and hasn't got it quite right. He adjusted them again. It sounded like he's trying to get the end gun stops to work properly.

He said if the gentleman that complains witnesses the overspray again to feel free to give him his number he'll go down and make the adjustment. Mr. Davis' cell phone is 360-7220.