

Considered: _____

WATER PERMIT NO. 5574-3

Phone: 223-2043

Name of Applicant: Keith & Leland Johnson

Post Office Address: PO Box 667, Ft. Pierre SD 57532

Amount of Water Claimed: 1.5 Total Acres: 105

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hamlin

About 2 miles West of Estelline

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 7-15-91 Fee: \$225.00 Remarks Area has been

irrigated for several years without a permit

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

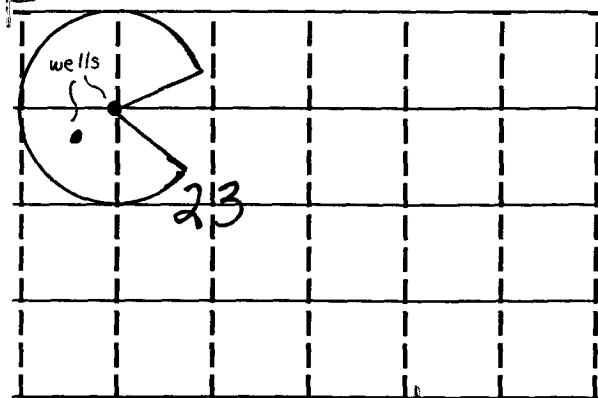
WATER QUALITY APPROVAL RECEIVED 8-27-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center NW 1/4 & SW 1/4 NW 1/4

Sec 23-T113N-R51W

Land to be Irrigated: NW 1/4 Sec 23-T113N-R51W



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

Depth of Well: 35' & 36' REMARKS _____

Type of Map: aerial PREPARED BY: Norma Job Reviewed and the Number

Assigned on 9-3-91 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-8852

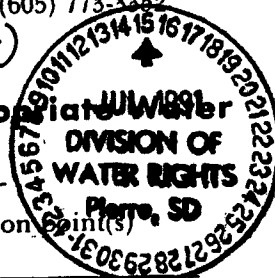
(See instructions)

No. 5574-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Estelline Journal, Box 159

(Thurs)

Estelline 57234

Application For Soil/Water Compatibility Permit and Permit To Appropriation



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 Keith & Leland Johnson Phone No. 223-2043

Post Office Address P.O. Box 667 Ft. Pierre State SD 57532
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.5 Total acres irrigated 105

3. Source of Water supply 2 wells

4. Location of point of diversion Well 1 - center NW 1/4 Well 2 - SW 1/4 NW 1/4
Both in Section 23-T113N-R51W

County Hamlin

5. Counties where water will be used Hamlin

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 NW 1/4	33
NE 1/4 NW 1/4	20
SW 1/4 NW 1/4	33
SE 1/4 NW 1/4	19

Land Description	No. Acres Irr.

Attach sheet if more space is needed

Section 23-T113N-R51W

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: Corn and beans

10. Give a description of proposed project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Hughes)^{ss}

I, Leland 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.

KAREN SCHLAACK
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires Apr. 1, 1993

Signed Leland Johnson
15th day of July 1991
Karen Schlaack
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5574-3 FOR IRRIGATION**

Date of first receipt of application July 15, 1991.

Date Soil/Water Compatibility Permit received August 27, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5574-3 to Keith & Leland Johnson, PO Box 667, Ft. Pierre SD 57532 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. 5574-3 appropriates 1.5 cubic feet of water per second from two wells (Big Sioux Aquifer:Brookings) 35 and 36 feet deep located in the center of NW 1/4 and the SW 1/4 ~~NW~~ 1/4 to irrigate 105 acres located in the NW 1/4; all in Section 23-T113N-R51W
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: April 1 - October 31.
3. The date from which applicant may claim right is July 15, 1991.
4. The date of approval of Permit No. 5574-3 is October 16, 1991.
5. 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: _____

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

FEB 21 1992

_____ date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 35 Ft.
- b) Casing Type Steel Diameter 16" Thickness 3/16"
- c) Screen Type Stainless-Steel Diameter 16" Thickness .02" Slot
- d) Gravel Pack Thickness 1" Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 13'
- f) Depth to Water (ground surface to water level) 4'
- g) Distance to nearest existing domestic well:
 On applicants property 1026' On property owned by others 1190'

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 _____

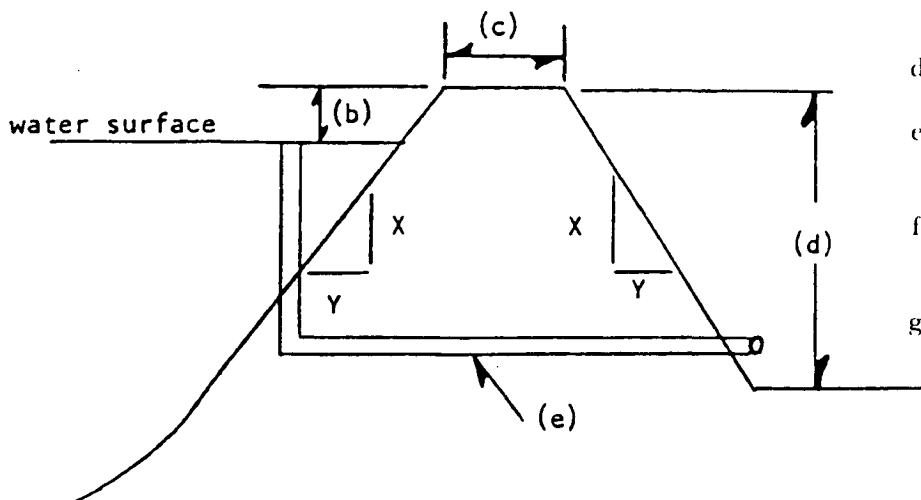
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 36'
- b) Casing Type Steel Diameter 16" Thickness 3/16
- c) Screen Type Stainless-Slot Diameter 16" Thickness .08"
- d) Gravel Pack Thickness 7" Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 12'
- f) Depth to Water (ground surface to water level) 4'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 1700

2. Dugout Information Estimates

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

3. Water Storage Dams

final well log not available

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 _____

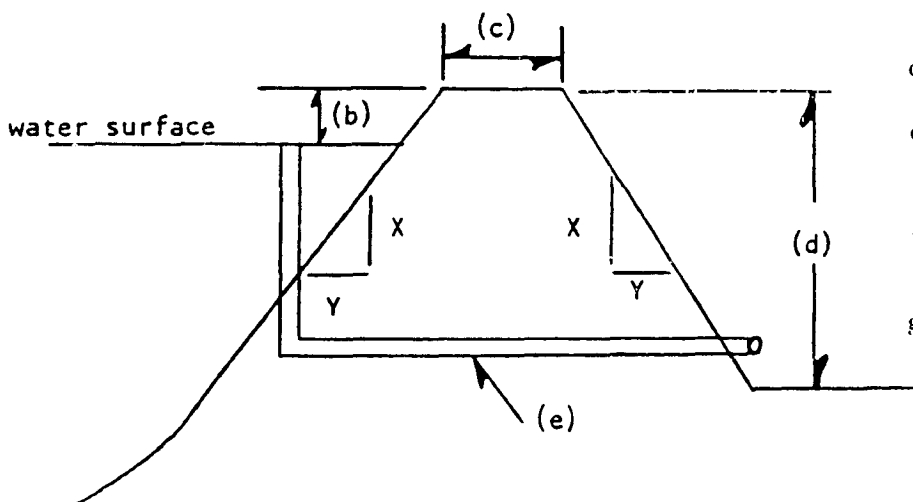
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Richard Johnson
Signature of Applicant

DRILLING LOG

Sec 22-T113N

RSTW

Address Estelline, S. Dak.

County _____ Sec. _____ Twp. _____ Range _____

NO. FT.	DIA.	RATE	CASING	TOTAL
35	30"	25 ⁰⁰ FL	DRILLING	\$ 875 ⁰⁰
10	16"	132 ⁰⁰ FL	* SCREEN	1320 ⁰⁰
26'	16"	14.50 FL	CASING	377 ⁰⁰
			GRAVEL PACK	150 ⁰⁰
			TOTAL WELL	2722 ⁰⁰
			* TEST. RUNNING	250 ⁰⁰
BALANCE DUE:				\$ 2972 ⁰⁰

BALANCE DUE:

0 ft. to 2 ft. Topsoil _____ ft. to _____ ft.

2 ft. to 13 ft. GRAY CLAY ft. to ft.

13 ft. to 35 ft. Yellow Sand 7 ft. to ft.

35 ft. to 36 ft. ^{4 Boulder} ORANGE ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft.

ft. to ft. ft. to ft.

_____ ft. to _____ ft. _____ ft. to _____ ft. _____

_____ ft. to _____ ft. _____ ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft. _____

_____ ft. to _____ ft. _____ ft. to _____ ft. _____

_____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL 4 ft. JAY VAN LIGHE
DRILLER

REMARKS: SCREEN! JOHNSON .080 slot
STAINLESS STEEL

+ Test ~~pumped~~ at 850 GPM.
Recommended pumping rate 800 GPM

GRIMSHAW DRILLING CO.

DRILLING LOG

524 South Melrose
Sioux Falls, S.D. 57106
Phone 605-932-6974

Box 81

Chester S.D. 57016
487-2182 or 2427

Name Johnson Bros.

Date 6-12-79

Address Land NW of Estelac Estate

County Haskell Sec. 23 Twp. 113 Range 51

NW 1/4 Estelac Township

NO. FT.	DIA.	RATE	CASING	TOTAL
35	30"	\$25.00	Drilling	\$875.00
10	16"	\$132.00	screen	\$1320.00
26'	16"	\$14.50	casing	\$377.00
CORNER PACK				\$150.00
Total well				\$2722.00
Test pumping				\$250.00
				<u>\$2972.00</u>

RECEIVED
AUG 1 1979
DUPLICATE DUE:

0 ft. to 2 ft. Topsoil ft. to ft.
2 ft. to 13 ft. Grey Clay ft. to ft.
13 ft. to 35 ft. Yellow sand & boulders ft. to ft.
35 ft. to 36 ft. Grey Clay ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.

STATIC WATER LEVEL 4 ft. Jay Van Lierc
DRILLER

REMARKS: Screen : Johnson .280" slot
stainless steel
Test pumped at 850 gpm - suggest
800 gpm permanent pumping rate

Well 416

GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Box 81
Chester S.D. 57016
489-2182 or 2427
Date 6-9-79

Name Johnson Bros
Address Land NW of Estelline, S.D.
County Hamlin Sec. 23 Twp. 113 Range 51
NW 1/4 Estelline Township

NO. FT.	DIA.	RATE	CASING	TOTAL
40'	4 1/4"	23.00	—	920.00
RECEIVED				
AUG 1 1979				

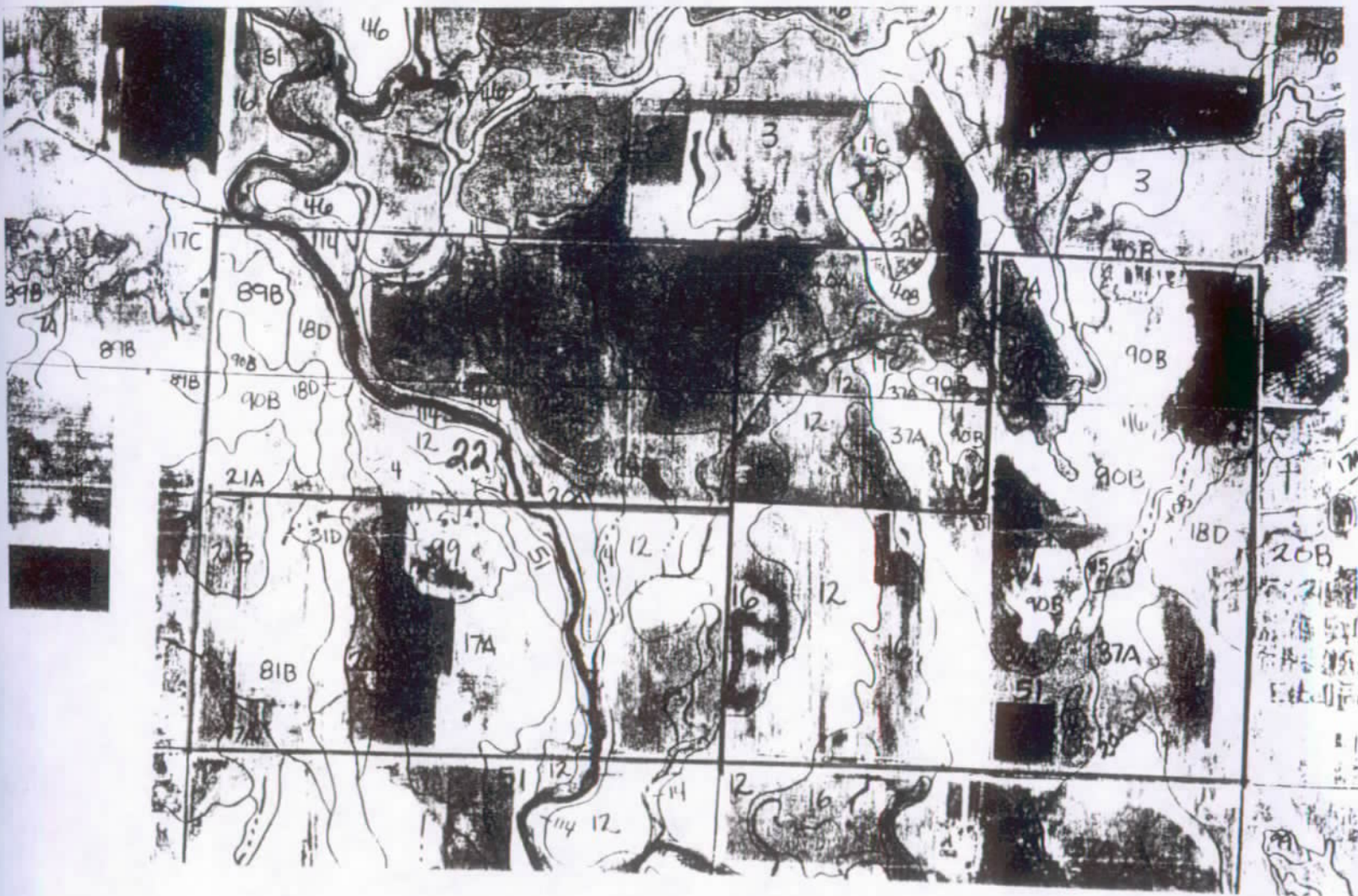
BALANCE DUE:

0 ft. to 2 ft. Topsoil
2 ft. to 10 ft. Grey Clay
10 ft. to 15 ft. Blue Clay
15 ft. to 35 ft. Good Grey Sand
35 ft. to 37 ft. Brown Clay
37 ft. to 40 ft. Blue Clay
ft. to ft.
600' S. of W. pivot
ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.

STATIC WATER LEVEL 12 ft.

Jerry M. Littel
DRILLER

REMARKS: Suggest 10' of .080" slot screen
well should produce 200 gpm



Sec 22 & 23
113-51

Department of Agriculture
WI#1
5/87



SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4638

WR#

OWNERS NAME: JOHNSON, KEITH & LELAND

OWNERS ADDRESS: PO BOX 667
FORT PIERRE, SD 57532-0667

COUNTY LAND LOCATED IN: HAMLIN PHONE: 223-2043

LEGAL DESCRIPTION:

1. LOCATION: WELL #1 - Center NW $\frac{1}{4}$ 23-T113N-R51W (2) ☒ Wells ☐ Surface
Depth: WELL #2 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T113N-R51W

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T113N-R51W	33		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T113N-R51W	20		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T113N-R51W	33		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23-T113N-R51W	19		

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

3. CROPS TO BE IRRIGATED: CORN AND BEANS

WATER QUALITY:	
4. WATER SAMPLE NUMBER: 91-0404	7. ADJUSTED (SAR): 0.48
5. SALINITY (EC X 10 ⁶): 650	8. PERCENT SODIUM: 5.14
6. SODIUM (SAR): 0.21	

Requirements:

The artificial drainage found in the area mapped as Lamoure shall remain in permanent vegetation to prevent erosion.

Director, Division of Conservation

AUGUST 19, 1991
Date

XXX APPROVED
DISAPPROVED
WAIVER

XXX REQUIREMENTS

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



Feb. 23-1992

MR. JOHN HATCH, Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, S.D. 57501-3181

Please find enclosed our check for fifty dollars to
meet requirements for the inspection and issuance of the
of the final papers for Water Permit No. 5574-3.

We thank you and your department for the time and effort
given us in finalizing this Water Permit.

Sincerely Yours

Keith and Leland Johnson
Keith and Leland Johnson

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413079

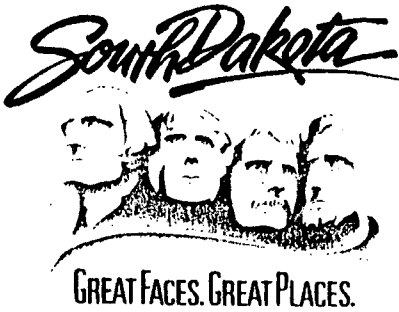
Pierre, February 24, 1992

RECEIVED OF Keith or Leland Johnson, Box 667, Ft. Pierre, SD 57532

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5574-3</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 Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 1991

Leland Johnson
391 E 8 Ave
Fort Pierre, SD 57532

Dear Mr. Johnson:

On June 20, 1991, I was in the Estelline, SD area conducting inspections on water permits. When I came to your Water Permit No. 2412-3 on the NE 1/4 Section 22-T113N-R51W, I spoke with Dale Foster, the operator. Before going out to inspect this permit, Mr. Foster stated that he was irrigating the NE 1/4 Section 22-T113N-R51W and the NW 1/4 Section 23-T113N-R51W. He also stated that you own both quarters of land. Water Permit No. 2412-3 covers only the NE 1/4 and the NE 1/4 NW 1/4 of Section 22-T113N-R51W. There is not a Water Permit for the NW 1/4 Section 23-T113N-R51W in our files for you or anyone else for that matter.

I have enclosed the required forms that will be needed to apply for a water permit. If you feel you have a permit on this section of land, please send me a copy of the permit. But if not, please fill out and return the enclosed forms as soon as possible so we can process the forms and Dale Foster can continue to irrigate his crop on this section of land.

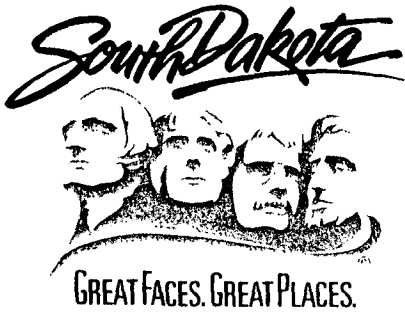
At this time, if Dale Foster irrigates on Section 23 he will be irrigating without a permit. Pursuant to SDCL Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. Obtaining a water permit ultimately benefits you by protecting your right to use water.

Before I can finalize my inspection of Water Permit No. 2412-3, I need some information for the well on Section 22 that Mr. Foster could not supply to me. I will need a well log and the name of the driller for the well. I also need the depth of the well and the capacity of the pump and the capacity of the pivot in gpm. I will need the same information for Section 23 when you obtain a permit for this land.

If you have any questions, feel free to contact me at (605) 773-3352.

Sincerely,

Norma C. Job
Natural Resources Engineer I
Division of Water Rights



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 1991

Leland Johnson
PO Box 667
Ft. Pierre SD 57532

Dear Mr. Johnson:

In regard to your water permit application received on July 15, 1991, the following information needs to be submitted in order to process your application.

1. A well log or driller's test log signed by a South Dakota licensed well driller must be submitted for each well.
2. The Form 2A needs to be completed, signed and returned.
3. A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility permit.

The water permit application can not be considered until the application is complete and a Soil/Water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412737

Pierre, July 15, 1991

RECEIVED OF Keith & Leland Johnson, PO Box 667, Ft. Pierre, SD 57532

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 _____	225	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	225 00

By John Hatch / JMK
Chief Engineer

REPORT ON APPLICATION NO. 5574-3
for Keith and Leland Johnson
September, 4, 1991

Application No. 5574-3 proposes to appropriate 1.5 cfs (675 gpm) from 2 wells 35 and 36 feet deep located in the center of the NW 1/4 and the SW 1/4 NW 1/4 respectively to irrigate 105 acres located in the NW 1/4; all in section 23, T113N R51W in Hamlin County.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a unconfined (water table) glacial outwash (sand and gravel) which underlies 88,500 acres and contains an estimated 331,880 acre feet of recoverable water in storage in Hamlin County (Hedges, 1982). The aquifer extends into Deuel and Brookings Counties and is hydraulically connected to the Big Sioux North aquifer to the north and to the Big Sioux River.

The Big Sioux Brookings is recharged by direct infiltration of rainfall and snowmelt and by the Big Sioux River. Recharge has been estimated at 3.6 to 4.0 inches per year (26,550 to 29,500 acre feet per year) (Hedges, 1983). Water use in Hamlin County was reported as 3353 acre feet in 1990, 7537 acre feet in 1989 and 8181 acre feet in 1988 (Irrigation Summary, 1990).

The Division of Water Rights monitors 21 observation wells completed into the Big Sioux Brookings aquifer in Hamlin County. Water levels for these wells show good correlation between climatic conditions and water levels, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. There is one observation well HN-77H which is located within 1/2 mile of this application. The observation well record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous irrigation permits in this area. There are 2 irrigation Permit Nos. 2412-3 and 3374-3 which are within 1/2 mile of this application. Interference is not expected to be a concern. Drawdown caused by pumping does not extend very far from an individual production in this area. The observation well in this area confirms that drawdown is not significant.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. The aquifer is under unconfined conditions at this site and drawdown is not expected to be significant. Interference is not a concern.
3. This is an existing system and has been in use for many years with no apparent problem.

4. These wells were drilled in 1979. Information submitted with the application is not sufficient to determine if these wells were constructed in accordance with present SD Well Construction Standards.

John H. Hedges for

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 67069.

Hedges, L.S., 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineer, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for the Big Sioux Brookings Aquifer in Hamlin County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5574-3, Keith & Leland Johnson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5574-3, Keith & Leland Johnson, PO Box 667, Ft. Pierre, SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 5574-3 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 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
September 10, 1991



**DEPARTMENT of ENVIRONMENT
and 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.

September 13, 1991

Keith & Leland Johnson
PO Box 667
Ft. Pierre, SD 57532

Dear Mr. Johnson:

Water Permit Application No. 5574-3 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 Estelline Journal printed at Estelline, 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
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 ENVIRONMENT
and NATURAL RESOURCES**

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

September 13, 1991

Estelline Journal
Box 159
Estelline, SD 57234

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5574-3 to be published twice. Please publish the first notice on September 19, 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 Keith & Leland Johnson, PO Box 667, Ft. Pierre, SD 57532.

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
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 September 19, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5574-3 to Appropriate Water

Notice is given that Keith & Leland Johnson, PO Box 667, Ft. Pierre, SD 57532 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second from two wells (Big Sioux Aquifer:Brookings) 35 and 36 feet deep located in the center of NW 1/4 and the SW 1/4 NW 1/4 to irrigate 105 acres located in the NW 1/4; all in Section 23-T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5574-3 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 October 7, 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. 5574-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 16, 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 October 16, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 October 16, 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 October 7, 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.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Hamlin

Mark R. Hausman and Carla Clarke, of said county, being first duly sworn, on oath say that they are the publishers or managers of The Estelline Journal, a weekly newspaper printed and published in Estelline, said County of Hamlin, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-one successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Hearing on App
5574-3

_____ a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

9-18, 1991; _____, 19_____
9-26, 1991; _____, 19_____
_____, 19____; _____, 19_____
_____, 19____; _____, 19_____
_____, 19____; _____, 19_____

that the full amount of the fees for the publication of the annexed notice is \$ 53.59



Subscribed and sworn to before me this 16 day of October, 1991.
Jeanette Foster
Notary Public

JEANETTE FOSTER
NOTARY PUBLIC, Hamlin County, SD
My commission expires 4/14/96

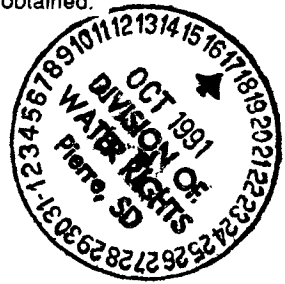
Public Notices -

119-2x-Sept. 19, 26
NOTICE OF HEARING
on Application No. 5574-3
to Appropriate Water

Notice is hereby given that Keith & Leland Johnson, PO Box 667, Ft. Pierre, SD 57532 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second from two wells (Big Sioux Aquifer: Brookings) 35 and 36 feet deep located in the center of NW 1/4 and the SW 1/4 NW 1/4 to irrigate 105 acres located in the NW 1/4; all in Section 23-T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5574-3 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 October 7, 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. 5574-3 and 2) the Chief Engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for October 16, 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 October 16, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting.

Notice of the time and place of the rescheduled hearing before the Board 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 October 16, 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 October 7, 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 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.

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.



FEB 21 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Keith & Leland Johnson
PO Box 667
Ft. Pierre, SD 57532

Dear Sirs:

Enclosed is Water Permit No. 5574-3 authorizing your water diversion system and beneficial use of the water, 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,

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

enclosures

Permit No. 5574-3Sion River 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 KEITH + Leland JohnsonP.O. Box 667 of Ft. Pierre, SD 57532 holder ofPermit No. 5574-3, bearing the priority of July 15 1991 authorizingthe diversion of 1.5 cu. ft. per second of the waters of groundwaterfor irrigation purposes, in Hamlin County.

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

- A. Works used to divert the water: Both wells use the same equipment
- 2 Valley Pump Co pumps 8" - 20HP #1 SN- 14-915-M #2 SN- 14-913-M
both powered by US Electric Uniclosed Motors Frame # 256TPH capable of
350gpm each.
- B. Works used to transport water to place of use:
- #1 6" steel 18 feet long
- #2 6" Alum + PVC 660 feet long
- C. Works used to apply water to beneficial use:
- a Lindsey Model 30 with 7 towers and an overall length
of 1080 feet with an endgun. capable of 700gpm

The system is in the following condition goodThe point of diversion is located Well #1 - 1320' South and 1385' West of the
N¹/₄ corner Well #2 - 1715' South and 1910' West of the N¹/₄ corner
Section 23-T113N-R51WThe works are capable of diverting and conveying to the place of use 1.55cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Section 23-T113N-R51W

<u>NW¹/₄ NW¹/₄</u>	<u>33 Acres</u>
<u>NE¹/₄ NW¹/₄</u>	<u>20 Acres</u>
<u>SW¹/₄ NW¹/₄</u>	<u>33 Acres</u>
<u>SE¹/₄ NW¹/₄</u>	<u>19 Acres</u>

comprising a total of 105 acres of land and the license should be issued for 1.50 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 7/9/1991

Norma C. Bob
(signature)

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: Well #1 - NE 1/4 NW 1/4 Well #2 SW 1/4 NW 1/4
both in Section 23 - T113N-R51W
dams & structures: _____

2. Well Information: Well Drilling Firm Grimshaw

Completion Report Yes _____ No _____ No. of Wells 2 Depth 35' 36'
Casing a) diameter 16" 16" Screen a) type Stainless Steel Stainless Steel
b) length _____ b) length _____
c) type Steel Steel Static Water Level 4' 4'
a) make Valley Pump Co Motor a) make Unichased motor - US Electric
b) model #1 SN 14-915-M #2 SN 14-913-M 8 HHE-SA-2B b) model No. FRAME 256TPH
c) size 8" c) horsepower rating 20
d) capacity 350 gpm
e) turbine pump - no. of stages _____
f) operating PSI _____

3. Distribution lines or canals

a) size 6" 6"
b) type steel alum + PVC
c) length 18' 660'

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 model 30
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1080
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 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?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

NOT TO SCALE

Appl. No. 55743



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5574-3

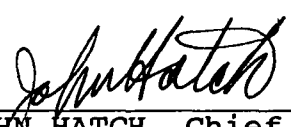
(1) Keith and Leland Johnson of P.O. Box 667, Ft. Pierre, SD 57532 made Application No. 5574-3, July 15, 1991 for a water permit to appropriate 1.5 cubic feet of water per second from groundwater (two wells), Hamlin County, South Dakota for irrigation purposes. Permit No. 5574-3 with a priority date of July 15, 1991 was approved October 16, 1991 and issued to the applicant(s) for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

(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 1.5 cubic feet of water per second for beneficial use. The location of the diversion points are: 1320'S and 1385'W of the N1/4 corner; Well #2 - 1715'S and 1910'W of the N1/4 corner, Section 23, T113N, R51W.

(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:

T113N, R51W Section 23	NW 1/4 NW 1/4	33 Acres
	NE 1/4 NW 1/4	20 Acres
	SW 1/4 NW 1/4	33 Acres
	SE 1/4 NW 1/4	19 Acres
	Total-----	105 Acres

(4) Pursuant to Section 46-5-30.1 Keith and Leland Johnson of P.O. Box 667, Ft. Pierre, SD 57532-0667 the holder(s) and/or owner(s) of Water Permit No. 5574-3 is issued a license to appropriate water, the right to use 1.5 cubic feet of water per second from groundwater (two wells) with a priority date of July 15, 1991 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5574-3 and subject to South Dakota State Law.


MAR 24 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 24 1992

5574-3

Keith and Leland Johnson
P.O. Box 667
Ft. Pierre, SD 57532

Dear Sirs:

Enclosed is Water License No. 5574-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413079 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. 5574-3, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: KEITH/LELAND JOHNSON
PO BOX 667
FT PIERRE SD 575320667

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

RE: Violation of Water Permit No(s) 5574-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 5574-3. 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) 5574-3 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) 5574-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

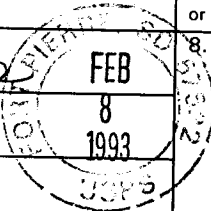
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: KEITH/LELAND JOHNSON PO BOX 667 FT PIERRE SD 575320667	4. Article Number P906 560 167 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Leland Johnson</i> 6. Signature — Agent X 7. Date of Delivery	8. Addressee's Address (ONLY if requested and fee paid)



PS Form 3811, Apr. 1989

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1993

2412-3
5574-3

Dale Foster
113 6th Street
Estelline, SD 57234

Leland Johnson
PO Box 667
Ft Pierre, SD 57532-0667

Dear Mr. Foster and Mr. Johnson:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Permit Nos. 2412-3 and 5574-3. You may disregard the January 29, 1993, Notices for **Violation of the Requirement to Submit the 1992 Irrigation Questionnaire and Violation of Water Permit No. 5574-3.**

The questionnaires were completed February 2, 1993 from information received by telephone from Dale Foster. Since they were received in our office prior to the Water Management Board Meeting, your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

KEITH/LELAND JOHNSON
PO BOX 667
FT PIERRE SD 57532 0667

NOTICE

RE: Violation of Water Permit No 5574-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 5574-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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 5574-3 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 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 5574-3 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

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:

KEITH/LELAND JOHNSON
PO BOX 667
FT PIERRE, SD 57532 0667

4a. Article Number

P757566380

4b. Service Type

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

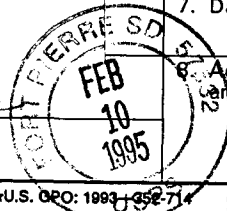
7. Date of Delivery

5. Signature (Addressee)

Keith Leland Johnson

6. Signature (Agent)

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



PS Form 3811, December 1991 ★U.S. GPO: 1993-452-714

DOMESTIC RETURN RECEIPT

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 13, 1995

5574-3

Leland Johnson
PO Box 667
Ft Pierre, SD 57532-0667

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. The questionnaire was completed for you following our February 10th telephone conversation. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 5574-3.**

The questionnaire was completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda. As we discussed, I will send future irrigation questionnaires to Dale Foster, 113 6th Street, Estelline, SD.

If you have any questions, please contact me.

Sincerely,

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



February 4, 1997

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DALE FOSTER, OPERATOR, RR 1 BOX 2H, ESTELLINE, SD 57234 9401

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

SUBJECT: Violation of Water Permit No(s) 5574-3, 2412-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5574-3, 2412-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2412-3 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) 5574-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 5574-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2412-3 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 28, 1997, 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.

c: LELAND JOHNSON, PO BOX 667, FT PIERRE, SD 57532-0667

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:

~~DALE FOSTER~~
DALE FOSTER, OPERATOR
RR 1 BOX 2H
ESTELLINE SD 57234 9401

4a. Article Number

P 378 081 306

4b. Service Type

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

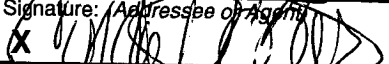
7. Date of Delivery

2-14-97

5. Received By: (Print Name)

Cindy Foster

6. Signature: (Addressee or Agent)

X 

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

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:

~~Leland Johnson~~
Leland Johnson
PO Box 667
Ft. Pierre 57532

4a. Article Number

P 378 081 318

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

X Leland Johnson

6. Signature: (Addressee or Agent)

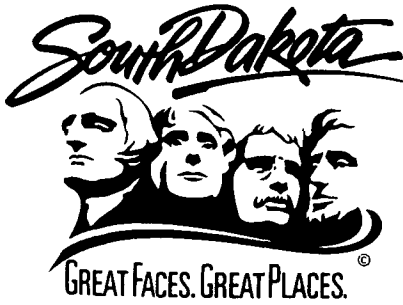
X 

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 1997

2412-3
5574-3

Leland Johnson
PO Box 667
Ft Pierre, SD 57532

Dear Mr. Johnson:

I am contacting you in regard to Water Right Nos. 2412-3 and 5574-3. On February 4, 1997, we mailed a "Notice of Violation" to you regarding failure to submit the 1996 irrigation questionnaires. After the notice was mailed, I received a call from Dale Foster indicating that you had sold the land.

Did you still own the land during the 1996 irrigation season, and if so, was the land irrigated? Please take a few minutes to either give me a call or write and let me know who purchased your land. I will need to contact the new owner(s) to arrange to have the water rights transferred to their name.

Any information you have would be very helpful. Thank you for your time and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1997

2412-3
5574-3

Pine Knoll Inc.
4504 W 12th St
Sioux Falls, SD 57107

Dear Sir:

Enclosed, as we discussed, is a copy of Water Right Nos. 2412-3 and 5574-3, two 1997 irrigation questionnaires and two partially completed "Notice of Transfer of Ownership" forms.

Please review the transfer forms and complete the portion titled "be transferred to: (name and address).....". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you still have records for any irrigation that may have taken place during 1997, please complete the enclosed irrigation questionnaires. You may mail them back to us along with the transfer forms or you can mail them under separate cover.

The copies of the water rights and respective maps are yours to keep. If you have any questions concerning the enclosed materials, please get in touch with me. I appreciate your assistance in this matter.

Sincerely,

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

encl

No. 5574-3

Date: 12-26-97

be transferred to: (name & address) Pine Knoll INC. 4504 West 12th St.
Sioux Falls, S.D. 57107 Telephone No. _____

STATE OF SOUTH DAKOTA)
)
County of Minnehaha)

Don Boyd, President
(Signed)

Subscribed and sworn to before me this 30TH day of December, 19 97

Dallas Vanden Bo
(Notary Public)

My Commission Expires on 5-20-99

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415588

Pierre, January 7, 19 98

RECEIVED OF Pine Knoll Mobile Park, 4504 West 12th St., Sioux Falls, SD 57107
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 Water Right No. 5574-3

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch (P)

5574-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

Nos. 2412-3
5574-3

Don Boyd, President
Pine Knoll, Inc.
4504 West 12th St.
Sioux Falls, SD 57107

Dear Mr. Boyd:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2412-3 and 5574-3.

Our records now show Pine Knoll, Inc. as the owner of Water Right Nos. 2412-3 and 5574-3.

Sincerely,

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

enclosure



5574-3
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: PINE KNOLL INC, DON BOYD, 4504 W 12TH ST, SIOUX FALLS, SD 57107
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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) 5574-3 & 6853-3 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) 5574-3 & 6853-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 2, 2011

Don Boyd
Pine Knoll Inc
4504 W 12th St
Sioux Falls SD 57107

RE: Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3

Dear Mr. Boyd:

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 or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3. 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".

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