

WATER PERMIT NO. 5738-3

Phone: 329-2453

Name of Applicant: John Sumption

Post Office Address: RR 1, Box 44, Frederick SD 57441

Amount of Water Claimed: no add'l (3.0 cfs) Total Acres: 94.75 add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Brown

About 4 miles E, 4S of Frederick

PRIORITY Date Received: 1-4-93 Fee: \$225 Remarks: Using same

well as authorized by Water Permit No. 4015-3

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

WATER QUALITY APPROVAL RECEIVED: 1-12-93 APPROVED/CONDITIONAL (Circle one)

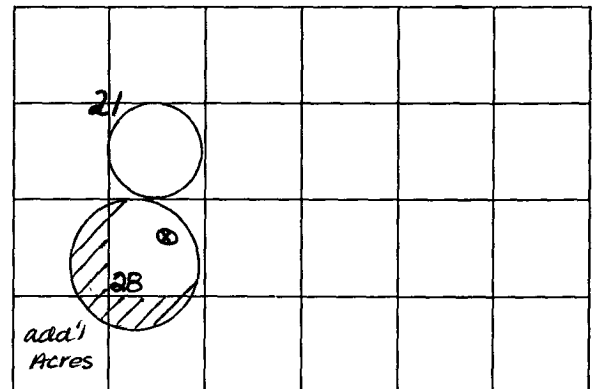
WI-1 Description same as Application YES X NO _____ REMARKS: _____

Diversion Point: NE 1/4 NE 1/4 Sec 28-T127N-R63W

Land to be Irrigated: W 1/2 NE 1/4, SE 1/4 NE 1/4,

N 1/2 SE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4

Sec 28-T127N-R63W



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

Depth of Well: 90' REMARKS: _____

Type of Map: aerial PREPARED BY: Judy Koester, ASCS Reviewed and the Number

Assigned on: 1-12-93 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5738-3 Hydrologic Unit 10160003
Basin James River
Newspaper American News, PO Box 4430
(office use only)



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

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
THIS IS AN ADDITION - EXISTING PERMIT # 4015-3 HAS
DIVERSION POINT

- Name of Applicant JOHN Sumption Phone 329-2453
Mailing Address RR 1 Box 44 FREDERICK State SD 57441
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed No Add. *CFS or **GPM ***AF Total Acreage 95 acres
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply WELL IN Permit # 4015-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SAME AS ABOVE
(NE 1/4 NE 1/4 Sec 28-127-63)
- County BROWN
- County or counties where water will be used BROWN
- Annual period during which water is to be used MARCH-NOVEMBER 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description		
NW 1/4 NE 1/4	28-127-63	
SW 1/4 NE 1/4	"	
SE 1/4 NE 1/4	"	
NE 1/4 SE 1/4	"	

Acres
5.75
6.75
4.75
13.00

Land Description		
NW 1/4 SE 1/4	28-127-63	23.00
NE 1/4 SW 1/4	"	4.00
NE 1/4 NW 1/4		14.50
SE 1/4 NW 1/4		23.00

- Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): ☐
- Crops to be irrigated: CORN ALFALFA
- Give a description of the project. (Attach sheet if more space is needed)

RELOCATE PIVOT POINT 480' SW OF CENTER OF NE 1/4-28-127-63
Add 480' (3-160' SPANS) TO CENTER PIVOT
REN0312 to MAINTAIN 2.22 CFS FLOW RATE

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

STATE OF SOUTH DAKOTA)

County of BROWN)^{ss}

I, JOHN Sumption, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed

Subscribed and sworn to before me this 30 day of Dec 19 92

WILLIAM C. CHESNER, Notary Public
Pierre County, South Dakota
My Commission Expires July 22, 1999

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5738-3**

Date of first receipt of application January 4, 1993.

Date Soil/Water Compatibility Permit received January 12, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5738-3 to John Sumption, RR 1, Box 44, Frederick SD 57441 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. 5738-3 is to irrigate an additional 95 acres. Water Permit No. 4015-3 appropriates 3 cubic feet of water per second (cfs) from one well 90 feet deep (Elm-Northern Brown Aquifer) located in the NE 1/4 NE 1/4 Section 28 to irrigate 300 acres located in the NE 1/4 and the SE 1/4 Section 28; all in T127N-R63W. The system was developed to divert 2.22 cfs to irrigate 266 acres. This permit is to irrigate 95 additional acres located in the W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 28-T127N-R63W from the existing well. This permit does not authorize any increase in the diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - November 30.
3. The date from which applicant may claim right is January 4, 1993.
4. The date of approval of Permit No. 5738-3 is March 25, 1993.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 19 1993
date

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: John Sumption

ADDRESS: RR #1 Box 44, Frederick, SD 57441 COUNTY: Brown

DATE: May 24, 1993

TELEPHONE: 329-2453

RE: Error in legal description of acres

COMMENTS:

Mr. Sumption called upon receipt of Water Permit No. 5738-3 and indicated there was an error in the legal description of the irrigated acres. The permit described acreage developed under Permit No. 4015-3 as being in the **NE 1/4 and SE 1/4 of Section 28**. Mr. Sumption stated the acreage should be described as **NE 1/4 Section 28 and SE 1/4 Section 21**.

Permit No. 5738-3 was obtained for an additional 95 acres on a system developed under No. 4015-3. The additional 95 acres was advertised correctly and described correctly in Permit No. 5738-3. However, the description of the existing acres (developed under No. 4015-3) was described incorrectly in the advertisement and in Permit No. 5738-3.

Since the error occurred in the description of acreage that had been previously advertised and permitted correctly, the error can be remedied by reissuing Water Permit No. 5738-3 with the correct legal description of acreage developed under No. 4015-3 (**NE 1/4 Section 28 and SE 1/4 Section 21**).

Since the 95 additional acres and the point of the existing diversion point were advertised correctly and described correctly in No. 5738-3, the public's rights were not impaired and we believe proper notice was given to anyone wishing to intervene.



Genny McMath
Natural Resources Analyst
DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

John Sumption
RR 1, Box 44
Frederick SD 57441

Dear Mr. Sumption:

Enclosed is reissued Water Permit No. 5748-3. The permit is being reissued because of an error on the original permit dated May 19, 1993.

The reissued permit corrects the location of the lands irrigated by Water Permit No. 4015-3 as being located in the NE 1/4 Section 28 and SE 1/4 Section 21; all in T127N-R63W. Thank you for bringing this error to our attention.

If you have any questions, please contact this office.

Very truly yours,

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

enclosure

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 5738-3**

Date of first receipt of application January 4, 1993.

Date Soil/Water Compatibility Permit received January 12, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5738-3 to John Sumption, RR 1, Box 44, Frederick SD 57441 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. 5738-3 is to irrigate an additional 95 acres. Water Permit No. 4015-3 appropriates 3 cubic feet of water per second (cfs) from one well 90 feet deep (Elm-Northern Brown Aquifer) located in the NE 1/4 NE 1/4 Section 28 to irrigate 300 acres located in the NE 1/4 Section 28 and the SE 1/4 Section 21; all in T127N-R63W. The system was developed to divert 2.22 cfs to irrigate 266 acres. This permit is to irrigate 95 additional acres located in the W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 28-T127N-R63W from the existing well. This permit does not authorize any increase in the diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - November 30.
3. The date from which applicant may claim right is January 4, 1993.
4. The date of approval of Permit No. 5738-3 is March 25, 1993.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 11 1993
date

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Eugene Dennert
JOB NAME

NE 28-127-63
Brown LOCATION

6/16/77
DATE

14
RIG NO.

Stan LeGrand
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
	0-10		Topsoil - yellow clay
	10-20		Yellow gravel
	20-26		Yellow gravel
	26-36		Blue clay
	36-40		Fine sand - streaks of coal
	40-45		Fine sand
	45-48		Coarse gravel
	48-50		Fine sand - coal
	50-60		Coarse sand - gravel - coal
	60-70		Coarse sand - coal
	70-74		Coarse sand - coal
	74-76		Fine sand
	76-80		Gravel - coal
	80-90		Coarse gravel - coal
	90-92		Blue clay

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

Eugene Dennert
OWNER

NE-28-127-63
DESCRIPTION

June 20, 1977
DATE

CASING LOG

Depth	90	ft.				
Flows	gpm	60	ft. 15" PVC Plastic	pipe to	60	ft.
Pumps	gpm	50	ft. 16" Stainless Steel Screen	pipe to	90	ft.
Head	ft.		ft.	pipe to		ft.
30 Ft. Stainless Steel Screen Perforations			ft.	pipe to		ft.

REMARKS

Drilling Time 20 Ft.-16" Stainless Steel Screen-120 Slot
Rig No. 14 10 Ft.-16" Stainless Steel Screen-120 Slot
Stanley LeGrand Foreman
DM

THIS IS TO CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILMING AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILMING REPRODUCTIONS. REDUCTION 25% FILE NO. 1

BROWN OFFICE
1707 4th AVENUE SE SUITE 200
ABERDEEN, SD 57401-5087

Judy Koester



NOT TO SCALE

470.5

59.9

~~58.4~~

acc
ACR
(191 alf)

HA

T-3996

28.7

Irr.

S. Wxt

C.C.

NE 1/4 NW 1/4

15 Ac.

SE 1/4 NW 1/4

23 Ac.

H-6

59.1

Irr.

Com - gr.

HD

28

51.4

~~49.3~~

Soy

4B

6.0

Irr.

S. Wxt

C.C.

133.0

40.0

74.7

Irr.

Wxt C.C.

5A

SW 1/4 NE 1/4

40 Ac.

SE 1/4 NE 1/4

38 Ac.

NEW PIVOT POINT

5B

NEW PIVOT POINT

NEW END OF SYSTEM

NW 1/4 SE 1/4

23 Ac.

NE 1/4 SE 1/4

13 Ac.

T-3996

NEW END GUN COVERAGE (MAX)

127.63

98.5

Timothy L. Schaal

120.0

T-3976

4

108.1

~~110.60~~

HE

C.C.

4

120.0

T-3976

4

120.0

T-3976

4

John Samptiou

NE NE 34

NW NE 38

SW NE 40

SE SE 38

NW SE 23

NE SE 13

NE NW 15

SE NW 23

NE SW
4
222

RECEIPT

413573

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 4, 19 93

RECEIVED OF John Sumption, RR 1 Box 44, Frederick, SD 57441

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

Fee for Application for Permit No. <u>5738-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 1992

John Sumption
RR 1, Box 44
Frederick, SD 57441

RE: Water Permit No. 4015-3

Dear Mr. Sumption:

I have been informed by the Division of Conservation that you have expanded your irrigation system authorized by Water Permit No. 4015-3. This expansion as explained to me was the addition of three towers to one of the center pivots used to irrigate either the NE1/4 Section 28 or the SE1/4 Section 28; all in T127N, R63W.

An inspection of Water Permit No. 4015-3, by Tim Schaal in 1990 found 2.22 cubic feet of water per second (cfs) being used to irrigate a total of 266 acres (133 acres in each quarter). If you have expanded your system by increasing the 2.22 cfs diversion rate or the number of acres above the 266 acres developed under the original Water Permit No. 4015-3, a new water permit is required.

I have enclosed application forms and an instruction sheet if a new water permit is required. Please inform me if you feel there has not been an increase in your system above the 2.22 cfs diversion rate to irrigate 266 acres.

If you have any questions regarding the need for a new water permit or on how to apply for a new water permit, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

cc: Dale Anderson, Division of Conservation, DOA

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4744

WR#



OWNER'S NAME: JOHN SUMPTION

OWNERS ADDRESS: RR 1 BOX 44

FREDERICK SD 57441

COUNTRY AND LOCATED IN: BROWN

PHONE: 329-2453

LEGAL DESCRIPTION:

☒ Well☐ Surface1. LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T127N-R63W

Depth:

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T127N-R63W	5.75	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 28-T127N-R63W	23.00
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T127N-R63W	6.75	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T127N-R63W	4.00
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T127N-R63W	4.75	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28-T127N-R63W	14.50
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 28-T127N-R63W	13.00	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28-T127N-R63W	23.00

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: (Specify) _____3. CROPS TO BE IRRIGATED: CORN, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: 85-10247. ADJUSTED (SAR): 1.355. SALINITY (EC X 10⁶): 13508. PERCENT SODIUM: 8.636. SODIUM (SAR): 0.52

Requirements:

The areas mapped as Heil (Hx) and Tonka (low spots) shall be kept in permanent vegetation due to the poor permeability of these soils.

The areas mapped as Barnes Cresbard Tonka Complex (BdB) shall be deep ripped occasionally to improve the permeability of the Cresbard series found in this complex.

These requirements only apply to the acres added with the extension of the pivot.

Director, Division of Conservation

JANUARY 8, 1993

Date

XXX APPROVED
 _____ DISAPPROVED
 _____ WAIVER

XXX REQUIREMENTS

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

REPORT ON
WATER PERMIT APPLICATION NO. 5738-3
JOHN SUMPTION
January 25, 1993

Water Permit Application No. 5738-3 has been filed by John Sumption to irrigate an additional 95 acres from an existing well 90 feet deep located in Section 28-T127N-R63W.

Discussion:

Water Permit Application No. 4015-3 was approved on July 27, 1977 to appropriate 3.0 cfs from 1 well to irrigate 300 acres in the SE 1/4 of Section 21-T127N-R63W and the NE 1/4 of Section 28-T127N-R63W. An inspection for licensing purposes was completed on October 30, 1990. The inspection found Water Permit Application No. 4015-3 developed to irrigate 266 acres of land with 2 center pivots from the 1 well, capable of producing 2.22 cfs (1000 gpm).

Mr. Sumption has now increased the length of the center pivot located in the NE 1/4 of Section 28 and is irrigating an additional 95 acres of land.

Water Permit No. 5738-3 has been filed to cover these additional 95 acres of land with no additional water appropriated.

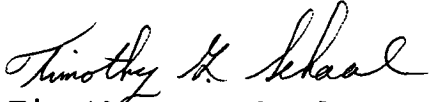
The well authorized under Water Permit Application No. 4015-3 is located in the Elm Aquifer, Elm-Northern Brown (E:NB) unit. This aquifer covers 292.5 square miles in northern Brown County and has an estimated 702,000 acre-feet of recoverable water. (Hedges, 1982) The Elm Aquifer occurs between 15 and 150 feet below the land surface. Recharge is by percolation of precipitation, snowmelt, and surface water through overlaying outwash, lake sediments, and till. (Koch, 1976) There are 20 Water Permits/Rights in Brown County from the Elm: Northern Brown unit with 9201 acre-feet appropriated and 1396 acre-feet of water was reported used in 1991. (Water Rights Division, 1992)

The Division of Water Rights has observation well BN-82J in the Elm Aquifer, Elm-Northern Brown unit located within one-half mile of the existing well. The static water level of this observation well varies from approximately 22 to 28 feet, with seasonal fluctuations of several feet. The irrigation season appears to have little effect on this observation well, since the water levels appear to return to pre-irrigation levels. (Water Rights Division, 1992) A hydrograph for observation well BN-82J is included with this report.

Conclusions:

1. Water Permit Application No. 5738-3 should be approved. Approval should not have any adverse effects on existing Water Permits/Rights.

2. Approval of Water Permit Application No. 5738-3 does not authorize any increase in the 2.22 cfs (1000 gpm) diversion rate developed for Water Permit Application No. 4015-3.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Reviewed by:



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

Bibliography:

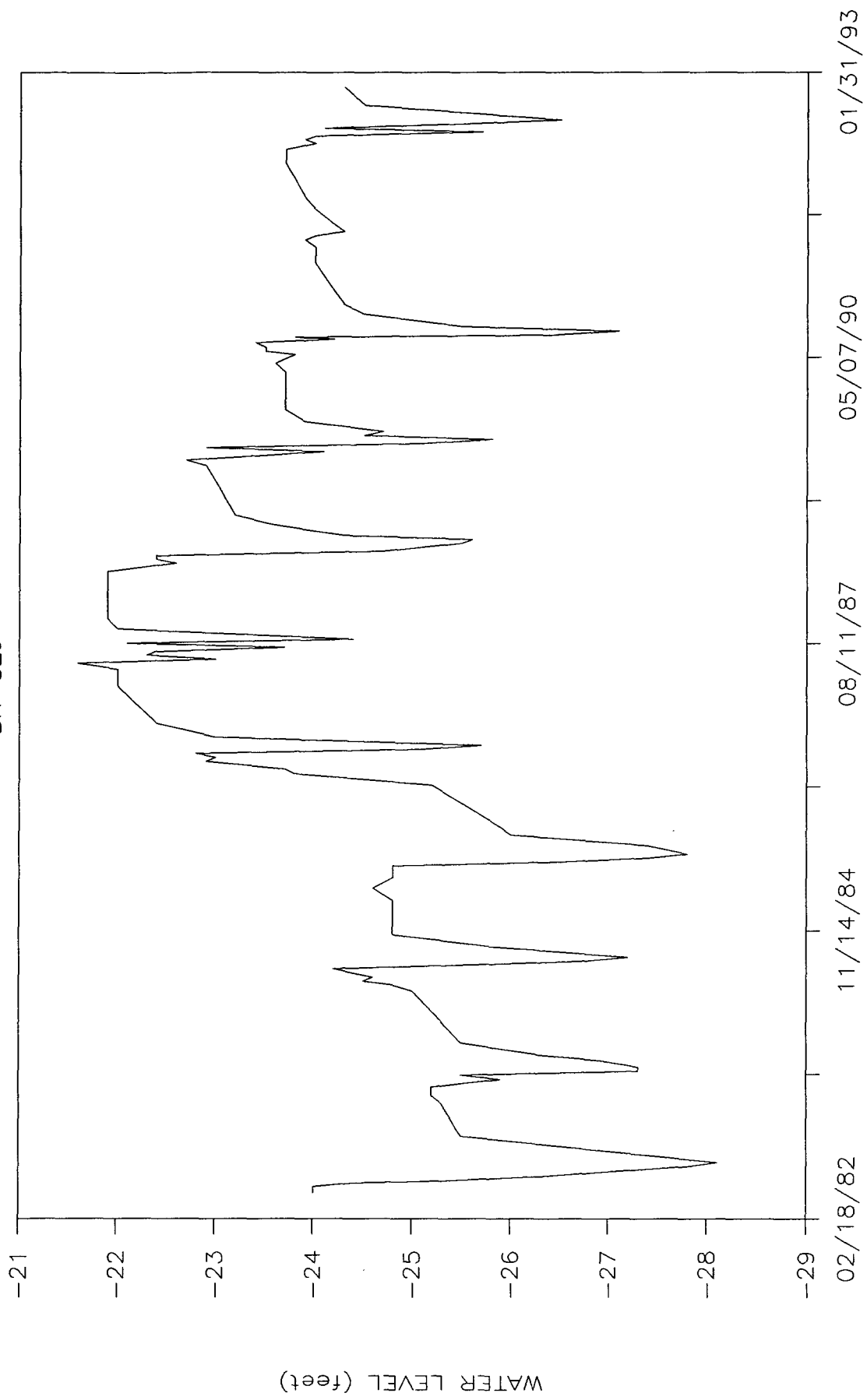
Hedges, Lynn S. and others, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, 1982, Department of Water and Natural Resources, Vermillion, SD

Koch, Neil C., Wendell Bradford, Bulletin 25, Geology and Water Resources of Brown County, South Dakota, 1976, United States Department of Interior, U.S. Geological Survey.

Water Rights Division, 1991, Irrigation Summary Report, DWNR, Joe Foss Bldg., Pierre, SD.

WATER RIGHTS OBSERVATION WELL

BN-82J



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5738-3, John Sumption

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. 5738-3, John Sumption, RR 1 Box 44, Frederick, SD 57441.

The Chief Engineer is recommending APPROVAL of Application No. 5738-3 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 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.


for JOHN HATCH, Chief Engineer
January 26, 1993



**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.

February 19, 1993

John Sumption
RR 1 Box 44
Frederick, SD 57441

Dear Mr. Sumption:

Water Permit Application No. 5738-3 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 American News printed at Aberdeen, SD (Ph # 225-4100). 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

cc: John McDowell, PO Box 616, Aberdeen, SD 57402-0616

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.



February 19, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

American News
PO Box 4430
Aberdeen, SD 57402-4430

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5738-3 to be published twice. Please publish the first notice on February 26, 1993, 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 Sumption, RR 1 Box 44, Frederick, SD 57441 (Ph # 329-2453).

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 February 26, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5738-3 to Appropriate Water

Notice is given that John Sumption, RR 1 Box 44, Frederick, SD 57441 has filed an application for a water permit to irrigate an additional 95 acres. Water Permit No. 4015-3 appropriates 3 cubic feet of water per second (cfs) from one well 90 feet deep (Elm-Northern Brown Aquifer) located in the NE 1/4 NE 1/4 Section 28 to irrigate 300 acres located in the NE 1/4 and the SE 1/4 Section 28; all in T127N-R63W. The system was developed to divert 2.22 cfs to irrigate 266 acres. This application is to irrigate 95 additional acres located in the W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 28-T127N-R63W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5738-3 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 March 15, 1993. 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. 5738-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 25, 1993, 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 March 25, 1993, 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 March 25, 1993, 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 March 15, 1993.

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 Eric Gronlund by March 15, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Brown) ss



I, Lori Noltner

certify that the attached printed Notice was
 taken from the American News

printed and published in Aberdeen SD

County of Brown and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

February 26, 1993

March 5, 1993

Cost of Printing: 90.29

Lori Noltner

(Signature)

Accounting

(Title)

3-5-93

(Date Signed)

(No. 749 - Feb. 26, Mar. 5 - 2T)
**NOTICE OF HEARING on Application
 No. 5738-3 to Appropriate Water**
 Notice is given that John Sumption, RR
 1 Box 44, Frederick, SD 57441, has filed an
 application for a water permit to irrigate
 an additional 95 acres. Water Permit No.
 4015-3 appropriates 3 cubic feet of water
 per second (cfs) from one well 90 feet
 deep (Elm-Northern Brown Aquifer) lo-
 cated in the NE 1/4 NE 1/4 Section 28 to

irrigate 300 acres located in the NE 1/4 and
 the SE 1/4 Section 28; all in T127N-R63W.
 The system was developed to divert 2.22
 cfs to irrigate 266 acres. This application
 is to irrigate 95 additional acres located in
 the W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4,
 NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 28-
 T127N-R63W from the existing well. This
 application, if approved, does not autho-
 rize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief En-
 gineer recommends APPROVAL of Ap-
 plication No. 5738-3 because 1) unappropri-
 ated 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 en-
 gineer's recommendation, the Water Man-
 agement 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 (405) 773-3352" and the ap-
 plicant's mailing address is given above.
 A petition filed by either an interested
 person or the applicant must be filed by
 March 15, 1993. The petition may be infor-
 mal, but must include a statement de-
 scribing 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. 5738-3 and 2)
 the chief engineer's recommendation, a
 meeting at the Division of Water Rights
 office to hear this application is scheduled
 for March 25, 1993, 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
 March 25, 1993, hearing date will be re-
 scheduled 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. Any-
 one 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 March 25,
 1993, 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 oppos-
 ing the application. The request for an
 automatic delay must be filed by March
 15, 1993.

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 qualifica-
 tions, 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 ac-
 cording to SDCL 1-26. These and other due
 process rights will be forfeited if not exer-
 cised. Decisions of the Board may be
 appealed to the Circuit Court and State
 Supreme Court as provided by law. Con-
 tact Eric Gronlund by March 15, 1993, at
 the above Water Rights Division address
 to request copies of information pertaining
 to this application, to assure access to the
 hearing by the handicapped or to obtain
 an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary,
 Department of Environment and Natural
 Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

John Sumption
RR 1 Box 44
Frederick, SD 57441

Dear Mr. Sumption:

Enclosed is Water Permit No. 5738-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

Permit Nos. 4015-3 and 5738-3

James River - Water District

Other permit/license(s) associated with project: None

Contact Person & Address: John Sumption, 10953 390th Avenue, Frederick SD 57441

Report Of Examination Of Works

On, August 9, 2000, I made a thorough examination of the water use system constructed by John Sumption of 10953 390th Avenue, Frederick SD 57441 holder of Permit No. 4015-3, bearing the priority of May 9, 1977, authorizing the diversion of 3 cu. ft. per second and of Permit No. 5738-3, bearing the priority of January 4, 1993, authorizing an additional 95 acres of irrigated land for irrigation purposes, in Brown County.

The system is in the following condition good. The point of diversion is located Well: from the NE corner of Section 28 T127N-R63W it is 1320 feet south and 1220 feet west with a longitude of -98.418897 and a latitude of 45.788830. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water of water that is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All land is in Section 21 T127N-R63W

NE ¼ SE ¼ = 33.25 Acres

NW ¼ SE ¼ = 33.25 Acres

SW ¼ SE ¼ = 33.25 Acres

SE ¼ SE ¼ = 33.25 Acres

Total = 133 Acres

All land is in Section 28 T127N-R63W

NW ¼ NE ¼ = 33.25 Acres

SW ¼ NE ¼ = 33.25 Acres

SE ¼ NE ¼ = 33.25 Acres

NE ¼ NE ¼ = 33.25 Acres

Total = 133 Acres

Permit No. 4015-3 Grand Total = 266 Acres

Additional land in Section 28 T127N-R63W

NW ¼ NE ¼ = 4.75 Acres

SW ¼ NE ¼ = 6.75 Acres

SE ¼ NE ¼ = 4.75 Acres

NE ¼ SE ¼ = 13.0 Acres

NW ¼ SE ¼ = 23.0 Acres

NE ¼ SW ¼ = 4.0 Acres

NE ¼ NW ¼ = 15.0 Acres

SE ¼ NW ¼ = 23.0 Acres

NE ¼ NE ¼ = 0.75 Acres

Permit No. 5738-3 Grand Total = 95 Acres

Grand Total of Irrigated Lands = 361 Acres

comprising a total of 361 acres of land and the license should be issued for 2.23 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 90 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 15 inches
- 2) Length 60 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 30 feet
- 3) Static water level unknown feet

Pump\ Motor:

- | | |
|---|------------------------------------|
| 1) Pump Make <u>Amarillo</u> | 2) Pump Model <u>S100A</u> |
| 3) Capacity <u>1000</u> GPM | 4) Motor Make <u>John Deere</u> |
| 5) Motor Model No. <u>T06059T486553</u> | 6) Horsepower rating <u>130</u> hp |

Distribution System:

- 1) Type PVC 2) Size 8 inches 3) Length 100 feet

System Type: Permit No. 4015-3

Center pivot:

- | | |
|--|------------------------------------|
| 1) Make <u>Reinke</u> | 2) Overall length <u>1840</u> feet |
| 3) Number of towers <u>13 w/o center pivot</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>1000</u> GPM |

System Type: Permit No. 5738-3

Center pivot:

- | | |
|--|------------------------------------|
| 1) Make <u>Reinke</u> | 2) Overall length <u>1320</u> feet |
| 3) Number of towers <u>10 w/o center pivot</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>1000</u> GPM |

Chemigation:

- 1) Does chemigate no

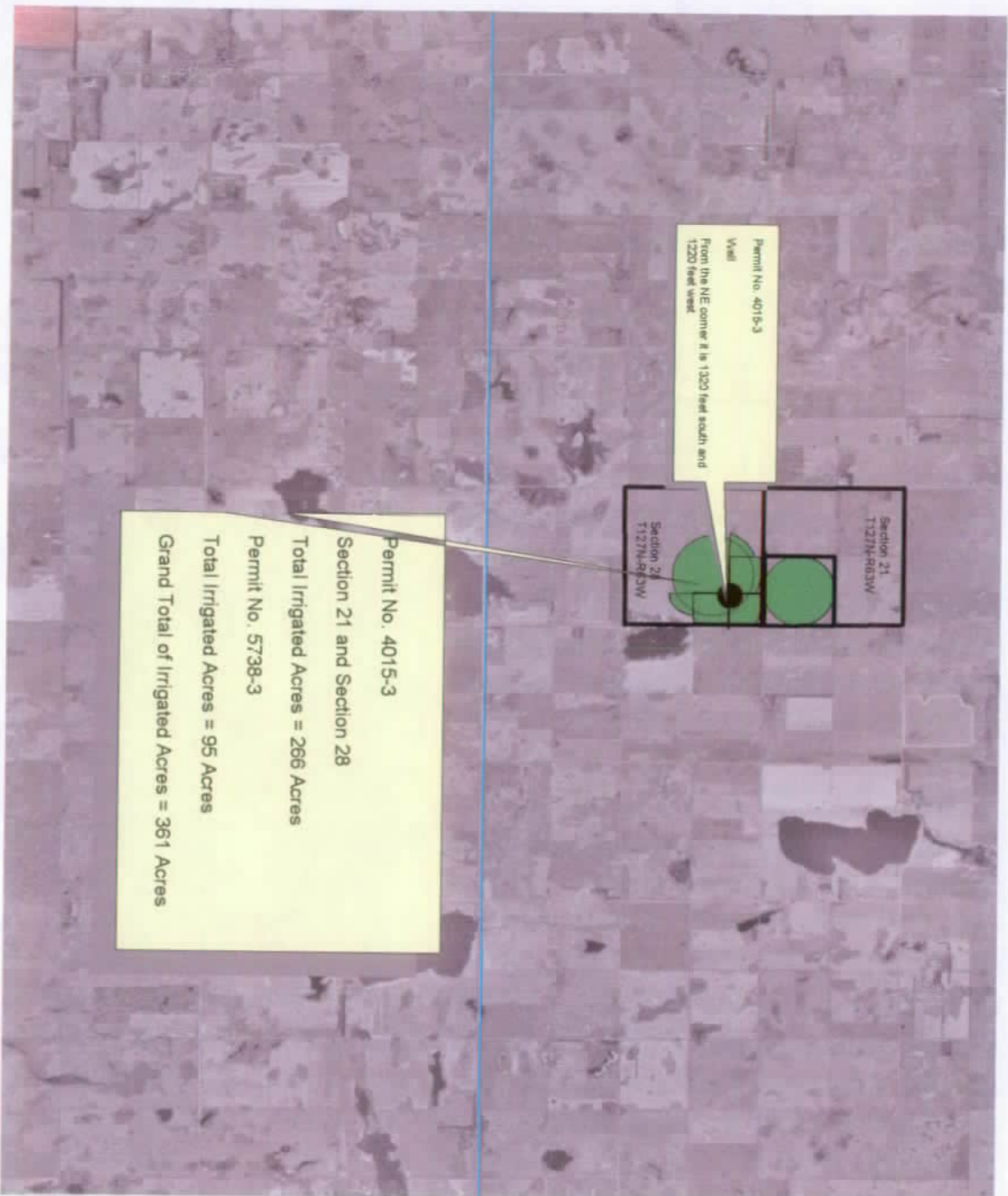
COMMENTS: John Sumption does not run both center pivots at the same time.

Stacy J. Johnson

Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

11-8-00

Date



Stacy J Johnson 11-8-00
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

3 0 3 6 Miles

5738-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5738-3

(1) John Sumption, 10953 390th Ave, Frederick SD 57441 made Application No. 5738-3, January 4, 1993 for a water permit to irrigate an additional 95 acres from groundwater (one well), Brown County, South Dakota for irrigation purposes. Permit No. 5738-3, with a priority date of January 4, 1993 was approved March 25, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

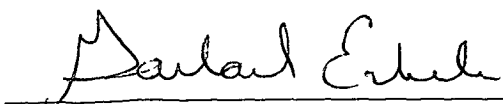
Water Permit No. 5738-3 authorized irrigation of additional acreage from an existing well permitted under Water Permit No. 4015-3. Water Permit No. 4015-3, with a priority date of May 9, 1977, authorized 3.0 cubic feet of water per second from one well to irrigate 300 acres. The applicable portions of No. 4015-3 are incorporated into No. 5738-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.23 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet south and 1,220 feet west of the northeast corner of Section 28-T127N-R63W (E ½ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

All in T127N-R63W					
Section 28	NE ¼ NE ¼	34 acres	Section 21	NE ¼ SE ¼	33.25 acres
	SE ¼ NE ¼	38 acres		SE ¼ SE ¼	33.25 acres
	SW ¼ NE ¼	40 acres		SW ¼ SE ¼	33.25 acres
	NW ¼ NE ¼	38 acres		NW ¼ SE ¼	33.25 acres
	NE ¼ SE ¼	13 acres			
	NW ¼ SE ¼	23 acres			
	NE ¼ SW ¼	4 acres			
	NE ¼ NW ¼	15 acres			
	SE ¼ NW ¼	23 acres			
Total 361 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Sumption, 10953 390th Ave, Frederick SD 57441 the holder and/or owner of Incorporated Water Right No. 5738-3 is issued a license to appropriate water, the right to use 2.3 cubic feet of water per second from groundwater (one well) with priority dates of May 9, 1977 (266 acres) and January 4, 1993 (95 acres) 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 Incorporated Water Right No. 5738-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 09 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 2000

5738-3

John Sumption
10953 390th Ave
Frederick SD 57441

Dear Mr. Sumption:

On August 9, 2000 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 4015-3 and 5738-3, was completed by Stacy Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law 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 complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416709

Pierre, December 8, 2000, _____

RECEIVED OF John Sumption, 10995 390th Ave, Frederick SD 57441-5809

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. 5738-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Donald E. Dele
Chief Engineer

15



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 09 2001

5738-3

John Sumption
10953 390th Ave
Fredrick, SD 57441

Dear Mr. Sumption:

Enclosed is Water License No. 5738-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416709 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 4015-3 are incorporated into Water License No. 5738-3.

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 2001

5738-3

John Sumption
10953 390th Ave
Frederick, SD 57441-5809

Dear Mr. Sumption:

Enclosed is your Receipt No. 416709 in the amount of \$50.00 which you paid for the investigation and issuance of your water license.

I noticed when reviewing your file today that we mailed your water license to you on May 9th but neglected to include your receipt with the correspondence. I apologize for the omission.

Thank you and if you have any questions please contact me.

Sincerely,

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

enclosure



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: JOHN R SUMPTION, 10953 390TH AVE, FREDERICK, SD 57441
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5738-3 & 6404-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5738-3 & 6404-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5738-3 & 6404-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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> using this password: QIGATO**

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.

5738-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 3, 2021

5738-3

6404-3

John R Sumption
10953 390th Ave
Frederick SD 57441

Dear Mr. Sumption:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 5738-3 and 6404-3. 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 cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: JOHN R SUMPTION, 10953 390TH AVE, FREDERICK, SD 57441

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5738-3 & 6404-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5738-3 & 6404-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5738-3 & 6404-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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://danr.sd.gov/iq> using this password: FFEWZN**

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.

5738-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

5738-3
6404-3

John R Sumption
10953 390th Ave
Frederick SD 57441

Dear Mr. Sumption:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 5738-3 & 6404-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: JOHN R SUMPTION, 10953 390TH AVE, FREDERICK, SD 57441

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5738-3 & 6404-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5738-3 & 6404-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5738-3 & 6404-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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://danr.sd.gov/iq> using this password: DBKFAD**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2023

5738-3
6404-3

John R Sumption
10953 390th Ave
Frederick SD 57441

Dear Mr. Sumption:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 5738-3 & 6404-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us